

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

MONDAY, DECEMBER 5, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 69

## SENATE

MONDAY, December 5, 2011

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

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

## PRAYER

The Chaplain, Reverend CAROLYN K. HETRICK, of Holy Spirit Lutheran Church, Reading, offered the following prayer:

Let us pray.

Almighty God, we give thanks for all of Your public servants in this place. Make them aware of Your presence and guide them with justice. Grant them wisdom and compassion as they discern what is needed for our common life together. Help them to carry out their responsibilities with dignity and use their authority in ways that consider all of those who are entrusted to their care, especially the poor, the hungry, the immigrant, and the forgotten, who are too weak to stand alone. Inspire the dialogue of this Session, and help all who are gathered here to now set aside everything that distracts and be committed to this calling in Your service. Amen.

The PRESIDENT. The Chair thanks Pastor Hetrick, who is the guest today of Senator Schwank.

## 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 BARBER EXAMINERS

November 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, John C. Christopher, 1690 Wood

Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Barber Examiners, 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, vice L. Anthony Spossey, Washington, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

November 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, Robert P. Edwards, M.D., 2145 Le Gran Drive, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Rodrigue Mortel, M.D., Hummelstown, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

November 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, Ada Rivera, 422 Butz Lane, Scotrun 18355, Monroe County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Robert F. Durkin, Bensalem, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

November 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, Rodney W. Wagner, Jr., 185 Pine School Road, Gardners 17324, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice Barbara Nipon-Spencer, Gladwyne, whose term expired.

**TOM CORBETT**  
Governor

*[Data missing]* BOARD OF TRUSTEES OF TEMPLE  
UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

November 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, Edward Rudolph, 1637 Oakwood Drive, Unit 222, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2015, and until his successor is appointed and qualified, vice Michael Williams, Philadelphia, whose term expired.

**TOM CORBETT**  
Governor

MEMBER OF THE STATE BOARD OF  
PHYSICAL THERAPY

November 17, 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 R. Elliott, Esquire (Public Member), 331 Daniel Street, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve until October 2, 2012, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John O'Brien, Pittsburgh, resigned.

**TOM CORBETT**  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

November 18, 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, Megan A. Carpenter (Public Member), 117 Wishart Drive, Beaver 15009, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Douglas H. Shaps, Bala Cynwyd, whose term expired.

**TOM CORBETT**  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

November 18, 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, David B. Morgan, RLA, 1488 Letchworth Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment 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, vice W. Thomas Borellis, Pittsburgh, whose term expired.

**TOM CORBETT**  
Governor

MAGISTERIAL DISTRICT JUDGE

November 29, 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, Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Lancaster County *[sic]*, Magisterial District 02-3-08, to serve until the first Monday of January 2014, vice The Honorable Thomas J. Fee, deceased.

**TOM CORBETT**  
Governor

JUDGE, COURT OF COMMON PLEAS,  
ALLEGHENY COUNTY

December 1, 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, Allegheny County, to serve until the first Monday of January 2014, vice The Honorable Robert A. Kelly, resigned.

**TOM CORBETT**  
Governor

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

December 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, The Honorable Noah W. Wenger, 1325 Wollups Hill Road, Stevens 17578, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Har-

ness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Arthur Manuel, Peckville, resigned.

**TOM CORBETT**  
Governor

*[Data missing]* COUNCIL OF TRUSTEES OF  
MILLERSVILLE UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

December 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, Dr. James P. Argires, 245 Eshelman Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville 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

*[Data missing]* COUNCIL OF TRUSTEES OF  
MILLERSVILLE UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

December 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, The Honorable Gibson E. Armstrong, 20 Refton Road, Willow Street 17584, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville 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 Abram W. Diffenbach, Lancaster, whose term expired.

**TOM CORBETT**  
Governor

*[Data missing]* COUNCIL OF TRUSTEES OF  
MILLERSVILLE UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

December 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, Kevin F. Harley, 6064 Geneva Drive, East Petersburg 17520, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville 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 Paul Wedel, Lancaster, resigned.

**TOM CORBETT**  
Governor

MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS

December 5, 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, James Minor (Public Member), 970 Mapletown Road, Greensboro 15338, Greene County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until May 25, 2014, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John P. Bane, Harrisburg, resigned.

**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  
PHYSICAL THERAPY

November 17, 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 Melanie DePalma (Public Member), 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Physical Therapy, to serve until October 2, 2012, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice John O'Brien, Pittsburgh, resigned.

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

**TOM CORBETT**  
Governor

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

December 2, 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 Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Harness Racing Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Arthur Manuel, Peckville, resigned.

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

**TOM CORBETT**  
Governor

*[Data missing]* COUNCIL OF TRUSTEES OF  
MILLERSVILLE UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

December 2, 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 13, 2011, for the appointment of Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Millersville 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 Paul Wedel, Lancaster, resigned.

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

TOM CORBETT  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF DANVILLE STATE HOSPITAL

December 5, 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 July 25, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2017, and until her successor is appointed and qualified, vice Joseph Millard, Danville, resigned.

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

TOM CORBETT  
Governor

*[Data missing]* COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

December 5, 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 August 12, 2011, for the appointment of Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of East Stroudsburg 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 Trudi Q. Denlinger, Bethlehem, resigned.

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

TOM CORBETT  
Governor

MEMBER OF THE STATE HORSE  
RACING COMMISSION

December 5, 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 12, 2011, for the appointment of Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Horse Racing Commission, to serve for a term of three years and until her successor is appointed and qualified, vice John B. Hannum, III, Kennett Square, resigned.

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

TOM CORBETT  
Governor

JUDGE, COURT OF COMMON PLEAS,  
CARBON COUNTY

December 5, 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 July 25, 2011, for the appointment of Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Carbon County, to serve until the first Monday of January 2012, vice The Honorable David W. Addy, deceased.

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

TOM CORBETT  
Governor

JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

December 5, 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 July 25, 2011, for the appointment of Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Luzerne County, to serve until the first Monday of January 2012, vice The Honorable Joseph M. Augello, resigned.

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

TOM CORBETT  
Governor

JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY

December 5, 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 July 25, 2011, for the appointment of Robert J. Salera, Esquire, 1102 North 2nd Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Luzerne County, to serve until the first Monday of January 2012, vice The Honorable Hugh F. Mundy, resigned.

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

**TOM CORBETT**  
Governor

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

December 5, 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 July 25, 2011, for the appointment of Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2012, vice The Honorable Tama Myers Clark, resigned.

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

**TOM CORBETT**  
Governor

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

December 5, 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 1, 2011, for the appointment of Robert J. Salera, Esquire, 1102 North 2nd Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2014, vice The Honorable Renee Cardwell Hughes, resigned.

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

**TOM CORBETT**  
Governor

**JUDGE, PHILADELPHIA MUNICIPAL COURT**

December 5, 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 1, 2011, for the appointment of Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2012, vice The Honorable Jimmie Moore, resigned.

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

**TOM CORBETT**  
Governor

**JUDGE, PHILADELPHIA TRAFFIC COURT**

December 5, 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 1, 2011, for the appointment of Robert J. Salera, Esquire, 1102 North 2nd Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Judge, Philadelphia Traffic Court, to serve until the first Monday of January 2014, vice The Honorable Earlene Green, resigned.

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

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE BOARD OF OPTOMETRY**

December 5, 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 July 15, 2011, for the appointment of Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, 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 Roberta C. Horwitz, O.D., Pittsburgh, whose term expired.

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

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE PLANNING BOARD**

December 5, 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 1, 2011, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Ellen Ferretti, Dallas, resigned.

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

**TOM CORBETT**  
Governor

**MEMBER OF THE PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT BOARD**

December 5, 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 August 31, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Public School Employees' Retirement Board, to serve until January 1, 2012, and until her successor is appointed and qualified, vice Tina Byles Williams, Philadelphia, resigned.

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

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE REAL ESTATE COMMISSION**

December 5, 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 July 25, 2011, for the appointment of Stephanie Moore (Public Member), 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-first [sic] Senatorial District, as a member of the State Real Estate Commission, to serve for a term of five years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michael Weiss, Philadelphia, whose term expired.

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

**TOM CORBETT**  
Governor

**SHERIFF, PHILADELPHIA COUNTY**

December 5, 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 July 11, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Sheriff, in and for the County of Philadelphia, to serve until the first Monday of January 2012, vice The Honorable John D. Green, resigned.

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

**TOM CORBETT**  
Governor

**MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD**

December 5, 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 August 30, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apt. 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Herbert Hoffman, Harrisburg, resigned.

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

**TOM CORBETT**  
Governor

**MAGISTERIAL DISTRICT JUDGE**

December 5, 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 1, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Magisterial District Judge, in and for the County of Dauphin, Magisterial District 12-1-03, to serve until the first Monday of January 2012, vice The Honorable Joseph S. Solomon, resigned.

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

**TOM CORBETT**  
Governor

**MAGISTERIAL DISTRICT JUDGE**

December 5, 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 1, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Magisterial District Judge, in and for the County of Lehigh, Magisterial District 31-1-08, to serve until the first Monday of January 2012, vice The Honorable Anthony G. Rapp, Jr., resigned.

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

**TOM CORBETT**  
Governor

**MAGISTERIAL DISTRICT JUDGE**

December 5, 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 July 25, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Magisterial District Judge, in and for the County of Schuylkill, Magisterial District 21-2-01, to serve until the first Monday of January 2012, vice The Honorable Bernadette J. Nahas, resigned.

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

**TOM CORBETT**  
Governor

#### MAGISTERIAL DISTRICT JUDGE

December 5, 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 August 29, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Magisterial District Judge, in and for the County of York, Magisterial District 19-1-05, to serve until the first Monday of January 2014, vice The Honorable Barbara H. Nixon, resigned.

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

**TOM CORBETT**  
Governor

#### HOUSE MESSAGES

#### 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 22, 2011

- HB 98, 149 and 849** -- Committee on Transportation.
- HB 169** -- Committee on Community, Economic and Recreational Development.
- HB 1140** -- Committee on Judiciary.
- HB 1526** -- Committee on Urban Affairs and Housing.
- HB 1884** -- Committee on State Government.
- HB 1950** -- Committee on Environmental Resources and Energy.

November 28, 2011

- HB 439** -- Committee on State Government.

#### 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 21, 2011

Senators ORIE, RAFFERTY, BOSCOLA, ERICKSON, SOLOBAY, TARTAGLIONE, VOGEL and FERLO presented to the Chair **SB 1299**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, November 21, 2011.

Senator WAUGH presented to the Chair **SB 1306**, entitled:

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

Which was committed to the Committee on BANKING AND INSURANCE, November 21, 2011.

Senators SCHWANK, COSTA, KITCHEN, WASHINGTON, TARTAGLIONE, STACK, FONTANA, LEACH, ERICKSON, HUGHES, BREWSTER, FERLO, SOLOBAY, WILLIAMS, YUDICHAK, KASUNIC, FARNESE and BOSCOLA presented to the Chair **SB 1341**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for employer dependent and child care.

Which was committed to the Committee on FINANCE, November 21, 2011.

Senators WAUGH, FONTANA, SOLOBAY, BREWSTER, WARD, ERICKSON, COSTA and TARTAGLIONE presented to the Chair **SB 1344**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for person with disability plate and placard.

Which was committed to the Committee on TRANSPORTATION, November 21, 2011.

Senators KASUNIC, YUDICHAK, SOLOBAY, HUGHES and FONTANA presented to the Chair **SB 1346**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for use of mine drainage water.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 21, 2011.

November 22, 2011

Senators SCHWANK, SOLOBAY, BOSCOLA, TARTAGLIONE, M. WHITE, HUGHES, BROWNE, YUDICHAK, WILLIAMS and FERLO presented to the Chair **SB 1312**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports.

Which was committed to the Committee on AGING AND YOUTH, November 22, 2011.

Senators WAUGH, ERICKSON, ALLOWAY, FONTANA, RAFFERTY, SCHWANK, BOSCOLA, BAKER, PILEGGI, SOLOBAY, COSTA, BROWNE, TARTAGLIONE and FERLO presented to the Chair **SB 1325**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for discontinuation of volunteer emergency services.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 22, 2011.

Senators ERICKSON, EICHELBERGER, VANCE, WAUGH, SCHWANK, EARLL and TARTAGLIONE presented to the Chair **SB 1343**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for funding for charter schools.

Which was committed to the Committee on EDUCATION, November 22, 2011.

Senators FOLMER, SOLOBAY, ROBBINS and EICHELBERGER presented to the Chair **SB 1345**, entitled:

An Act providing for streamlined procedures for reviewing applications for the modification or collocation of wireless communications facilities and wireless support structures.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, November 22, 2011.

Senators FONTANA, KITCHEN, BREWSTER, BOSCOLA, FERLO, TARTAGLIONE, HUGHES, RAFFERTY, WILLIAMS, SCHWANK, BROWNE and FARNESE presented to the Chair **SB 1347**, entitled:

An Act providing for earned income tax credit notification.

Which was committed to the Committee on FINANCE, November 22, 2011.

November 28, 2011

Senators BOSCOLA, TARTAGLIONE, KITCHEN, WASHINGTON, SCHWANK, COSTA, FONTANA, FERLO, RAFFERTY, WILLIAMS, SOLOBAY and HUGHES presented to the Chair **SB 1348**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a school-to-work tax credit.

Which was committed to the Committee on FINANCE, November 28, 2011.

Senators WILLIAMS, PICCOLA, DINNIMAN, WASHINGTON, FARNESE, FONTANA, RAFFERTY, COSTA, WAUGH, BROWNE and BOSCOLA presented to the Chair **SB 1349**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for employment history review.

Which was committed to the Committee on EDUCATION, November 28, 2011.

## GENERAL COMMUNICATIONS

### ANNUAL REPORT OF THE FIREARM EDUCATION AND TRAINING COMMISSION

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

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Firearm Education and Training Commission

September 30, 2011

Section 5 (6) of the County Probation and Parole Officers' Firearm Education and Training Law (Act Number 1994-158), which created the County Probation and Parole Officers' Firearm Education and Training Commission (FETC), provides for the issuance of: "...an annual report

to the Governor and to the General Assembly concerning: (i) the administration of the program; and (ii) the activities of the commission together with any recommendations for executive or legislative actions."

Section 5 (16) of the County Probation and Parole Officers' Firearm Education and Training Law (Act Number 1994-158), which created the County Probation and Parole Officers' Firearm Education and Training Commission (FETC), provides for the issuance of: "...reports to the president judges of the courts of common pleas relating to compliance with this act."

This report, which is prepared and submitted in accordance with Act 158, contains statistics and data, which are current as of the end of Fiscal Year 2010-11.

Respectfully Submitted,

R. SCOTT SCHLECHTER  
Chairman

TODD BURNS  
Executive Director

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

### 2011 HAZARDOUS SITES CLEANUP FUND ANNUAL REPORT

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

November 14, 2011

Mr. Mark R. Corrigan  
Secretary of the Senate  
Senate Post Office Box 203053  
Harrisburg, PA 17120-3053

Dear Mr. Corrigan:

The Department of Environmental Protection (DEP) is pleased to present to you its Hazardous Sites Cleanup Fund Annual Report. This report summarizes DEP's accomplishments under the Hazardous Sites Cleanup Act, which provides DEP with the ability to immediately respond to spills of hazardous substances and to eliminate threats to public health and the environment from hazardous substances through removal and remedial actions.

The Hazardous Sites Cleanup Fund Funding Act (Act 77 of 2007) provides revenue to the Cleanup Fund of \$40 million annually. With the phase-out of the Capital Stock and Franchise Tax on December 31, 2013, this revenue source (which represents 90 percent of the yearly revenue) will no longer be available to support hazardous sites cleanup activities. A long-term solution is needed to keep the full program operational beyond that time. The Hazardous Sites Cleanup Fund is essential to Pennsylvania's ability to address brownfield remediation, emergency response to toxic spills and cleanup of contaminated sites across the Commonwealth. DEP respectfully requests your support in identifying a permanent funding source for this important program.

As provided in the Hazardous Sites Cleanup Fund Funding Act, DEP is distributing the report electronically and providing a link for accessing the report online. The report can be found on DEP's Web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword "HSCA." From that page, click on "Remediation Services" to locate the report.

Thank you for your interest in this report and for continuing to partner with DEP to promote a clean environment and safer communities for all Pennsylvanians.

Sincerely,

MICHAEL L. KRANCER  
Secretary



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 735 and HB 1875.**

### BILLS REPORTED FROM COMMITTEE

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

**SB 707 (Pr. No. 694) (Rereported)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

**SB 730 (Pr. No. 1822) (Amended) (Rereported)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for real property and for personal property; and, in contracts, further providing for letting contracts.

**SB 894 (Pr. No. 911) (Rereported)**

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

**SB 1237 (Pr. No. 1823) (Amended) (Rereported)**

An Act amending the act of October 6, 1998 (P.L.705, No.92), entitled, as amended, "An act providing for the creation of keystone opportunity zones and keystone opportunity expansion zones to foster economic opportunities in this Commonwealth, to facilitate economic development, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration of geographic areas within this Commonwealth; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; and prescribing powers and duties of certain State and local departments, agencies and officials," in keystone opportunity zones, further providing for extension for unoccupied parcels and for additional expansion zones; providing for expansion for new job creation; and further providing for corporate net income tax and for capital stock franchise tax.

**SB 1335 (Pr. No. 1824) (Amended) (Rereported)**

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.

**SB 1336 (Pr. No. 1825) (Amended) (Rereported)**

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.

**HB 242 (Pr. No. 2815) (Amended) (Rereported)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for authority to issue liquor licenses to hotels, restaurants and clubs, for sales by liquor licensees and restrictions, for prohibited interlocking business, for public venue license, for malt and brewed beverages retail licenses, for prohibitions against the grant of licenses, for sales by manufacturers of malt or brewed beverages and minimum quantities, for distributors' and importing distributors' restrictions on sales, storage, for retail dispensers' restrictions on purchases and sales, for brand registration, for breweries, for licenses not assignable and transfers, for renewal of licenses and temporary provisions for licensees in armed service, for responsible alcohol management, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for hours of operation relative to manufacturers, importing distributors and distributors, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for rights of municipalities preserved, for reporting of worthless checks, for limited wineries and for distilleries.

**HB 344 (Pr. No. 2816) (Amended) (Rereported)**

An Act providing for gas and hazardous liquids pipelines and for powers and duties of the Pennsylvania Public Utility Commission; and imposing civil penalties.

**HB 639 (Pr. No. 640) (Rereported)**

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

**HB 715 (Pr. No. 729) (Rereported)**

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for definitions; and providing for collection of municipal taxes by county treasurer.

**HB 755 (Pr. No. 846) (Rereported)**

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.

**HB 1458 (Pr. No. 2817) (Amended) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in drivers' licenses, further providing for judicial review and for cancellation; in commercial drivers, further providing for definitions and for requirement, providing for certification requirements, for medical certification and for noncompliance and further providing for license and for disqualification; and, in State and local administration, further providing for nonreciprocity of operational limitations.

### LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator McIlhinney. Without objection, the leave 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.

### LEGISLATIVE LEAVE CANCELLED

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

### SENATE CONCURRENT RESOLUTION

#### WEEKLY RECESS

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

In the Senate December 5, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, December 12, 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, December 12, 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	
Earl	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 CHARLES T. McILHINNEY PRESENTED TO THE SENATE

The PRESIDENT. It is with great pleasure that the Chair recognizes the gentleman from Bucks, Senator McIlhinney, to introduce a very special guest, who is also a guest today of the Chair.

Senator McILHINNEY. Mr. President, it is my pleasure to introduce constituents of mine from Newtown, Pennsylvania, Dr. Bill Mlkvy and Fred Dobisch, who are seated on the Senate floor. Dr. Mlkvy is a retired ABA professional basketball player and former Temple Owl. His name is spelled M-L-K-V-Y, and I say that because he was nicknamed "The Owl without a Vowel" when he played in college. With him today is his close, dear friend, Fred Dobisch, who is also a Temple Owl, and the owner of an insurance agency in Newtown. Please join me in giving them a warm Senate welcome.

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

(Applause.)

### GUEST OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, I am really delighted to introduce one of my constituents who served today as our guest Chaplain, Pastor Carolyn Hetrick. She is the minister of a historic church in Berks County, in the heart of the city of Reading in Centre Park. This church just celebrated 100 years of service to the community.

Pastor Hetrick is a second-career seminarian and was previously an attorney in Lancaster County. She is also a graduate of Washington and Jefferson College and the University of Pittsburgh School of Law, all information that I had not known before, either. She has really taken her place among the ministers in the city of Reading who are helping to make it a better place, and I am so pleased to have her here today. I ask you to welcome Pastor Hetrick.

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

(Applause.)

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

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

Senator PILEGGI. Mr. President, it is my pleasure this afternoon to introduce and congratulate Coach Bill Manlove, the former head football coach for Widener University. Coach Manlove was head coach at Widener University from 1969 to 1991. He led the team to NCAA Division III championships in 1977 and 1981, 10 Middle Atlantic Conference championships, 7 NCAA tournament appearances, and 4 undefeated regular sea-

sons. He is lauded as the program's winningest coach, with a record of 182 wins, 53 losses, and 1 tie. He presently coaches at Delaware Valley University in Doylestown. Coach Manlove was inducted into the College Football Hall of Fame on July 15, 2011, in South Bend, Indiana. The coach is accompanied today by one of his former players, Jim Divergilis. Both gentlemen are seated in the gallery.

Mr. President, I ask that we extend our traditional warm welcome to these very special guests.

The PRESIDENT. Would the guests of Senator Pileggi please rise so that 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 an honor for me today to introduce Julia Rae, who is a very special resident of my district, and I thank Senator Smucker and his staff for making some of the arrangements for her to be here.

Julia is a singer and a recording artist. She has cystic fibrosis, which, as you know, is a rather serious lung condition. Through her singing, she formed a foundation which is called Singing at the Top of My Lungs. She also put a song together of the same name. The money she raises from that song goes to research and to help people who have this disease.

Julia is quite accomplished. If any of you have seen the film "The Greening of Whitney Brown" with Kris Kristofferson, Julia's song was the theme song for that movie. She also goes to the various children's hospitals throughout this Commonwealth to sing to the kids and to be an example of someone who, despite this condition, has survived and does good things. You know, if you have ever been in a hospital, especially if you ever had a child in a hospital, you know that the ability of someone to empower you, the ability of someone to give you hope, is crucial. That is what Julia Rae does as she goes from children's hospital to children's hospital within the Commonwealth.

So, Mr. President, I hope that the Senate will give a warm welcome to a good citizen of the Commonwealth, Julie Rae of Malvern.

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 PATRICIA H. VANCE PRESENTED TO THE SENATE**

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

Senator VANCE. Mr. President, I am especially pleased to present the Cumberland Valley High School Boys' Water Polo Team, which captured the 2011 Pennsylvania State Boys' Water Polo Championship. They defeated North Penn High School by a score of 6 to 4 in the championship game. They were undefeated for the entire season, with a record of 28 and 0. This is the third State championship in Cumberland Valley Boys' Water Polo history. Other titles were in 1979 and 2008. They are coached by Corey Pelow.

I want to say, because I had to ask them about water polo, that this is a combination of polo, basketball, swimming, and wrestling, and the entire time they have to tread water, so this is a real game of stamina. Caleb Lintz was named the Pennsylvania Player of the Year, and Coach Pelow was named the Pennsylvania Coach of the Year. Garrett Treaster, Sean Daley, and Caleb Lintz were named First Team All-State.

The team and coaches are in the gallery. Please give them a very warm welcome.

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

(Applause.)

#### **GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, in the gallery today are Brooke Minnich and Pete Parsil. They came to visit the Capitol for the first time, and they were immensely impressed with its grandeur and beauty. They met a lot of individual visitors and Members as they traveled throughout the Capitol, and they went on a tour. They are in the gallery today, and I ask that we give them our usual warm welcome.

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

(Applause.)

#### **RECESS**

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a meeting of the 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 meeting of the Committee on Rules and Executive Nominations, Senate Democrats will meet in our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, 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 LEAVES**

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Mary Jo White, and a legislative leave for Senator Greenleaf.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Stack.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Mary Jo White, and a legislative leave for Senator Greenleaf.

Senator Costa requests a temporary Capitol leave for Senator Stack.

Without objection, the leaves will be granted.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL LAID ON THE TABLE

**SB 405 (Pr. No. 1534)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

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

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 539 (Pr. No. 545)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator RAFFERTY. Mr. President, I want to thank my colleagues on the Senate Committee on Transportation, especially Senator Wozniak and his staff, for working on this important piece of legislation.

Mr. President, those committing a DUI with a minor occupant under 18 will now have enhanced penalties. This is key, not only throughout Pennsylvania, but throughout the United States, to insure the safety and welfare of our children riding as passengers and also affecting the DUI drivers and protecting the safety of others on the roadway, pedestrians, drivers of other cars, and passengers in those cars. This piece of legislation, I think, is very important for the Commonwealth. Unfortunately, we see more and more headlines with people being pulled over and arrested for DUI with minor children in the car. This will be a step to make them think twice before they do something like that, before they take the first drink with a minor child in the car.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-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	
Earl	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 AMENDED

**SB 775 (Pr. No. 1602)** -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PILEGGI offered the following amendment No. A6699:

Amend Bill, page 15, line 14, by striking out "THAT" and inserting a comma:

Amend Bill, page 17, line 14, by inserting a bracket before "(a)"

Amend Bill, page 17, lines 18 and 19, by striking out "i" in line 18 and "(1)" in line 19

Amend Bill, page 17, line 19, by striking out "arrest charge."

Amend Bill, page 17, line 22, by striking out "i ["

Amend Bill, page 17, lines 22 through 27, by striking out the bracket after "that" in line 22, all of lines 23 through 26 and "(5)" in line 27

Amend Bill, page 18, line 1, by striking out "immediately"

Amend Bill, page 18, line 5, by striking out the bracket before "written"

Amend Bill, page 18, line 6, by striking out the bracket after "a"

Amend Bill, page 18, line 7, by striking out the bracket before "or]"

Amend Bill, page 18, lines 7 through 11, by striking out the bracket after "[or" in line 7 and all of lines 8 through 11

Amend Bill, page 18, line 13, by inserting after "mistake.":

(a) General rule.--A person whose DNA sample, record or profile has been included in the State DNA Data Bank or the State DNA Data Base under the former DNA Act, former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and testing) or this chapter may have the DNA sample, record or profile expunged in accordance with this section.

(b) Expungement by request.--A person whose DNA sample, record or profile has been included in the State DNA Data Bank or the State DNA Data Base under the former DNA Act, former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and testing) or this chapter may file an expungement request with the State Police on the grounds that the DNA sample, record or profile was included in the State DNA Data Bank or the State DNA Data Base by mistake. A person requesting expungement under this subsection shall be required to prove that the DNA sample, record or profile has been included in the State DNA Data Bank or the State DNA Data Base by clear and convincing evidence.

(c) Mandatory expungement.--The following shall apply:

(1) Except as provided in paragraph (2), all records and identifiable information, including any sample, record or profile, in the State DNA Data Bank or the State DNA Data Base pertaining to a person shall be destroyed in the following instances:

(i) the arrest, charge, conviction or delinquency adjudication on which the authority for including the person's DNA sample, record or profile was based has been reversed and the case dismissed;

(ii) the charge on which the authority for including the person's DNA sample, record or profile has been dismissed and the prosecuting authority is barred from seeking a retrial;

(iii) there has been a judgment of acquittal on the charge on which the authority for including the person's DNA sample, record or profile was based;

(iv) the person from whom the sample was taken was not charged with the crime on which the authority for including the person's DNA sample, record or profile was based;

(v) the prosecuting authority has elected not to commence criminal proceeding against the person for the crime on which the authority for including the person's DNA sample, record or profile was based;

(vi) charges for the crime on which the authority for including the person's DNA sample, record or profile was based were not filed within the statute of limitations; and

(vii) the person is granted an unconditional pardon for the crime on which the authority for including the person's DNA sample, record or profile was based.

(2) The provisions of paragraph (1) shall not apply if the person has been arrested, charged, convicted or adjudicated delinquent for any other crime for which a DNA sample, record or profile is required under this chapter.

(d) Disposition reporting.--All criminal justice agencies, including law enforcement agencies, district attorneys and courts shall submit reports of dispositions that require mandatory expungement under subsection (c)(1) to the State Police within 60 days of the date of such disposition. Courts shall collect and submit criminal court dispositions as required by the Administrative Office of Pennsylvania Courts.

(e) Duties of State Police.--The following shall apply:

(1) Upon receipt of any report of disposition under subsection (d), the State Police shall immediately purge all records and identifiable information in the State DNA Data Bank or the State DNA Data Base pertaining to a person and destroy each sample, record and profile of the person.

(2) The expungement shall be processed at no cost to the person from whom the DNA sample was taken.

(3) The State Police shall provide written notice of the expungement to the person and his attorney of record, if any, within 45 days after expunging and destroying the sample, record and profile.

(4) The State Police shall provide the CODIS expungement policy to any person whose sample, record and profile has been expunged and destroyed under this section if such information has been transferred to CODIS.

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

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

Senator PILEGGI. Mr. President, I would like to recognize Senator Hughes and his staff for their work on this amendment, which I believe improves the bill. I believe the amendment is agreed to.

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 third consideration, as amended?

Senator COSTA offered the following amendment No. A6733:

Amend Bill, page 9, lines 7 through 10, by striking out "ARREST, DURING BOOKING OR INTAKE OR AS SOON AS" in line 7 and all of lines 8 through 10 and inserting:

(i) preliminary arraignment;  
(ii) during booking or intake following an arrest based on a warrant issued on probable cause; or  
(iii) as soon as administratively practical after the event specified in subparagraph (i) or (ii), but not later than prior to release on bail or pending trial or any other physical release from confinement or custody.

Amend Bill, page 17, line 14, by inserting a bracket before "(a)"

Amend Bill, page 17, lines 18 and 19, by striking out ";" in line 18 and "(1)" in line 19

Amend Bill, page 17, line 19, by striking out "arrest, charge."

Amend Bill, page 17, line 22, by striking out ";

Amend Bill, page 17, lines 22 through 27, by striking out the bracket after "that" in line 22, all of lines 23 through 26 and "(5)" in line 27

Amend Bill, page 18, line 1, by striking out "immediately"

Amend Bill, page 18, line 5, by striking out the bracket before "written"

Amend Bill, page 18, line 6, by striking out the bracket after "a"

Amend Bill, page 18, line 7, by striking out the bracket before "or]"

Amend Bill, page 18, lines 7 through 11, by striking out the bracket after "[or" in line 7 and all of lines 8 through 11

Amend Bill, page 18, line 13, by inserting after "mistake.":

(a) General rule.--A person whose DNA sample, record or profile has been included in the State DNA Data Bank or the State DNA Data Base under the former DNA Act, former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and testing) or this chapter may have the DNA sample, record or profile expunged in accordance with this section.

(b) Expungement by request.--A person whose DNA sample, record or profile has been included in the State DNA Data Bank or the State DNA Data Base under the former DNA Act, former provisions of 42 Pa.C.S. Ch. 47 (relating to DNA data and testing) or this chapter may file an expungement request with the State Police on the grounds that the DNA sample, record or profile was included in the State DNA Data Bank or the State DNA Data Base by mistake. A person requesting expungement under this subsection shall be required to prove that the DNA sample, record or profile has been included in the State DNA Data Bank or the State DNA Data Base by clear and convincing evidence.

(c) Mandatory expungement.--The following shall apply:

(1) Except as provided in paragraph (2), all records and identifiable information, including any sample, record or profile, in the State DNA Data Bank or the State DNA Data Base pertaining to a person shall be destroyed in the following instances:

(i) the arrest, charge, conviction or delinquency adjudication on which the authority for including the person's DNA sample, record or profile was based has been reversed and the case dismissed;

(ii) the charge on which the authority for including the

person's DNA sample, record or profile has been dismissed and the prosecuting authority is barred from seeking a retrial;

(iii) there has been a judgment of acquittal on the charge on which the authority for including the person's DNA sample, record or profile was based;

(iv) the person from whom the sample was taken was not charged with the crime on which the authority for including the person's DNA sample, record or profile was based;

(v) the prosecuting authority has elected not to commence criminal proceeding against the person for the crime on which the authority for including the person's DNA sample, record or profile was based;

(vi) charges for the crime on which the authority for including the person's DNA sample, record or profile was based were not filed within the statute of limitations; and

(vii) the person is granted an unconditional pardon for the crime on which the authority for including the person's DNA sample, record or profile was based.

(2) The provisions of paragraph (1) shall not apply if the person has been arrested, charged, convicted or adjudicated delinquent for any other crime for which a DNA sample, record or profile is required under this chapter.

(d) Disposition reporting -- All criminal justice agencies, including law enforcement agencies, district attorneys and courts shall submit reports of dispositions that require mandatory expungement under subsection (c) to the State Police within 60 days of the date of such disposition. Courts shall collect and submit criminal court dispositions as required by the Administrative Office of Pennsylvania Courts.

(e) Duties of State Police -- The following shall apply:

(1) Upon receipt of any report of disposition under subsection (d), the State Police shall immediately purge all records and identifiable information in the State DNA Data Bank or the State DNA Data Base pertaining to a person and destroy each sample, record and profile of the person where such sample, record or profile was created concerning the person.

(2) The expungement shall be processed at no cost to the person from whom the DNA sample was taken.

(3) The State Police shall provide written notice of the expungement to the person and his attorney of record, if any, within 45 days after expunging and destroying the sample, record or profile.

(4) The State Police shall provide the CODIS expungement policy to any person whose sample, record or profile has been expunged and destroyed under this section if such information has been transferred to CODIS.

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Mr. President, I rise to ask for an affirmative vote on this amendment. This amendment is a very short amendment that addresses a specific part of the process as it relates to the acquiring of DNA samples. As I understand, the underlying bill currently in place with the amendment allows for taking the DNA on a series of offenses at the time of arrest. This amendment would move the taking of that DNA a little further into the process, really to the first point in time that the individual would have the ability to encounter a judicial officer and allow a judicial officer to make a determination along the lines of whether or not those charges which would be subject to the DNA testing would be applicable.

So, I ask my colleagues to allow me to insert this amendment to move the testing from the arrest stage to the preliminary arraignment stage.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, reluctantly, I must disagree with my friend from Allegheny County on the amendment and ask for a negative vote. This is an issue that had been considered in the drafting of the bill and was in fact considered when the bill was reported out of the Committee on Judiciary. It is an issue of both applicability and practicality. The District Attorneys Association supports the collection of the DNA sample at the time of booking, which is also the time administratively when the person being booked gives fingerprints and allows photographs to be taken, so this would just be part of that data collection process at the time of arrest. Again, I ask for a negative vote.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Mary Jo White has returned, and her temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-18

Blake	Ferlo	Orie	White Mary Jo
Brewster	Fontana	Schwank	Williams
Costa	Hughes	Solobay	Yudichak
Dinniman	Kasunic	Tartaglione	
Farnese	Leach	Washington	

#### NAY-31

Alloway	Eichelberger	Pileggi	Vance
Argall	Erickson	Pippy	Vogel
Baker	Folmer	Rafferty	Ward
Boscola	Gordner	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	McIlhinney	Smucker	Wozniak
Corman	Mensch	Stack	Yaw
Earl	Piccola	Tomlinson	

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

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

#### BILLS LAID ON THE TABLE

**HB 860 (Pr. No. 898)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in protection of property and persons, further providing for hunting or furtaking prohibited while under influence of alcohol or controlled substance and for chemical test to determine amount of alcohol.

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

**SB 1099 (Pr. No. 1690)** -- The Senate proceeded to consideration of the bill, entitled:



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

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

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1174 (Pr. No. 1631)** -- 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 appointment of members of authority, for qualifications, tenure and compensation of members of authority and for organization of authority.

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	
Earl	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

##### BILLS OVER IN ORDER

**SB 152, HB 170, SB 201, SB 371, SB 382, SB 413, SB 433, SB 477, SB 532, 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 AND REREFERRED

**SB 790 (Pr. No. 1792)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for shipment of wine into Commonwealth.

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 866, SB 878, SB 939, SB 1004, SB 1019, SB 1036, SB 1049, SB 1066, SB 1092, SB 1141, SB 1150, HB 1164, SB 1201, SB 1252, SB 1279 and SB 1301** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1321 (Pr. No. 1750)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, 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.

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 ON SECOND CONSIDERATION

**HB 1337 (Pr. No. 1535)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the turn back from the Commonwealth to Ward Township, Tioga County, of the road known as Old Possessions Road in Ward Township, Tioga County; and providing for the powers and duties of the Secretary of Conservation and Natural Resources.

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

##### BILLS OVER IN ORDER

**HB 1349, HB 1355, HB 1399, HB 1417, HB 1500 and HB 1582** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION, AMENDED

**HB 1630 (Pr. No. 2751)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for revocation or suspension of licenses.

On the question,

Will the Senate agree to the bill on second consideration?

Senator TOMLINSON offered the following amendment No. A6617:

Amend Bill, page 2, line 30; page 3, line 1, by striking out "COMPLAINTS INSTITUTED BY THE DEPARTMENT IN" in line 30 on page 2 and "RESPONSE TO EXAMINATIONS OR CONSUMER COMPLAINTS" in line 1 on page 3 and inserting:

any consumer complaints or information obtained through examinations relating to

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

#### BILL ON SECOND CONSIDERATION

**HB 1792 (Pr. No. 2295)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of S.R. 642 in Northumberland and Montour Counties, as the United States Army Specialist Zachariah W. Long Highway.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**HB 1862** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### RECONSIDERATION OF SB 775

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

Senator WILLIAMS. Mr. President, I move to reconsider the vote by which Senate Bill No. 775 went over in its order as amended.

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

And the question recurring,

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

#### RECONSIDERATION OF AMENDMENT A6733

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

Senator WILLIAMS. Mr. President, I move that the vote by which amendment No. A6733 failed be reconsidered.

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

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-17

Blake	Ferlo	Orie	White Mary Jo
Brewster	Fontana	Schwank	Yudichak
Costa	Hughes	Solobay	
Dinniman	Kasunic	Tartaglione	
Farnese	Leach	Washington	

#### NAY-32

Alloway	Eichelberger	Pileggi	Vance
Argall	Erickson	Pippy	Vogel
Baker	Folmer	Rafferty	Ward
Boscola	Gordner	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	McIlhinney	Smucker	Williams
Corman	Mensch	Stack	Wozniak
Earl	Piccola	Tomlinson	Yaw

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

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

#### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### 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

**MEMBER OF THE STATE HARNESS  
RACING COMMISSION**

December 2, 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 Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Harness Racing Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Arthur Manuel, Peckville, resigned.

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

**TOM CORBETT**  
Governor

*[Data missing]* **COUNCIL OF TRUSTEES OF  
MILLERSVILLE UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION**

December 2, 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 13, 2011, for the appointment of Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Millersville 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 Paul Wedel, Lancaster, resigned.

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

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE BOARD OF  
PHYSICAL THERAPY**

November 17, 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 Melanie DePalma (Public Member), 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Physical Therapy, to serve until October 2, 2012, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice John O'Brien, Pittsburgh, resigned.

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

**TOM CORBETT**  
Governor

**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

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**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:

**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 ARCHITECTS  
LICENSURE BOARD**

July 15, 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, Christine DeOliveira Carl, AIA, LEED AP, 4264 Mill Road, Emmaus 18049, Lehigh County, Twenty-fourth Senatorial District, for reappointment as a member of the Architects Licensure Board, 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.

**TOM CORBETT**  
Governor

**MEMBER OF THE ARCHITECTS  
LICENSURE BOARD**

October 17, 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, Darryl R. Hamm (Public Member), 7023 Kendale Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve until April 12, 2014, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Troy M. Cassel, Philadelphia, resigned.

**TOM CORBETT**  
Governor

**STATE CHARTER SCHOOL APPEAL BOARD**

July 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, Michael A.P.G. Magnotto, 500 Anderwood Drive, Hermitage 16148, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2015, or until his successor is appointed and qualified, vice Michael Akers, Camp Hill, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE  
CONSERVATION COMMISSION**

September 23, 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, Ross W. Omer, Jr., 3532 Home Camp Road, Rockton 15856, Clearfield County, Forty-first Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2015, 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 COSMETOLOGY**

August 15, 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, Angelina M. Morgan, 213 Mary's Circle, Fox Meadow, Exeter 18643, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Isaiah Dent, Jr., McKees Rocks, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE BOARD OF PARDONS**

October 3, 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, Harris Gubernick, 1064 Jefferson Court, Warrington 18976, Bucks County, Twelfth Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 2017.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE REAL ESTATE COMMISSION**

September 27, 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 J. Johnson, 1221 Tower Lane, Erie 16505, Erie County, Forty-ninth [sic] Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years or 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 SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS**

August 12, 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, Laura L. Hinds, MSW, LSW, 807 North Fifth Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve *[data missing]* four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE**

August 12, 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, Freya S. Burnett, 44 Creek Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, 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.

**TOM CORBETT**  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL**

July 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, Mary E. Kushner, P.O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2017, and until her successor is appointed and qualified.

**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:

**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 ARCHITECTS  
LICENSURE BOARD**

July 15, 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, Christine DeOliveira Carl, AIA, LEED AP, 4264 Mill Road, Emmaus 18049, Lehigh County, Twenty-fourth Senatorial District, for reappointment as a member of the Architects Licensure Board, 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.

**TOM CORBETT**  
Governor

**MEMBER OF THE ARCHITECTS  
LICENSURE BOARD**

October 17, 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, Darryl R. Hamm (Public Member), 7023 Kendale Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Architects

Licensure Board, to serve until April 12, 2014, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Troy M. Cassel, Philadelphia, resigned.

TOM CORBETT  
Governor

#### STATE CHARTER SCHOOL APPEAL BOARD

July 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, Michael A.P.G. Magnotto, 500 Anderwood Drive, Hermitage 16148, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2015, or until his successor is appointed and qualified, vice Michael Akers, Camp Hill, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE CONSERVATION COMMISSION

September 23, 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, Ross W. Orner, Jr., 3532 Home Camp Road, Rockton 15856, Clearfield County, Forty-first Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2015, 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 COSMETOLOGY

August 15, 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, Angelina M. Morgan, 213 Mary's Circle, Fox Meadow, Exeter 18643, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Isaiah Dent, Jr., McKees Rocks, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE BOARD OF PARDONS

October 3, 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, Harris Gubernick, 1064 Jefferson Court, Warrington 18976, Bucks County, Twelfth Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 2017.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE REAL ESTATE COMMISSION

September 27, 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 J. Johnson, 1221 Tower Lane, Erie 16505, Erie County, Forty-ninth *[sic]* Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years or 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 SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

August 12, 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, Laura L. Hinds, MSW, LSW, 807 North Fifth Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve *[data missing]* four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF VETERINARY MEDICINE

August 12, 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, Freya S. Burnett, 44 Creek Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, 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.

TOM CORBETT  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL**

July 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, Mary E. Kushner, P.O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2017, and until her successor is appointed and qualified.

**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	
Earl	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.

**PERMISSION TO ADDRESS**

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, I want to pause for a moment to offer my thanks to the President of the Senate, the Lieutenant Governor, and my colleagues for the well wishes for the birth of my baby girl, Grace. Grace, her big sisters Sarah, Evelyn, and Anna, are doing well, and most importantly, their saint of a mother, Heather, is doing just fine. So, thank you very much for the well wishes of our healthy baby girl.

Thank you very much.  
(Applause.)

**RECESS**

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Community, Economic and Recreational Development to be held in the Rules room immediately.

The PRESIDENT. Senator Pileggi requests a recess of the Senate for the purpose of a meeting of the Committee on Community, Economic and Recreational Development. Without objection, for that purpose, the Senate stands in recess.

**AFTER RECESS**

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

**UNFINISHED BUSINESS  
BILL REPORTED FROM COMMITTEE**

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

**HB 169 (Pr. No. 2819) (Amended)**

An Act amending the act of December 19, 1988 (P.L.1262, No.156), entitled, as amended, "An act providing for the licensing of eligible organizations to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties," 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.

**SENATE RESOLUTION ADOPTED**

Senators TARTAGLIONE, KITCHEN, RAFFERTY, COSTA, FONTANA, FARNESE, SCARNATI, ERICKSON, HUGHES, PILEGGI, PIPPY, BREWSTER, McILHINNEY, D. WHITE, TOMLINSON, VANCE, BROWNE, FERLO, SCHWANK, ALLOWAY, WAUGH, YUDICHAK, BRUBAKER and EARLL, by unanimous consent, offered **Senate Resolution No. 236**, entitled:

A Resolution recognizing December 3, 2011, as "International Day of Persons with Disabilities" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, the resolution I offer today is not intended as a reminder to my colleagues of the challenges faced by Pennsylvanians with disabilities. My resolution is intended as a reminder of the many challenges we have over

come in this State in better recognizing, understanding, and accommodating disabled persons.

In a world where 1 in 10 people live with a disability, the Senate of Pennsylvania has served as a proponent of the disabled, working to improve the quality of life and accessibility for those individuals. When the "International Day of Persons with Disabilities" was originally established in 1982, barriers to physical access and public facilities were a primary challenge. Since then, the landscape has changed. Some barriers have been removed, and new technologies have been fostered to improve the lives of people with disabilities. Today, access to public facilities not only means physical access, but it also means access to public information through the Internet to assess a full spectrum of technology and support. The barriers still exist.

Mr. President, today, as we recognize the International Day of Persons with Disabilities in Pennsylvania, I hope we can continue the momentum to insure that all citizens can fully appreciate, in every aspect, the political, social, economic, and cultural life of our Commonwealth by continuing to work to remove all barriers. I thank my colleagues for their support of all the citizens with disabilities residing in the Commonwealth.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

### 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 Harold Angle by Senator Alloway.

Congratulations of the Senate were extended to Glenn Yoder by Senator Brubaker.

Congratulations of the Senate were extended to Friendship Community of Lititz by Senators Brubaker, Folmer and Smucker.

Congratulations of the Senate were extended to Hunters Valley Winery by Senator Corman.

Congratulations of the Senate were extended to Rory Griffey Taylor by Senator Earll.

Congratulations of the Senate were extended to Gregory Allan Harvey and to Tyler Rodney Seidel by Senator Gordner.

Congratulations of the Senate were extended to Mark Houghtaling by Senator Greenleaf.

Congratulations of the Senate were extended to John O. Chambers, Jr., by Senators Greenleaf and Rafferty.

Congratulations of the Senate were extended to Richard Clark by Senator McIlhinney.

Congratulations of the Senate were extended to Dr. Ivory V. Nelson, Bradley C. Duerr, Evan Craig Loundas, Andrew William Simonson, Andrew R. Smallacombe and to Henrietta M. Cassidy by Senator Pileggi.

Congratulations of the Senate were extended to Dorothy May Berry Card by Senator Scarnati.

Congratulations of the Senate were extended to Reverend Tim Lindsay by Senator Solobay.

Congratulations of the Senate were extended to Mr. and Mrs.

Frank Madden and to Mr. and Mrs. Roy Bordwick by Senator Yaw.

### 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 Charles C. Marshall by Senator Orie.

Condolences of the Senate were extended to the family of the late Samuel Louis Wilson by Senator Williams.

### BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

#### HB 169.

And said bill 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

#### TUESDAY, DECEMBER 6, 2011

10:00 A.M.	BANKING AND INSURANCE (public hearing to receive testimony on Senate Bill No. 1339)	Hrg. Rm. 1 North Off.
10:00 A.M.	EDUCATION (Informational briefing on Senate Bill No. 1303; Update on PDE teacher evaluation; and consideration of the Governor's nominee to the Philadelphia School Reform Commission, Feather O'Conner Houstoun)	Room 8E-A East Wing
11:00 A.M.	AGING AND YOUTH (to consider House Bills No. 210 and 1052)	Room 461 Main Capitol
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 884, 903, 968, 1153 and Senate Resolution No. 6)	Room 8E-B East Wing
11:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1302)	Room 461 Main Capitol

#### WEDNESDAY, DECEMBER 7, 2011

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing to consider the revisions to the Emergency Management Services Code under Title 35)	Hrg. Rm. 1 North Off.
<b>C A N C E L L E D</b>		

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing to review the OIT Strategic Plan)	Room 8E-A East Wing
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**THURSDAY, DECEMBER 8, 2011**

9:00 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT and LOCAL GOVERNMENT (joint public hearing on the impact of Act 47 on the stakeholders, i.e. local governments, business and communities, and labor)	House Maj. Caucus Rm. 140 Main Capitol
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**PETITIONS AND REMONSTRANCES**

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

Senator FARNESE. Mr. President, very briefly, there is an old saying, and the saying goes, quite often, when there is no movement on something, the silence is deafening. With regard to the horrible, horrible events that have transpired at Penn State, one of the things that in this time, the General Assembly and the people of the Commonwealth of Pennsylvania look to their leaders to show them counsel and advice and to do what is right. And in this respect, once again, I have to say that the silence is deafening from this administration.

We know that when this administration wants to push forward with legislation, when it wants to advocate for something, it certainly can get its point across. How many times has this administration made it perfectly clear that there will be no tax on Marcellus Shale? How many times has this administration made it perfectly clear that when we talk about the 40,000 people who were on adultBasic who were taken off of adultBasic that there would not be a clear and equal remedy for them to get back their healthcare? And how clear was this administration in January of last year when it advocated for that piece of legislation, Mr. President, the very first piece of legislation that we voted on in this legislative Session, a bill that ultimately, if passed, would limit women's access to healthcare, and at the same time, of course, as we know, severely result in closing down numerous clinics across the State that provide abortions.

We know when this administration wants something, it can advocate very strongly, very clearly, and it can articulate its position with confidence. But in the wake of these events, where is the leadership from this administration? There are bills, Mr. President, that have been around not weeks, but years. A colleague of mine--Senate Bill No. 549 has been around for 6 years, and it addresses the issues with which we are dealing right now. If it had been passed, possibly, possibly things would be different with the Penn State horror story. And my bill, Senate Bill No. 1290, was introduced weeks, almost a month and a half, before this issue broke.

Again, these are bills that, in a nutshell, will make the children of Pennsylvania safer. Let me say it again. They will make the children of Pennsylvania safer. They are not reactionary bills. They are not knee-jerk reaction bills. They have been around the pipeline long enough, and they still sit in the pipeline. They still sit in the pipeline. Where is the leadership of this administration coming forward and saying, these are bills that need to be passed? These are not reactionary pieces of legislation, again, that we hear about all the time. Specifically, Senate Bill No. 1290 is a piece of legislation which would prohibit a State employee who commits sex crimes against a minor child from doing

the unthinkable - collecting a State pension. Is it really that hard to get your arms around that? Is it really that difficult to understand why many of us believe that this administration should be advocating for the movement of this legislation? Or are you like me, simply dumbfounded at the silence that continues to come forward from the leader of the Commonwealth of Pennsylvania?

So, Mr. President, the silence is deafening. We know in a few weeks we are going to start beating that drum again: The people of Pennsylvania have to tighten their belts. The people of Pennsylvania have to live within their means. It is coming. We know it. Why not show some leadership right now? Do the right thing. Advocate for these bills, Senate Bill No. 549, Senate Bill No. 1290, and other pieces of legislation that do nothing more than make people, citizens, children in the Commonwealth of Pennsylvania safer. Advocate that those bills be moved, because at the end of the day, Mr. President, are we not all sent here to do the same thing - to protect people and make their lives better? Thank you.

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I move that the Senate do now recess until Tuesday, December 6, 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 5:13 p.m., Eastern Standard Time.