

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, DECEMBER 6, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 70

SENATE

TUESDAY, December 6, 2011

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

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

PRAYER

The Chaplain, Reverend Dr. LARRY V. SMOOSE, of Reformation Lutheran Church, Media, offered the following prayer:

Let us bow in prayer.

Gracious and sovereign God, we have just enjoyed the festivities of a tree lighting and the delightful music of young people, and now begins the business of this day. As we unite our hearts in prayer, give us the assurance that You are among us, that You desire to instill in us the best and highest ideals of the office to which we have been elected. Have patience with us when we disappoint You or break promises we have made to You or to others. Have patience with us when our highest resolves come tumbling down and our lowest desires rise to the top of our behaviors or attitudes. In those moments, reassure us that You still love us, and help us to grow to be the individuals and the legislators that You have called us to be.

We thank You for the opportunities of this day and for the honor of being a part of the great traditions of our Commonwealth, the keystone of our nation, not only by geographic placement in those early days, but by the ideals established by William Penn: freedom of religion, welcoming people of every land, respecting a wide array of traditions that make up this nation.

We thank You that those ideals hammered out here in this Commonwealth, as our nation was founded, now are as wide as America, and indeed they become the hope of all the peoples of this earth. And it is humbling to realize that we are now the ones who not only inherit these traditions but are now given the daunting task of furthering them for the welfare of the people of this Commonwealth. Therefore, Almighty God, we ask for Your guidance and strength this day and every day. As we endeavor to accomplish these purposes, allow us some measure of personal growth, that in the midst of debate, we might be a bit more considerate, a bit more patient, a bit more understanding of those whose opinions and passions differ from ours. Knowing our common desire is to benefit our Commonwealth and strengthen our nation with a future, receive Your gracious blessing. In Your holy name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Smoose, who is the guest today of Senator Pileggi.

PLEDGE OF ALLEGIANCE

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

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:

December 6, 2011

Senators PIPPY, SOLOBAY, ERICKSON, ARGALL, RAFFERTY, FONTANA, BAKER, PILEGGI, VOGEL, SCARNATI, COSTA, ALLOWAY, FERLO, TARTAGLIONE, SCHWANK, BOSCOLA, BREWSTER, STACK, YUDICHAK and HUGHES presented to the Chair **SB 1353**, entitled:

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for reporting requirements.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 6, 2011.

Senators CORMAN and BRUBAKER presented to the Chair **SB 1354**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for carryforward of losses by individual taxpayers.

Which was committed to the Committee on FINANCE, December 6, 2011.

Senators PIPPY, SOLOBAY, ERICKSON, ARGALL, RAFFERTY, FONTANA, BAKER, PILEGGI, VOGEL, SCARNATI, COSTA, ALLOWAY, FERLO, TARTAGLIONE, SCHWANK, BOSCOLA, BREWSTER, STACK, YUDICHAK and HUGHES presented to the Chair **SB 1356**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring disclosure relating to certain steel products.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 6, 2011.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1644**.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Senator Richard A. Kasunic as a member of the Pennsylvania Athletic Oversight Committee.

BILL SIGNED

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

HB 1644.**BILLS REPORTED FROM COMMITTEES**

Senator WARD, from the Committee on Aging and Youth, reported the following bills:

HB 210 (Pr. No. 2503)

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement not created.

HB 1052 (Pr. No. 2822) (Amended)

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

Senator YAW, from the Committee on Urban Affairs and Housing, reported the following bill:

SB 1302 (Pr. No. 1831) (Amended)

An Act amending the act of August 26, 1953 (P.L.1476, No.433), referred to as the Philadelphia City-County Consolidation Act, further providing for powers of the council.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 884 (Pr. No. 938)

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, in Title 15, making extensive revisions, additions and deletions to preliminary material on general provisions; to corporation material on general provisions, on incorporation, on corporate powers, duties and safeguards, on officers, directors and shareholders, on fundamental changes, on registered corporations, on insurance corporations, on foreign business corporations, on incorporation and on foreign nonprofit corporations and to material on business trusts; in Title 54, further providing for general provisions and for corporate and other association names; and making related repeals.

SB 903 (Pr. No. 1832) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm or other dangerous weapon in court facility, for arson and related offenses and for sentences for second and subsequent offenses; and providing for sentencing for arson offenses.

SB 968 (Pr. No. 1059)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for the offense of cruelty to animals.

RESOLUTION REPORTED FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following resolution:

SR 6 (Pr. No. 1833) (Amended)

A Resolution directing the Joint State Government Commission to establish a bipartisan task force and an advisory committee to conduct a study of capital punishment in this Commonwealth and to report their findings and recommendations.

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

LEGISLATIVE LEAVES

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

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

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Yaw, and a legislative leave for Senator McIlhinney.

Senator Costa requests a temporary Capitol leave for Senator Tartaglione.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of October 24, 2011, and October 25, 2011, are now in print.

The Clerk proceeded to read the Journals of the Sessions of October 24, 2011, and October 25, 2011.

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

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT TOMLINSON
AND SENATOR CHARLES T. McILHINNEY
PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, it is my pleasure to introduce guests of Senator McIlhinney today since he could not be here, but at one time, I did represent the Pennsbury School District, and it is my pleasure to introduce the Pennsbury High School Girls' Cross Country Team. We are joined by their coach, assistant coaches, athletic director, and high school principal today. The Pennsbury Falcon Girls' Cross Country Team are a two-time PIAA Class AAA State champions who have a 3-year unbeaten dual meet record, and in the last 2 years have only lost once to another Pennsylvania team, while defeating over 200 others.

At this year's State championship, they scored a near record low of 42 points to capture the title, outpacing second place by 87 points. The score was the lowest score by a girls' squad in over 30 years. Please join me in giving Senator McIlhinney and my guests a warm Senate welcome.

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

(Applause.)

**GUESTS 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 delighted to introduce two members of the Berks County community, a husband and wife team who are incredible community volunteers and leaders, Barbara and David Thun. Barbara is an accomplished artist, has served on a number of boards associated with some of our best institutions of higher education in Berks County, and is currently serving on the board of the GoggleWorks, which is a community arts center at the heart of the revitalization process in the city of Reading.

David Thun is a volunteer with whom I have worked for a number of years. An accomplished businessman, he is currently serving on the board of directors of Reading Hospital; The Highlands at Wyomissing, a premier retirement facility; 10,000 Friends of Pennsylvania, of which he is a founding member, at which I serve with him as well; the Reading Symphony Orchestra; Democracy Rising; and his background in industry, particularly the textile industry, where he has served on the board of the American Textile Museum.

David and Barbara are here because I had the good fortune of having them bid on a charity luncheon, and I am so honored to have them here today. We had a wonderful conversation, and I am proud to introduce them, Mr. President.

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

(Applause.)

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

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

Senator PILEGGI. Mr. President, it is my pleasure this afternoon to introduce the Senate Chaplain for today, Reverend Dr. Larry Smoose of the Reformation Evangelical Lutheran Church in Media, Delaware County. Pastor Smoose has served as the senior pastor of the church since 1976. Prior to serving at Reformation Evangelical Lutheran Church, he had years of experience as a church council member and pastor of Lutheran Church of God's Love in Newtown, Bucks County. Since his arrival, the church has included new education and outreach projects and programs, additional worship services, and a 3-year confirmation process. Pastor Smoose is joined today by his wife, Linda Lee, who is seated in the gallery. Mr. President, I ask that we extend our traditional warm welcome to our special guests.

The PRESIDENT. Would the guests of Senator Pileggi 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 the purpose of a Republican caucus to be held in the Majority Caucus Room immediately.

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

Senator COSTA. Mr. President, Senate Democrats will caucus at the rear of the Chamber.

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

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Yaw and Senator Tartaglione have returned, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Scarnati, and a legislative leave for Senator Robbins.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Scarnati, and a legislative leave for Senator Robbins. Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR**THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 775 (Pr. No. 1826) -- 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.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-42

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

NAY-6

Ferlo	Fontana	Tartaglione	Williams
Folmer	Hughes		

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 1237 (Pr. No. 1823) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARGALL offered the following amendment No. A6971:

Amend Bill, page 1, line 30, by striking out "AND"

Amend Bill, page 1, line 32, by inserting after "TAX":

; AND PROVIDING FOR MONITORING DATA

Amend Bill, page 16, by inserting between lines 17 and 18:

Section 3.1. The act is amended by adding a section to read:

Section 1104. Monitoring data.

In addition to any other requirements of this act, the department shall monitor all of the following:

(1) Verifiable job creation and job retention data

(2) Information on the types of jobs created and average hourly wages.

(3) Number of years in the program.

(4) Annual, unduplicated public and private capital investment amounts.

(5) Business type and description.

(6) Types and amounts of other economic development assistance received from the department.

(7) Documentation that proper participants identified as relocations meet the increased full-time employment, increased capital investment or lease agreement requirements of this act.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, many of the critiques of State economic development programs, not just in Pennsylvania but across the country, from both the conservative and the liberal perspective, frequently center upon the fact that we just do not collect enough data to determine the effectiveness of those programs in the final analysis. This is a problem that I encountered during my own academic research several years ago.

So, this is a rather simple amendment that would require the Department of Community and Economic Development to actu-

ally collect some additional information on the Keystone Opportunity Zones, including what kinds of jobs are created, the average hourly wages, what kinds of businesses, what kinds of, perhaps, other economic incentives were received by the employers within the KOZs. That is the amendment, Mr. President, and I certainly ask for an affirmative vote.

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 TOMLINSON offered the following amendment No. A6981:

Amend Bill, page 1, line 31, by inserting after "FOR" where it occurs the first time:

application, for

Amend Bill, page 14, by inserting between lines 12 and 13:

Section 2.1. Section 302(b) of the act, amended December 9, 2002 (P.L.1727, No.217), is amended to read:

Section 302. Application.

(b) Participation limitation.--A political subdivision shall not be a part of more than one proposed keystone opportunity zone or proposed keystone opportunity expansion zone, unless the department agrees that two zones will bring additional economic benefit to the political subdivision. A proposed expansion subzone may not overlap the boundaries of a subzone.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

Senator BLAKE offered the following amendment No. A6950:

Amend Bill, page 1, line 30, by striking out "AND"

Amend Bill, page 1, line 32, by inserting after "TAX":

; and, in tax administration, further providing for application time

Amend Bill, page 16, by inserting between lines 17 and 18:

Section 4. Section 907 of the act, amended December 9, 2002 (P.L.1727, No.217), is amended to read:

Section 907. Application time.

[An] (a) Requirement.--Except as set forth in subsection (b), an applicant must file an application in a manner prescribed by the department by December 31 of each calendar year for which the applicant claims any exemption, deduction, abatement or credit under this act.

(b) Extension or waiver.--Upon request of the applicant, the department may extend or waive the application deadline for good cause shown if the political subdivision does not object to the waiver or extension.

(c) Approval.--No exemption, deduction, abatement or credit may be claimed or received for that calendar year until approval has been granted by the department.

Section 5. The amendment of section 907 of the act shall apply retroactively to January 1, 2009.

Amend Bill, page 16, line 18, by striking out "4" and inserting:

6

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

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, this is a very simple amendment driven, in part, by my prior experience at the Department of Community and Economic Development. KOZ businesses essentially have a promise of tax relief, providing they file timely returns to guarantee their ability to take advantage of those tax benefits. But, Mr. President, businesses get sold and transferred, businesses relocate, personnel changes, the tax claim bureau sometimes sends bills to incorrect locations, and as a result of human error sometimes, those filings for tax relief come in a little late. Even if it is a day late, the rigidity of the statute says that the benefits must be denied to the company.

My amendment, Mr. President, would offer the Department of Community and Economic Development a little bit of relief in order to, again, for just cause, allow for reconsideration of those benefits that were promised to be realized by the company, even if they are a little late with their filing. Most importantly, Mr. President, the local taxing authorities will have to consent for that reconsideration. It will simply allow us to be more business-friendly when sometimes human error results in a late filing.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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-48

Alloway	Eichelberger	Orie	Tomlinson
Argall	Erickson	Piccola	Vance
Baker	Farnese	Pileggi	Vogel
Blake	Ferlo	Pippy	Ward
Boscola	Folmer	Rafferty	Washington
Brewster	Fontana	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	Hughes	Schwank	White Mary Jo
Corman	Kasunic	Smucker	Williams

Costa
Dinniman
Earl

Leach
McIlhinney
Mensch

Solobay
Stack
Tartaglione

Wozniak
Yaw
Yudichak

NAY-0

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

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

BILLS OVER IN ORDER

HB 1630 and HB 1792 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 152, HB 169, HB 170 and SB 201 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 242 (Pr. No. 2815) -- 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 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.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 344 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 371 (Pr. No. 355) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 30, 2003 (P.L.441, No.64), known as the Tobacco Product Manufacturer Directory Act, further providing for directory.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

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

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

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 707, HB 715, SB 730, HB 755, SB 866, SB 878, SB 894, 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

SB 1335 (Pr. No. 1824) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 1336 (Pr. No. 1825) -- The Senate proceeded to consideration of the bill, entitled:

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

for expiration; in Commonwealth exclusivity, providing for regulations and for action by the Insurance Commissioner; and making editorial changes.

On the question,

Will the Senate agree to the bill on second consideration?

Senator D. WHITE offered the following amendment No. A7009:

Amend Bill, page 4, line 22, by inserting after "Commonwealth":
for other than excepted benefits as defined in section 2791(c)
of the Public Health Service Act (110 Stat. 1972, 42 U.S.C. §
300gg-91(c))

Amend Bill, page 29, lines 16 through 19, by striking out all of said lines

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.

BILLS OVER IN ORDER

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

BILL ON SECOND CONSIDERATION

HB 1458 (Pr. No. 2817) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1500, HB 1582 and HB 1862 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

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 Mark Alan Luksa and to Nicholas James Dennis by Senator Baker.

Congratulations of the Senate were extended to Mary Lloyd Banfield by Senator Dinniman.

Congratulations of the Senate were extended to Dr. Robert L. Paserba by Senator Fontana.

Congratulations of the Senate were extended to Melinda Marciano by Senator Piccola.

Congratulations of the Senate were extended to Evelyn May Harmon by Senator Pileggi.

Congratulations of the Senate were extended to Joseph W. Carroll by Senator Pileggi and others.

Congratulations of the Senate were extended to Garrett Browning and to the Sewickley

Academy Girls' Tennis Team by Senator Pippy.

Congratulations of the Senate were extended to Im Ja P. Choi by Senators Rafferty and Greenleaf.

Congratulations of the Senate were extended to Alex Jeremy Mislevy by Senator Schwank.

Congratulations of the Senate were extended to Gianfranco Paglia by Senator Tartaglione.

Congratulations of the Senate were extended to Dolores Conti by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Robinson and to Robert L. Gill by Senator Vance.

Congratulations of the Senate were extended to the Adamsburg Volunteer Fire Department by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Blauser, Corey J. Burkhardt and to Evan Parker Black by Senator M.J. White.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Thomas Pallat by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 884, SB 903, SB 968, SB 1302, HB 210 and HB 1052.

And said bills having been considered for the first time,

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, DECEMBER 7, 2011

9:00 A.M.

**VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS**
 (public hearing to consider the revisions
to the Emergency Management Services

Hrg. Rm. 1
North Off.

Code under Title 35)

CANCELLED

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

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

PETITIONS AND REMONSTRANCES

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

Senator PILEGGI. Mr. President, I would like to offer my remarks on Senate Bill No. 775 for the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Delaware, Senator PILEGGI:)

Mr. President, Pennsylvania's DNA database was created in 1995, a lifetime ago in terms of scientific advances. In recent years, our Federal government and 26 other States, including our neighboring States of Maryland, New Jersey, and Ohio, have improved their DNA collection and testing policies. Pennsylvania has not.

Senate Bill No. 775 updates our law to insure that Pennsylvania investigators have access to the most efficient scientific tools to fight crime.

- It expands the eligible criminal offenses for which DNA samples are required;
- It requires pre-conviction DNA samples from those arrested for certain serious offenses; and
- It authorizes the State Police to use modified DNA searches to help investigators identify unknown DNA profiles taken at crime scenes.

For many decades, police have taken fingerprints upon arrest. This bill authorizes DNA samples to be taken upon arrest, but only for a specific list of serious crimes. This will allow investigators to use more accurate evidence earlier in the process, protecting victims from attacks, and preventing innocent individuals from being wrongfully accused.

In certain cases, Senate Bill No. 775 will authorize a new type of DNA search, known as a "modified search," to help identify suspects in unsolved crimes. Under certain conditions, these searches will allow the State Police to compare DNA profiles taken at crime scenes to those already in the database. If the crime-scene profile contains enough common characteristics to indicate that it is likely to be from a close relative of an offender whose profile is already in the database, investigators can be given the name of that individual to allow for additional investigation.

Several other States, including California, Colorado, and Virginia, now use similar DNA searches. In fact, California authorities used this kind of search to identify Christopher Franklin, a serial killer better known as the Grim Sleeper.

Senate Bill No. 775 also contains critical privacy protections. It requires the immediate destruction of DNA records of exonerated individuals, and it prohibits DNA samples from being used for anything other than legitimate law enforcement identification purposes. And yesterday, the Senate adopted an amendment, which I worked on with my friend, Senator Hughes, to improve the expungement process in the bill, making it easier for people whose DNA should not be in the State database to have it removed.

This bill also insures that DNA analysis is done by trained, qualified professionals by requiring continuing education for forensic DNA testing personnel, and codifying accreditation requirements for forensic DNA testing laboratories. Senate Bill No. 775 is supported by the Pennsylvania Chiefs of Police Association, the Pennsylvania District Attorneys Association, and the national nonprofit organization, DNA Saves.

I thank Senator Greenleaf, chairman of the Senate Committee on Judiciary, and Senator Hughes, along with Rich Welsh of my staff, and Gregg Warner of Senator Greenleaf's staff, for the many hours put into drafting and refining the bill.

Mr. President, this legislation balances the need to give Pennsylvania investigators access to the best tools available with the need to insure that the privacy concerns of our citizens are addressed.

I ask for an affirmative vote.

Thank you, Mr. President.

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, December 7, 2011, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:11 p.m., Eastern Standard Time.