

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, FEBRUARY 8, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 10

SENATE

WEDNESDAY, February 8, 2012

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend CRAIG C. GOMMER, O.S.L., of Twenty-Ninth Street United Methodist Church, Harrisburg, offered the following prayer:

Good morning. I bring you greetings from the Twenty-Ninth Street United Methodist Church and its people and community. It is an honor and privilege to be here today. I was told by the Secretary of the Senate you were promoting me to Bishop because of the chair I was sitting in, so if you see me not getting up for awhile, you will understand why.

Let us pray.

Loving and gracious God, we come to You this morning preparing to do the work of Pennsylvania for the people of Pennsylvania. As we take this moment in humble prayer, we ask You to bless the work of the people here. You call each and every one of us to serve one another without boundaries. Serving Your people is never an easy task, but one in which You call us to press on in the midst of new dimensions, in the midst of changing ways in difficult times. Yet, there have been times when we have sought to serve our own needs as opposed to those of the ones we represent. Help us in this time to be quiet, to hear Your voice, and to turn back to You and forgive our wandering ways.

Each of the people here has an awesome responsibility to serve the people of their district. They may not be able to be all things to all people, but help them to serve the most people they can by meeting the needs of all of those people. Be with each and every one of their families and friends in their support. Be with their loved ones, and there are those today who You may be thinking about and we may be thinking about, who are struggling in body, mind, and spirit. Be with them as You are with our families and friends today. Be with all of us, bless this body, bless all of us as we do the work we are called to do here today, and we ask this in Your name. Amen.

The PRESIDENT. The Chair thanks Reverend Gommer, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1043**, with the information the House has passed the same without amendments.

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1294** and **HB 1582**.

**APPOINTMENTS BY THE
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Robert B. Mensch, Senator Dominic Pileggi, and Senator John Pippy as members of the Legislative Budget and Finance Committee.

BILLS SIGNED

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

SB 1043, HB 1294 and HB 1582.

BILLS REPORTED FROM COMMITTEE

Senator EICHELBERGER, from the Committee on Local Government, reported the following bills:

SB 1261 (Pr. No. 1625)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

HB 823 (Pr. No. 3060) (Amended)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; in planned residential development, further providing for application for final approval; and providing for wastewater processing cooperative planning.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Piccola and Senator Smucker, and legislative leaves for Senator Ward and Senator Tomlinson.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Hughes, Senator Stack, and Senator Williams, and a legislative leave for Senator Leach.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Smucker, and legislative leaves for Senator Ward and Senator Tomlinson.

Senator Costa requests temporary Capitol leaves for Senator Hughes, Senator Stack, and Senator Williams, and a legislative leave for Senator Leach.

Without objection, the leaves will be granted.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of December 14, 2011, and December 22, 2011, are now in print.

The Clerk proceeded to read the Journals of the Sessions of December 14, 2011, and December 22, 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-50

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

NAY-0

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

The PRESIDENT. The Journals are approved.

LEGISLATIVE LEAVES CANCELLED

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

Senator COSTA. Mr. President, will you please recognize that Senator Stack and Senator Hughes have joined us on the floor?

The PRESIDENT. I was about to do that, Senator.
Senator COSTA. Mr. President, I have no doubt you were. I just wanted to make sure.

The PRESIDENT. Senator Stack, Senator Hughes, and Senator Smucker have returned, and their temporary Capitol leaves are cancelled.

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION ADOPTED**

Senators VOGEL, SCHWANK, SCARNATI, PILEGGI, ALLOWAY, ARGALL, BAKER, BOSCOLA, BREWSTER, BROWNE, DINNIMAN, ERICKSON, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, ORIE, PIPPY, RAFFERTY, ROBBINS, SOLOBAY, STACK, TARTAGLIONE, WARD, WAUGH, YAW, D. WHITE and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 254**, entitled:

A Resolution designating the week of February 20 through 26, 2012, as "FFA Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator VOGEL. Mr. President, today I offer a resolution designating February 20 through 26 as "FFA Week" in Pennsylvania. The Future Farmers of America was founded in 1928 as an organization for students to interact with leaders in the agricultural community to develop leadership, personal growth, and career success through agricultural education. Since then, it has grown into a diverse, national organization with over 540,000 members throughout the United States, Puerto Rico, and the Virgin Islands, of which 43 percent are young women who have committed themselves to agriculture.

**GUESTS OF SENATOR ELDER A. VOGEL
AND SENATOR JUDY SCHWANK
PRESENTED TO THE SENATE**

Senator VOGEL. The FFA has been a pivotal organization in my district, and has helped to create several young leaders in agriculture. One such individual is Tyler Claypool from Mohawk FFA in Lawrence County, who currently serves in a leadership position as State sentinel. There are also a few members visiting in the gallery today. I would like to introduce Jenna Moser, State Reporter from Philadelphia; Sarabeth Royer, State Secretary from Lancaster County; Matthew Dodson, State Chaplain from Franklin County; Tyler Schaeffer, State Vice President from Cumberland County; and Michael Brammer, executive director of the Pennsylvania FFA.

Agriculture is the nation's largest employer and number one industry in our great Commonwealth, and the FFA plays a substantial role in contributing to its success. Not only are they our future farmers, they are the future of our agriculture, preparing themselves to supply our food and fiber for years to come. For this reason, I would like to recognize February 20 through 26, 2012, as FFA Week in Pennsylvania, and ask for its unanimous adoption.

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

Senator SCHWANK. Mr. President, I join my colleague, Senator Vogel, in welcoming our State FFA leaders. I would ask everybody to take a look at these youth because they truly will be the future leaders of agriculture in this Commonwealth and in this nation. As a former FFA advisor myself in high school, as well as working with the Delaware Valley College FFA chapter, I know full well the impacts of an organization like FFA. It is more than just Future Farmers of America, as many of us grew up understanding it. It is about the leadership and the innovation that we will need for agribusiness in the future. So I am delighted to have them here today and to join with Senator Vogel in celebrating FFA Week. Thank you.

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

(Applause.)

And the question recurring,

Will the Senate adopt the resolution?

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

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 morning to introduce my constituents, Denis Stephano, who is president of the United Steelworkers Local 10-234, and Dave Miller, who is president of the United Steelworkers Local 10-901. They are visiting Harrisburg today with other members and leaders of the United Steelworkers to raise awareness about the impact of the shutdown of the three major oil refineries in southeastern Pennsylvania.

Mr. President, since the announcements were made by Sunoco and ConocoPhillips in September to close their refineries in Marcus Hook Borough and Trainer, approximately 2,000 workers have been directly impacted and 10,000 more individuals indirectly impacted. Mr. President, Denis is seated in the gallery with my other guests today. I ask that we extend our traditional warm welcome.

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 short recess of the Senate for the purpose of a meeting of the Republican Caucus to be held in the Rules room beginning immediately.

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

Senator COSTA. Mr. President, Senate Democrats will also meet in the rear of the Chamber for a brief caucus. Thank you.

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

AFTER RECESS

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Pippy, and legislative leaves for Senators Orié, Senator Robbins, and Senator Mary Jo White.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Pippy, and legislative leaves for Senator Orié, Senator Robbins, and Senator Mary Jo White. Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT OFFERED

Senator BLAKE offered the following amendment No. A5908:

Amend Bill, page 1, line 23, by inserting after "restrictions":
and for payroll tax; and providing for payroll tax in cities of the second class

Amend Bill, page 4, by inserting between lines 9 and 10:

Section 1.1. The heading of section 303 of the act, amended July 2, 2008 (P.L.197, No.32), is amended to read:

Section 303. Payroll Tax in Cities of the Second Class.--* * *

Section 1.2. The act is amended by adding a section to read:

Section 303.1. Payroll Tax in Other Political Subdivisions.--(a) Except for a city of the second class that levies a payroll tax under section 303, a political subdivision subject to the provisions of this act may levy, assess and collect a tax on payroll amounts generated as a result of an employer conducting business activity within the political subdivision. The rate of the tax shall not exceed the rate necessary to generate the same amount of revenue the political subdivision generated from a business privilege tax or mercantile tax levied by the political subdivision in the year immediately preceding the year the payroll tax will first take effect under section 301.1(f)(12). For purposes of a payroll tax levied, assessed or collected by a political subdivision, the business activity shall be directly attributable to activity within the political subdivision. For purposes of computation of the payroll tax imposed under this section, the payroll amount attributable to the political subdivision shall be determined by applying an apportionment factor to total payroll expense based on that portion of payroll expense which the total num-

ber of days an employe, partner, member, shareholder or other individual works within the political subdivision bears to the total number of days that employe or person works within and outside of the political subdivision.

(b) A charitable organization that qualifies for tax exemption under the act of November 26, 1997 (P.L.508, No.55), known as the "Institutions of Purely Public Charity Act," shall calculate the tax that would otherwise be attributable to the political subdivision, but shall only pay the tax on that portion of its payroll expense attributable to business activity for which a tax may be imposed under section 511 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 511). If the charity has purchased or is operating branches, affiliates, subsidiaries or other business entities that do not independently meet the standards of the "Institutions of Purely Public Charity Act," the tax shall be paid on the payroll attributable to the for-profit branches, affiliates or subsidiaries, whether or not the employes are leased or placed under the auspices of the charity's umbrella or parent organization. Nothing in this subsection shall restrict the ability of a charitable organization to contract with the political subdivision to provide services to the city in lieu of some or all taxes due under this section.

(c) For purposes of the payroll tax assessed under this section, an employer is conducting business within a political subdivision if the employer engages, hires, employs or contracts with one or more individuals as employes and, in addition, the employer does at least one of the following:

(1) maintains a fixed place of business within the political subdivision;

(2) owns or leases real property within the political subdivision for purposes of such business;

(3) maintains a stock of tangible personal property in the political subdivision for sale in the ordinary course of such business;

(4) conducts continuous solicitation within the political subdivision related to such business; or

(5) maintains a base of operations in the political subdivision. If an employer maintains more than one base of operations, the political subdivision shall only be able to tax the payroll generated by the base of operations.

(d) All employers in the political subdivision shall file quarterly returns and make quarterly payments as provided for by ordinance enacted by the political subdivision. Every employer making a return shall certify the correctness of the return. A political subdivision may audit, examine or inspect the books, records or accounts of employers subject to the tax imposed under this section.

(e) A political subdivision may enact ordinances, or resolutions if the political subdivision is a school district, and regulations necessary to implement this section. The ordinance or resolution levying the tax authorized by this section must permanently replace the political subdivision's existing mercantile tax and business privilege tax.

(f) Taxes, additions and penalties collected under this section shall be used by the political subdivision exclusively for the general revenue purposes of the city.

(g) An employer shall not offset the amount of tax paid under this section by reducing compensation or benefits paid to employes.

(h) A political subdivision may bring an action for the recovery of taxes due and unpaid under this section, in accordance with the following:

(1) Except as set forth in paragraph (2), the action must be commenced within three years after the later of the date:

(i) the tax is due; or

(ii) the declaration or return has been filed, whichever is later.

(2) The time limit in paragraph (1) shall be modified as follows:

(i) If no declaration or return was filed although a declaration or return was required to be filed under this section, there shall be no limitation.

(ii) If examination of the filed declaration or return or of other evidence relating to the declaration or return in the possession of the political subdivision reveals a fraudulent evasion of taxes, there shall be no limitation.

(iii) If there is substantial understatement of tax liability of twenty-five percent or more and no fraud, an action must be brought within six years of the time specified in paragraph (1).

(3) This subsection shall not be construed to limit the governing body from recovering delinquent taxes by any other means provided by law.

(l) If the payroll tax is not paid when due, interest at the rate of six percent per annum on the amount of the tax and an additional penalty of one percent of the amount of the unpaid tax for each month or fraction of a month during which the tax remains unpaid shall be added and collected. If an action is brought for the recovery of the payroll tax, the employer shall, in addition, be liable for the costs of collection and the interest and penalties imposed under this subsection. A political subdivision may, by ordinance or resolution, establish a single period during which interest or interest and penalties which would otherwise be imposed for the nonreporting or underreporting of payroll tax liabilities or for the nonpayment of payroll taxes previously imposed and due shall be waived in total or in part if the taxpayer voluntarily files delinquent returns and pays the taxes in full during the period so established.

(j) In addition to any other additions, penalties or enforcement proceedings provided for by ordinance of a political subdivision or a law of this Commonwealth for the collection and enforcement of taxes or the submission of information to a government entity:

(1) An employer that intentionally makes a false statement on the employer's return commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not more than two thousand dollars (\$2,000) or to imprisonment for not more than two years, or both.

(2) An employer that intentionally fails to file a return required by this section commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or to imprisonment for not more than one year, or both.

(3) A person that intentionally fails to appear before the tax collector in person with the employer's books, records or accounts for examination when required to do so under this section or an ordinance or that intentionally refuses to permit inspection of the books, records or accounts of an employer in the person's custody or control upon request by the tax collector commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than five hundred dollars (\$500) or to imprisonment for not more than six months, or both.

(k) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Employer" means a person conducting business activity within a political subdivision subject to this section. The term does not include a governmental entity.

"Payroll amounts" means amounts paid by an employer as salaries; wages; commissions; bonuses; net earnings; incentive payments, whether based on profits or otherwise; fees; and similar remuneration for services rendered, whether directly or through an agent and whether in cash, in property or the right to receive property.

Amend Bill, page 4, line 10, by striking out "of section 301.1(f)(12)" and inserting:

or addition of sections 301.1(f)(12), 303 heading and 303.1

On the question,

Will the Senate agree to the amendment?

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

Senator BLAKE. Mr. President, there are a few things I would like to say about this amendment and provide some context for why I am presenting it. First of all, the intent and effect of Senate Bill No. 405 is not intended to be adjusted by the amendment I am presenting. In fact, I support the bill in its current form. My amendment does not change the intent, or at least it is not my intent for it to change the bill, but it does address an issue germane to the subject matter of the bill, namely, the business privilege tax. Basically, what is known to be true is that right now the business privilege tax can only be levied in those circumstances where it is levied and, in fact, by law, it cannot expand to any other taxing jurisdiction. So, the effect of Senate Bill No. 405 or my amendment is only in those circumstances where the tax is actually levied by the local jurisdiction, it cannot expand.

The business privilege tax is an onerous tax because it is based upon gross receipts, Mr. President. A gross receipts tax. Again, I want to emphasize the fact that right now, it is a gross receipts tax, so the companies that are bound to pay this tax are paying it on the total revenue of the company, notwithstanding any concerns they have with other taxing liabilities or expenses in the operation of the business. The intention of my amendment is to simply provide an option for the local taxing authorities that are levying a business privilege tax at present to transfer the manner in which they levy it from a gross receipts tax to an assessment on payroll. It is basically intended to be an option to provide a more fair tax on existing businesses that are bound to pay it. If you are a small business, you have a smaller payroll, thus you would have a smaller tax burden, if in fact the local taxing authority opted to take advantage of what my amendment would enable.

Mr. President, part of the impetus for this was that in Pittsburgh some years ago, they were given this option to move to a payroll assessment versus a business privilege tax and, again, it is more business friendly, in my opinion, to be a payroll tax as opposed to a gross receipts tax. Another issue back home, I asked the taxing authority about the business privilege tax that they collect, and I asked the tax collector in terms of what revenues they are getting, and they quote a number. For the city of Scranton, for example, it is approximately \$2 million, about \$1.8 million.

The next question I posed was, do you know what is paid for by businesses within your jurisdiction versus that which is paid for those outside that jurisdiction? And the answer to that question is "no." It is unclear. In my estimation, if they did a payroll assessment, they could have greater clarity to the burden, distribute the burden more widely, and allow it to be a more business-friendly tax where it is, in fact, levied.

The last thing I want to say, Mr. President, is it is not the intention of my amendment to modify what Senator Browne is trying to correct with respect to double taxation. If, in fact, there is a base of operations subject to the tax, they should only be permitted to be taxed in that one jurisdiction, and if an employer maintains more than one base of operations, the political subdivision shall only be able to tax the payroll generated by that base of operations. I am not intending, in any way in this amendment, to modify what Senator Browne is attempting to do with respect to Senate Bill No. 405.

So again, I am trying to provide an option for those jurisdictions that levy a business privilege tax to move to a payroll tax, which would be more business-friendly and would allow a distribution of the revenue in a manner more friendly to the business community.

The final thing that is important to say about this amendment is that it is intended to be revenue neutral. What I mean by that is if the jurisdiction does opt to go to a payroll assessment versus a gross receipts tax, they cannot collect any more revenue than they were already receiving under the previous circumstances of the business privilege tax.

Thank you, Mr. President. I would appreciate support for this amendment.

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

Senator BROWNE. Mr. President, I respectfully ask the Members to vote "no" on this amendment to Senate Bill No. 405.

Although the intent of the sponsor of the amendment is good in what he is trying to accomplish, I believe the bill, in regard to the proper intent and the purpose of Act No. 511 of 1965, is properly served by this bill. This was done because of a series of court cases that, over the last several years, have caused a tremendous amount of confusion in regard to the compliance and payment of the business privilege tax. Right now, there are circumstances where businesses are paying on the same receipts, both in their base of operations and where a transaction is actually consummated in a temporary location, which leads to double taxation on those receipts, which is directly contrary to the intent and the purpose of Act No. 511.

What the sponsor is trying to accomplish here is to insure that there is no loss of receipts or another option for receipts in the jurisdiction where the transactions are taking place through a payroll tax. The challenge with that is that contrary to the way the bill is written, what the bill provides for is if there is a tax in the jurisdiction where the transaction is, the business can credit that tax against those same receipts and the same taxes back in the base of operations. But if a jurisdiction decides to use this option, it will be able to replace those receipts. However, the business itself will still be in a situation where the receipts pertaining to that payroll will be taxed in the jurisdiction where the payroll is, but also be taxed in the base of operations. I believe, from the sponsor's testimony, that is not the intent of what he is trying to accomplish. He is trying to accomplish a revenue neutral scenario. But the way the amendment is provided at this point, I believe it is contrary, in terms of its language, to the intent of what is trying to be accomplished in Senate Bill No. 405 to provide some more certainty and fairness in the business privilege tax under Act No. 511, and therefore, respectfully, I ask the Members to vote "no" on this amendment.

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

Senator BLAKE. Mr. President, again, notwithstanding the description of Senator Browne, and I appreciate--I had been trying to make this option possible without allowing double taxation, and included language in the amendment that I thought avoided that. If it does not meet that intent, I am willing to discuss that with Senator Browne, but it is not the intent of the amendment as I put it up.

LEGISLATIVE LEAVES

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

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

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

Senator BLAKE. Mr. President, I request a temporary Capitol leave for Senator Hughes.

The PRESIDENT pro tempore. Senator Pileggi requests a legislative leave for Senator Earll.

Senator Blake requests a temporary Capitol leave for Senator Hughes.

Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Mary Jo White has returned, and her legislative leave is cancelled.

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

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

YEA-19

Blake	Ferlo	Leach	Washington
Brewster	Fontana	Schwank	Williams
Costa	Hughes	Solobay	Wozniak
Dinniman	Kasunic	Stack	Yudichak
Farnese	Kitchen	Tartaglione	

NAY-31

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

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

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

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-34

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

NAY-16

Brewster	Fontana	Leach	Tartaglione
Costa	Hughes	Schwank	Washington
Dinniman	Kasunic	Solobay	Williams
Farnese	Kitchen	Stack	Yudichak

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

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

BILL OVER IN ORDER

SB 1049 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

SB 1301 (Pr. No. 1803) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in assessments of persons and property, further providing for definitions; and providing for applicability.

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

SB 1301 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 1301, Printer's No. 1803, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILL OVER IN ORDER

SB 1302 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL AMENDED

HB 149 (Pr. No. 2574) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veteran plates and placard; and providing for issuance of "In God We Trust" registration plates.

On the question,
Will the Senate agree to the bill on second consideration?

Senator BOSCOLA offered the following amendment No. A8515:

Amend Bill, page 1, line 2, by inserting after "Statutes,":
further providing for veteran plates and placard; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. Section 1342(a), (c) and (d) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1342. Veteran plates and placard.

(a) Severely disabled veteran plate.--On the application of a veteran whose service-connected disability is certified at 100% by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration or who has a service-connected disability of the type enumerated in section 1338 (relating to person with disability plate and placard), the department shall issue a special registration plate designating the vehicle as belonging to a severely disabled veteran. The registration plate shall have a white background, shall have blue numbers or letters as the department may determine, shall have the words "disabled veteran" in at least ten-point bold type

inscribed in red at the bottom of the plate and shall include the international symbol for access for persons with disabilities. [Only one] A special registration plate [shall be] issued to a veteran under this section[. It] may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds. In the case of a motorcycle, the department shall issue a decal containing the international symbol for access for persons with disabilities and the words "disabled veteran" for display on the registration plate.

(c) Disabled veteran plates.--On the application of any veteran having a disability certified by the service unit of the armed forces in which the veteran served or by the United States Veterans' Administration as service-connected, the department shall issue a special registration plate designating the vehicle as belonging to a disabled veteran. The registration plate shall have a white background, shall have numbers or letters as the department may determine and shall have the words "disabled veteran" in at least ten-point bold type inscribed at the bottom of the plate. [Only one] A special registration plate [shall be] issued to a veteran under this section[. It] may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.

(d) Prisoner of war plate.--On the application of an ex-prisoner of war whose imprisonment while in the service of the armed forces of the United States is certified by the appropriate branch of the armed forces, the department shall issue a special registration plate designating the vehicle as belonging to an ex-prisoner of war. The registration plate shall contain the letters "POW" and such other numbers or letters as the department may determine and shall have the words "prisoner of war" in at least ten-point bold type inscribed at the bottom of the plate. [Only one] A special registration plate [shall be] issued to an ex-prisoner of war under this subsection[. The special registration plate] may be used only on a passenger car or truck with a registered gross weight of not more than 10,000 pounds.

Section 2. Title 75 is amended by adding a section to read:
Amend Bill, page 1, line 15, by striking out "2" and inserting:
3

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

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

LEAVE OF ABSENCE

Senator PILEGGI asked and obtained a leave of absence for Senator D. WHITE, for the remainder of today's Session, for personal reasons.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 968, HB 1091, SB 1141 and SB 1254 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1324 (Pr. No. 1945) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 1372 (Pr. No. 1885) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of U.S. Route 202 Parkway over Pennsylvania Route 309, Montgomery Township, Montgomery County as the Dr. Robert R. Kuhn Bridge.

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

BILL OVER IN ORDER

SB 1382 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1386 (Pr. No. 1921) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for Environmental Quality Board; and repealing control of volatile organic compounds from gasoline-dispensing facilities.

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

BILLS OVER IN ORDER

SB 1398, HB 1813, HB 1827 and HB 1886 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

HB 1355 TAKEN FROM TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 1355, Printer's No. 1584, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

BILL ON SECOND CONSIDERATION

HB 1355 (Pr. No. 1584) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the westbound bridge carrying Interstate 90 over Six Mile Creek in Harborcreek Township, Erie County, as the Jarrid L. King Memorial Bridge.

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators EARLL, FONTANA, STACK, BROWNE, ORIE, BOSCOLA, ROBBINS, RAFFERTY, KASUNIC, D. WHITE, SCHWANK, FERLO, PIPPY, BREWSTER, COSTA, TOMLINSON, ERICKSON, GREENLEAF, PILEGGI, ALLOWAY, GORDNER, HUGHES, KITCHEN and FARNESE, by unanimous consent, offered **Senate Resolution No. 255**, entitled:

A Resolution designating the month of March 2012 as "Problem Gambling Awareness Month" in Pennsylvania and observing the week of March 4 through 10, 2012, as "National Problem Gambling Awareness Week."

Which was read, considered, and adopted by voice vote.

Senator GORDNER, on behalf of Senator TOMLINSON, by unanimous consent, offered **Senate Resolution No. 256**, entitled:

A Resolution designating the week of March 1 through 7, 2012, as "Weights and Measures Week" in Pennsylvania and commending the outstanding service of inspectors of county and city weights and measures offices and the Weights and Measures Division of the Department of Agriculture in the protection of our citizens by ensuring accuracy, equity and confidence in commercial and retail measurements.

Which was read, considered, and adopted by voice vote.

Senator GORDNER, on behalf of Senator TOMLINSON, by unanimous consent, offered **Senate Resolution No. 257**, entitled:

A Resolution recognizing the month of March 2012 as "National Athletic Training Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators BAKER, ALLOWAY, BREWSTER, BROWNE, COSTA, DINNIMAN, ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, HUGHES, ORIE, PILEGGI, PIPPY, RAFFERTY, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, VOGEL, D. WHITE, YUDICHAK, BOSCOLA, ARGALL and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 258**, entitled:

A Resolution observing March 1, 2012, as "St. David's Day" in Pennsylvania; and honoring the many Pennsylvanians of Welsh heritage.

Which was read, considered, and adopted by voice vote.

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 Mr. and Mrs. Glenn Keith Baldwin, Darryl T. Smith, Brad D. Olah, Christopher K. Hunt, Jr., Eric Witmer, John Golanoski, David Harris, Larry Booze, Jr., Timothy Mowen, Letterkenny Army Depot and to Antietam Watershed Association by Senator Alloway.

Congratulations of the Senate were extended to the Reverend Monsignor Ronald C. Bocian, Lawrence Domalakes, Shradha-Sonia Chhabria, Thomas J. Moucheron, Ian John, Corey Wasyl

Onulack, Thomas L. Rayburn, Jr., and to Merle M. Zimmerman English by Senator Argall.

Congratulations of the Senate were extended to Alexander T. Rodino by Senator Argall and Yaw.

Congratulations of the Senate were extended to John Miliauskas, Brandon Anthony Yip, Ryan Joseph Kozich, Roger H. Homeyer, Rotary Club of Dallas by Senator Baker.

Congratulations of the Senate were extended to Luzerne County Medical Society by Senator Baker and others.

Congratulations of the Senate were extended to Arthur Coccodrilli, Emily Morgan and to Saint David's Society of Lackawanna County by Senator Blake.

Congratulations of the Senate were extended to Harry Lomping, Jr., Margaret F. Tomasic Horwath, Reynold Morey, Celtic Cultural Alliance of Bethlehem and to the Bethlehem Branch American Association of University Women by Senator Boscola.

Congratulations of the Senate were extended to Nathaniel David Palmer by Senator Boscola and Browne.

Congratulations of the Senate were extended to Colonel George H. Duell, Jr., by Senators Boscola, Browne and Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Darrin Heckman, Tammy Kocher, Frank DeRosa, Franklin Hill Vineyards and to the Auxiliary of Saint Luke's Hospital and Health Network by Senators Boscola, Browne and Mensch.

Congratulations of the Senate were extended to George L. Kehlert, Matthew J. Limbacher, Andrew C. Episcopo, Scott Michael Yusko and to the members and coaches of the Clairton High School Football Team by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. Jonathan Powers, Steven John Frey, Robert E. Simon, Regina Brenner, George K. Ikeda, Nate B. Field and to the Abe Joseph Sertoma Club of Allentown by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Lee Butz by Senators Browne and Boscola.

Congratulations of the Senate were extended to Cynthia Merritt, Michelle Landis, Sarah Petryk, Winnie Melinski, Michelle Trageser, Amy Hawley, Michael Gausling, Kirby Upright, Highmark Walk for a Healthy Community Team, Spark of Bethlehem, Mosaic Interactive of Bethlehem, Shufflebox Productions of Orefield and to Northeast Pennsylvania Lions Eye Bank of Bethlehem by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Earl Weaver, Mr. and Mrs. Vincent Rooney, Mr. and Mrs. Robert Ritter, Mr. and Mrs. Dick Forry, Mr. and Mrs. Paul Wyble, Mr. and Mrs. Nevin Rutt, Mr. and Mrs. John Henry Brubaker, Mr. and Mrs. Jim Phillips, Mr. and Mrs. Ken Wiest, Mr. and Mrs. Clarence Rhoads, Mr. and Mrs. Basil Reynolds, Mr. and Mrs. Richard Palsgrove, Mr. and Mrs. Donald Weaver, Mr. and Mrs. Henry Bronczyk, Mr. and Mrs. Harry Eshelman, Christopher MacCauley, Tyler Delestienne and to Jordan P. Barr by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Nathan D. Guenot, William T. McCurry, Jonathon Grant Chester, Justin S. Lewis and to the Girl Scouts in the Heart of Pennsylvania by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Willard Spalding, Mark A. Smith, Madilyn Brennan, Timothy Warner, De Forest McArthur, Alison Heide, Ciera E. Mercurio, Madison Mangan, Lyndsey Schultz, Christina Marra, Sarah

Kucic, Cole Bishop, Meghan Clark, Kiana Drahusz, Humuani Oyebode, Kayli Walters, Daniel Ternent, Naudia Schultz, Edward L. Schultz, George Schultz, Wilson Edward Kondrich, William Thomas Hendrix, Guy Costa, Joseph Michael Emanuele by Senator Costa.

Congratulations of the Senate were extended to Elsie Haldeman Greenleaf, Gregory Balbirnie, Andrew Leister, David Schweizer, Kim Bowman, Paul Woodburn, Joshua Wolf Baumann, John E. Nash, Kimberton Hills and to PAC Strapping Products, Inc., of Exton by Senator Dinniman.

Congratulations of the Senate were extended to George Milligan by Senators Dinniman and Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Wojnakowski and to T. Quillan Wise by Senator Earll.

Congratulations of the Senate were extended to Michael F. Recker, Ann E. Mack, Lakemont Volunteer Fire Company No. 1 and to Promoting Rehabilitation, Independence, Dignity and Education of Huntingdon County by Senator Eichelberger.

Congratulations of the Senate were extended to Nancy C. McNulty, StopCAIDnow, Inc., and to the Fu Jian Association of the Commonwealth of Pennsylvania by Senator Farnese.

Congratulations of the Senate were extended to James Carroll, Jr., by Senator Ferlo and others.

Congratulations of the Senate were extended to Andrew Schlegel by Senator Folmer.

Congratulations of the Senate were extended to William David Allen, Jr., by Senator Fontana.

Congratulations of the Senate were extended to Jeff Breen by Senators Fontana and Solobay.

Congratulations of the Senate were extended to Mr. and Mrs. Gary Snyder, Senior Master Sergeant Michele E. Brown, Master Sergeant Leland C. Mckenney, Bruce C. Koppenhaver, Robert L. Hall, Margaret C. Klembara, Robert L. Hubbert, Martha Horbach, Jonathan Mark Lunger, Tanner A. Brouse and to Cyrus Robinson by Senator Gordner.

Congratulations of the Senate were extended to Shaun T. Henry, John G. Eggert, Joshua Arnold, Kristopher Wolff and to the Upper Moreland Soccer Club by Senator Greenleaf.

Congratulations of the Senate were extended to Dr. Akosua Ali-Sabree, Theresa Butler, Nisa Ra, Phyllis Thomas, Cheyney University of Pennsylvania and to Eastern Pennsylvania Youth Soccer Association of Plymouth Meeting by Senator Hughes.

Congratulations of the Senate were extended to Sadie Caccimelio, Brownsville Ambulance, Bullskin Township Volunteer Fire Company, Rostraver/West Newton Emergency Services and to the Fayette Emergency Medical Service by Senator Kasunic.

Congratulations of the Senate were extended to Violet Grace Marcus, Carolyn G. Jones, George R. Porchea, Daiquiri Yvette Johnson Robinson, Gwendolyn P. Daniels, Mary E. Sheffield, Ella Louise Johnson, Marlene J. Spann-Johnson, Katherine Fields Harper, Fred J. Mitchell, Roland Leander Williams and to Jimmy Lewis by Senator Kitchen.

Congratulations of the Senate were extended to Bishop Earl Joell, Sr., Chief Master Sergeant Beverly A. Jackson, Gerard Van Trieste III, Brady Clapp, Bert W. Lee, Legora Ragland, Artilia Brown, Jakita Price, Alberta Scott, Donna Allie, Gail Wright, Charlotte Simpkins, Doris Smith-Starks, Joseph Brenner, Benjamin Belletiere Lawrey, Judy Snellenburg Herman and to the Six-Eight Community of Faith by Senator Leach.

Congratulations of the Senate were extended to Dr. Mark A. Monaco by Senator Leach and Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey Edelman, Chief Stephen J. White, Sergeant Travis Bush, Richard C. Stover, Neha Gupta, Pdraig Alexander Kiley, Lucy V. Notoro, Michael Mars, Lauren Buben, Ben Lasner, Brian J. Barrett, Matthew Bralynski, Kutz Elementary School, Tuskegee Airmen, Women of the Garden of Reflection, New Hope-Solebury High School Boys' Soccer Team and to the Midway Volunteer Fire Company by Senator McIlhinney.

Congratulations of the Senate were extended to the Honorable Salvatore J. Panto, Jr., Dr. Timothy F. Kirby, Chief Bruce Fretz and to Nicholas J. Irick by Senator Mensch.

Congratulations of the Senate were extended to the Honorable Salvatore J. Panto, Jr., by Senators Mensch and Boscola.

Congratulations of the Senate were extended to the Honorable Edwin E. Pawlowski by Senators Mensch, Boscola and Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Ciani, Mr. and Mrs. Harry Hoover, Mr. and Mrs. T. Lyle Ferderber, Bishop Alphonse Mascherino, Dr. Donald A. Lee, Timothy S. Haney, Robert A. Furgiuele, David B. Leffler, Greg Stegman, Brian McWilliams, George Smith, Nelson Erb, Matthew D. Waldron, Daniel A. Hayden, Thomas Montgomery and to Shawn Joseph Hinnebusch by Senator Orie.

Congratulations of the Senate were extended to Joseph Anthony Hill, Jr., Dennis W. Felty, Virginia S. Brandt and to Katy Trexler by Senator Piccola.

Congratulations of the Senate were extended to Lillian Hendershot, Joseph A. Muscella, Edward C. Brock, Betty L. Sisson, Theodore J. Reczek, Dennis Joseph Mahoney, Esther Thomas, Wilhelmina Bell, Ryan Plummer, Irene M. McBride and to Skerrett Lodge No. 343 of the Free and Accepted Masons of Pennsylvania of Cochranville by Senator Pileggi.

Congratulations of the Senate were extended to Arc of Chester County by Senator Pileggi and others.

Congratulations of the Senate were extended to Monica Oxenreiter, Ryan S. Eberle, Peter Daniel Henkels, Maxwell J. Hanich, Joshua J. Phillips and to Jefferson Hills Ambulance by Senator Pippy.

Congratulations of the Senate were extended to Jeffrey Scott Hannum III and to the West Norriton Township Chapter of American Business Clubs by Senator Rafferty.

Congratulations of the Senate were extended to Cody Joshua Tucker by Senator Robbins.

Congratulations of the Senate were extended to the Reverend and Mrs. James Long, Reverend Leo J. Gallina, Mr. and Mrs. Joseph Fremer, Colleen Coudriet, Bernie Snyder, Zachary T. Bennett and to Ray S. Walker by Senator Scarnati.

Congratulations of the Senate were extended to Nathan A. Parr, Girl Scouts of the USA, Prospectus Berco and to the staff, volunteers and Board of Directors of the Community Prevention Partnership of Berks County, Inc., of Reading by Senator Schwank.

Congratulations of the Senate were extended to Cryptologic Technician, Technical, Senior Chief William H. Sprake IV, Jared Everett Taibi, Louise B. Williams, Gregory E. Risser, Nicole Reyes Molina, Adam F. Winski and to Albright Living Independently For Elders of Lancaster by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Arnone, Mr. and Mrs. James Roupe, Mr. and Mrs. David E.

Resek, Mr. and Mrs. Elton Carr, Mr. and Mrs. Morris Maksemetz, Mr. and Mrs. Ralph Marino, Bryan James Mooney, Vincent Knizner, Jr., Sarah Brandstetter, Monongahela Volunteer Fire Department, Finleyville Volunteer Fire Department, New Eagle Volunteer Fire Department, Gallatin Sunnyside Volunteer Fire Department, Valley Inn Volunteer Fire Department, Carroll Township Fire Department, Bunola Volunteer Fire Department, Tri Community Ambulance, Monongahela Police Department, Forward Township Police Department, Carroll Township Police Department, Mon Valley Emergency Medical Services, Bentleyville Ambulance, citizens of Greene Township, Carpeting Unlimited, Charlotte's Deli and to the members and coaches of the Canon-McMillan Senior High School Wrestling Team by Senator Solobay.

Congratulations of the Senate were extended to Dr. Maria DiGiorgio McColgan and to Katheryn Strickler by Senator Stack.

Congratulations of the Senate were extended to the Reverend Bonnie Camarda, Honorable Louis F. Barletta, Dr. John M. Tedeschi, Dr. Maria DiGiorgio McColgan, Lynn H. Yeakel, Lou Liberato, Shelley R. Smith, Henry Nicholas, Jean Chamberlin, Edward F. Mooney, Arthur Peter Salvagno, Jr., Evelyn Stypula, David R. Fillman, Ted Kirsch, Daniel L. Woodall, Jr., Rosemary Turner, Margaret Warnecki Tartaglione and to the Philadelphia Area Project on Occupational Safety and Health by Senator Tartaglione.

Congratulations of the Senate were extended to Gene Midkiff, Edward Dikun, Charles Lehr, William Lehr, Michael Smith, Terry Frost, Sr., Terry Frost, Jr., Steven Krippel, Andrew Bergin, Steven Enigson, Melissa Taylor, Giuseppe Cannella, Christine O'Brien, Cheryl Noel, Adam Noel, Michael McKenney, Karen McFadden, Ashley Kerekes, Richard Baus, Jr., Jason Lawson, William Findlay, Gary Moore, Timothy Tryon and to Gordon Roberts by Senator Tomlinson.

Congratulations of the Senate were extended to Dr. Thomas Felicetti by Senators Tomlinson and Leach.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Mullin, Bishop Jane Allen Middleton, Dr. William G. Durden, Pauline E. McCoy, Mildred Shelly, Jeremy Smith, Dan Kenyon, Mitchell Kohler, Gabriel E. Little, Ethan Gill, and to Janelle Almond by Senator Vance.

Congratulations of the Senate were extended to Chief Joseph C. Lombardo, Michael Tae Marks, Michael David Kucel, Christopher Adam Cleland, Zachary Colin Malinak and to Jack Dale Balsler by Senator Vogel.

Congratulations of the Senate were extended to Samuel Bray, Chief Justin Mochar, Dr. Robert A. Keeler, Richard Lawson, Alan Harff, Gerald Silvasy, Jr., Jim Locke, Jr., Corey Scherff, Earl Sensenich, Bill Hinich, Fred Kosanovic, Brian Pingree, Donald Hensler, Nick Janosek, John Hellmann, Dan Nave, Charles James Janiro, Jordan Benjamin Conville, Keith Gray, Michael Thomas, Joshua Helfmann, Mark Grael, Scott Urias, Holy Ascension of Our Lord Serbian Orthodox Church and to the Level Green Fire Department Ladies Auxiliary by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Irving Randolph, Reverend and Mrs. James Allen, Reverend Dr. and Mrs. Kevin R. Johnson, Reverend and Mrs. William Moore, Reverend Lorina Marshall-Blake, Reverend James Samuel Hall, Jr., Honorable Christine M. Tartaglione, Honorable Thomasine Tynes, Elmer Smith, Cheryl L. Lee, Mary E. Ruffin Blackwell,

Ross Daniel Burns, Lynne Suzette Carter, Bilal Abdul Qayyum, Patrick J. Eiding, Parthenia Bigelow Brown and to Ahmeenah Young by Senator Washington.

Congratulations of the Senate were extended to Kathleen A. Burke, Jay E. Schaefer by Senator Waugh.

Congratulations of the Senate were extended to the YWCA of York by Senator Waugh and others.

Congratulations of the Senate were extended to Bradley S. Shields by Senator D. White.

Congratulations of the Senate were extended to Eric Jeffrey Malliard, Greg Hargenrader, Cody Rapp, Sherry J. Stinebiser, Matthew F. Ebert, Jacqueline Marie Hetzler, David Cox, C and A Trees Unlimited, Inc., of Clarion, Clarion Associates and to GRP Management, Inc., by Senator M.J. White.

Congratulations of the Senate were extended to Dr. Ann Weaver Hart by Senator Williams.

Congratulations of the Senate were extended to Dr. Magdi Azer, Aiden Braatz, Glenn L. Wilson, Conner Hagins and to Matthew R. Bausher by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Lloyd R. Hettenbach, Mr. and Mrs. Louis Paternostro, Mr. and Mrs. John W. Sinclair, Mr. and Mrs. Paul Markle, Katherine K. Passmore, Thelma Hilfiger, Rebecca Brown, Rachel Juhola, Lucas Lawrence Hatton and to Chelsea Wahlig by Senator Yaw.

Congratulations of the Senate were extended to Mr. and Mrs. Richard H. Fox, Major Richard Rusnok, Norman H. Davis, William Ulichney, Mary Yuknavich and to Gene Binder by Senator Yudichak.

Congratulations of the Senate were extended to James R. Wills, Jr., by Senators Yudichak and Baker.

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 Rose L. Zollo Prozzillo, to the family of the late Harvey E. Bishop by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Sister Assumpta Capaccio by Senator Orie.

Condolences of the Senate were extended to the family of the late Bradley K. Hoke by Senator Vance.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Robert C. Wood was extended to the family by Senator Browne.

A posthumous citation honoring the late Dr. Harold Sarver was extended to the family by Senator Orie.

A posthumous citation honoring the late Alphonse Vincent Germano, Jr., was extended to the family by Senator Ward.

A posthumous citation honoring the late William W. Neil was extended to the family by Senator Williams.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1261 and **HB 823**.

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

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT pro tempore. Without objection, the Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1375**, with the information the House has passed the same without amendments.

BILL SIGNED

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

SB 1375.

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 Monday, March 5, 2012, 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 3:08 p.m., Eastern Standard Time.