

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MARCH 6, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 13

SENATE

TUESDAY, March 6, 2012

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

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

PRAYER

The Chaplain, Reverend JOHN LEWIS, SR., of Grace Community United Methodist Church, Chester, offered the following prayer:

Let us pray.

O God, as You anointed leaders and called profits of old, anoint this Senate of Pennsylvania. Bless and anoint each Senator and all others who will take part in this Senate Session today. Lead the citizens of this great State, to recognize them as true representatives and authentic leaders, men and women who love Your people and can walk with them, men and women who feel their pain and share their joys, men and women who dream their dreams and strive to accompany them to their common goal. In Your fire, with Your spirit, embolden, empower, and commission each of these humble servants to transform our political system to serve Your people and to bring glory to Your name.

Look graciously, O Lord, upon this, the State of Pennsylvania. Where it is in pride, subdue it. Where it is in need, supply it. Where it is in error, rectify it. Where it is in default, restore it. And where it holds to that which is just and compassionate, support it. In Your Holy name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Lewis, 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:

March 6, 2012

Senators STACK, WILLIAMS and WASHINGTON presented to the Chair **SB 1416**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, providing for property tax increases in cities of the first class.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 6, 2012.

Senators EICHELBERGER, RAFFERTY, ORIE, VOGEL, ALLOWAY, ERICKSON, FOLMER, BROWNE, MENSCH, PICCOLA and SCARNATI presented to the Chair **SB 1426**, entitled:

An Act providing for freedom of conscience of health care providers and health care institutions.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 6, 2012.

Senators GORDNER, PILEGGI, COSTA, BROWNE, WAUGH, ERICKSON, RAFFERTY, FONTANA, BAKER, ALLOWAY, VANCE, STACK, YUDICHAK, FERLO, PIPPY, GREENLEAF, SCHWANK, WOZNIAK, BLAKE, BREWSTER, ARGALL, ORIE, LEACH, VOGEL, DINNIMAN and BOSCOLA presented to the Chair **SB 1433**, entitled:

An Act providing for the Homeowner Assistance Settlement Act; establishing a fund for the purpose of funding the Homeowner's Emergency Mortgage Assistance Program; and providing for an appropriation.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 6, 2012.

Senators SCHWANK, COSTA, WILLIAMS, STACK, FONTANA, FARNESE, McILHINNEY, BRUBAKER, RAFFERTY, BOSCOLA, DINNIMAN, LEACH, YUDICHAK and SOLOBAY presented to the Chair **SB 1435**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for definitions and programs relating to domestic violence and rape victims services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 6, 2012.

Senators PICCOLA and DINNIMAN presented to the Chair **SB 1436**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, further providing for definitions; prohibiting certain action affecting Keystone Exams; and, in the State Board of Education, further providing for powers and duties of the board.

Which was committed to the Committee on EDUCATION, March 6, 2012.

Senators BRUBAKER, YAW, ALLOWAY, RAFFERTY, FONTANA, FERLO, MENSCH and ARGALL presented to the Chair **SB 1437**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for policy, for definitions, for decisions, for review, for administration and for the Agricultural Conservation Easement Purchase Fund.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, March 6, 2012.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

March 6, 2012

HB 2022 -- Committee on Community, Economic and Recreational Development.

BILLS REPORTED FROM COMMITTEES

Senator PICCOLA, from the Committee on Education, reported the following bills:

SB 209 (Pr. No. 1981) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for disclosure by school entities of certain interscholastic athletic opportunity information.

SB 1115 (Pr. No. 1982) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions; and providing for the distribution of special education funding for student achievement and instruction of eligible students and for special education accountability.

SB 1296 (Pr. No. 1983) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for manner of election or approval; providing for performance review; further providing for election of assistant district superintendents, for term and salary of assistants and for removal; providing for superintendents of schools or buildings and of supplies; and making an editorial change.

SB 1406 (Pr. No. 1934)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, in private colleges, universities and seminaries, further providing for certification of institutions.

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

SB 941 (Pr. No. 1116)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for public drunkenness and similar misconduct and for purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

SB 943 (Pr. No. 1118)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in financial matters, imposing an alcohol offense prevention fee in certain municipalities.

SB 1373 (Pr. No. 1886)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for six months limitation and for deficiency judgments.

HB 61 (Pr. No. 29)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of court costs, restitution and fines by private collection agency.

HB 1026 (Pr. No. 1113)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments.

HB 1546 (Pr. No. 3167) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Juvenile Court Judges' Commission.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola, and a legislative leave for Senator Tomlinson.

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

Senator FONTANA. Mr. President, I request a temporary Capitol leave for Senator Yudichak.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola, and a legislative leave for Senator Tomlinson.

Senator Fontana requests a temporary Capitol leave for Senator Yudichak.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator ORIE and Senator D. WHITE, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of January 17, 2012, is now in print.

The Clerk proceeded to read the Journal of the Session of January 17, 2012.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal 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	McIlhinney	Tartaglione
Argall	Erickson	Mensch	Tomlinson
Baker	Farnese	Piccola	Vance
Blake	Ferlo	Pileggi	Vogel
Boscola	Folmer	Pippy	Ward
Brewster	Fontana	Rafferty	Washington
Browne	Gordner	Robbins	Waugh
Brubaker	Greenleaf	Scarnati	White Mary Jo
Corman	Hughes	Schwank	Williams
Costa	Kasunic	Smucker	Wozniak
Dinniman	Kitchen	Solobay	Yaw
Earll	Leach	Stack	Yudichak

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR CHARLES McILHINNEY
PRESENTED TO THE SENATE**

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

Senator McILHINNEY. Mr. President, it is my pleasure to introduce guests of mine today from the New Hope-Solebury Boys' High School Soccer Team. We are also joined by their coach, assistant coaches, athletic director, and high school principal. The New Hope-Solebury Lions Boys' Soccer Team are PIAA Class A State champs for a second consecutive year. Senior captains Graham Smith, Matt Reilly, and Jaxon Vallely led the Lions to a 3 to 2 victory in the championship game over Merceyhurst Prep at Hersheypark Stadium. Please join me in giving them a warm Senate welcome.

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

(Applause.)

**GUESTS OF SENATOR LEANNA WASHINGTON
PRESENTED TO THE SENATE**

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

Senator WASHINGTON. Mr. President, it gives me great pleasure to present to my colleagues the Honors Chorale of Jenkintown High School, located in the Fourth Senatorial District. They are seated in the gallery. The members of the chorale performed in the Capitol Rotunda today to celebrate Pennsylvania's Music In Our Schools Month. Please join me in giving them a warm welcome.

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

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 1141 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Alloway	Eichelberger	McIlhinney	Tartaglione
Argall	Erickson	Mensch	Tomlinson
Baker	Farnese	Piccola	Vance
Blake	Ferlo	Pileggi	Vogel
Boscola	Folmer	Pippy	Ward
Brewster	Fontana	Rafferty	Washington
Browne	Gordner	Robbins	Waugh
Brubaker	Greenleaf	Scarnati	White Mary Jo
Corman	Hughes	Schwank	Williams
Costa	Kasunic	Smucker	Wozniak
Dinniman	Kitchen	Solobay	Yaw
Earll	Leach	Stack	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 present said bill to the House of Representatives for concurrence.

SB 1302 (Pr. No. 1831) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Alloway	Eichelberger	McIlhinney	Tartaglione
Argall	Erickson	Mensch	Tomlinson
Baker	Farnese	Piccola	Vance
Blake	Ferlo	Pileggi	Vogel
Boscola	Folmer	Pippy	Ward
Brewster	Fontana	Rafferty	Washington
Browne	Gordner	Robbins	Waugh
Brubaker	Greenleaf	Scarnati	White Mary Jo
Corman	Hughes	Schwank	Williams
Costa	Kasunic	Smucker	Wozniak
Dinniman	Kitchen	Solobay	Yaw
Earll	Leach	Stack	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 present said bill to the House of Representatives for concurrence.

SB 1324 (Pr. No. 1976) -- 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 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-46

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

NAY-2

Blake Ferlo

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

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

BILL OVER IN ORDER

HB 1355 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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	McIlhinney	Tartaglione
Argall	Erickson	Mensch	Tomlinson
Baker	Farnese	Piccola	Vance
Blake	Ferlo	Pileggi	Vogel
Boscola	Folmer	Pippy	Ward
Brewster	Fontana	Rafferty	Washington
Browne	Gordner	Robbins	Waugh
Brubaker	Greenleaf	Scarnati	White Mary Jo
Corman	Hughes	Schwank	Williams
Costa	Kasunic	Smucker	Wozniak
Dinniman	Kitchen	Solobay	Yaw
Earll	Leach	Stack	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 present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

HB 1886 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 276 (Pr. No. 1977) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for powers and duties of the Department of General Services.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 424, SB 623, HB 816 and SB 884 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 934 (Pr. No. 3166) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, defining "proof of identification"; in the Secretary of the Commonwealth, providing for requirements relating to voter identification; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for delivering or mailing ballots, for canvassing of official absentee ballots and for public records; and providing for enforcement and for a special procedure at certain elections.

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

BILLS OVER IN ORDER

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

BILL REREFERRED

SB 1261 (Pr. No. 1625) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

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

BILL ON SECOND CONSIDERATION

SB 1386 (Pr. No. 1979) -- 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.

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

BILLS OVER IN ORDER

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

SENATE RESOLUTION No. 65, ADOPTED

Senator PILEGGI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 65**, entitled:

A Resolution amending the Rules of the Senate, providing for affiliation with nonprofit entities.

RESOLVED, That the Rules of the Senate of Pennsylvania be amended by adding a rule to read:

XXXVIII AFFILIATION WITH NONPROFIT ENTITIES

Requirements and Prohibitions

1. In order for a Senator or a Senate employee, including a family member of that Senator or Senate employee, to be affiliated with a nonprofit entity, that nonprofit entity must meet all of the following:

(a) Have a formally established board of directors with at least four members that is fully accountable for the nonprofit entity's overall operation.

(b) Have a written set of bylaws or rules, approved by its board of directors, which establishes its composition and governance process.

(c) Require official action of the board of directors to be approved and executed in a manner consistent with its bylaws or rules.

(d) Not receive grant funding directly from the Commonwealth that comprises its sole source of operational funding.

2. A Senator or Senate employee, including a family member of that Senator or Senate employee, who is affiliated with a nonprofit entity, may not do any of the following with regard to a nonprofit entity with which that Senator or Senate employee, including a family member of that Senator or Senate employee, is affiliated:

(a) Exercise sole and unilateral control of a final action of the nonprofit entity regarding allocation or disbursement of grant funding that the nonprofit entity receives directly from the Commonwealth.

(b) Direct a Senate employee to staff or provide services to the nonprofit entity as a condition of employment.

(c) Direct the personnel or other resources of the nonprofit entity for the benefit of a Senator's campaign.

(d) Commingle funds from a Senate district office allowance or any other Senate expense account with the funds of the nonprofit entity with the knowledge and intent that those funds are to be used for the direct reimbursement of expenses incurred by that nonprofit entity.

(e) Maintain a Senate district office within or contiguous to the same office as the nonprofit entity.

3. A Senator or a Senate employee, including a family member of that Senator or Senate employee, shall not be subject to the requirements of this Rule if the affiliated nonprofit entity receives no grant funding directly from the Commonwealth.

4. To assure compliance with this Rule by Senators and Senate employees, appropriate training measures shall be implemented by the Senate. Training shall be provided annually for all Senators and Senate employees.

Definitions

1. As used in this Rule, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Affiliated." Serving:

- (1) as an officer of a nonprofit entity;
- (2) on the board of directors of a nonprofit entity;
- (3) as a paid employee of a nonprofit entity; or
- (4) as a contractor of a nonprofit entity.

"Family member." A spouse or child.

"Nonprofit entity." An entity that is qualified by the Internal Revenue Service as meeting the requirements of section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)); and be it further

RESOLVED, That this rule take effect 120 days from adoption.

On the question,
Will the Senate adopt the resolution?

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

Senator VOGEL. Mr. President, Senate Resolution No. 65 will establish a new Senate rule relating to Senators who serve on the boards of nonprofit organizations which receive State funds. This rule prohibits Senators and Senate employees, along with their spouses and children, from serving on the board of directors of any nonprofit organization that receives State funding as a number of strict criteria are met. In doing so, we will insure that nonprofit entities will not be created and operated by Senate Members, in order to draw down State grant dollars for the benefit of themselves, their friends, or their families. This is common sense and the right thing to do.

Senator Pileggi and I worked to draft this legislation in response to a number of incidents which took place over the past several years, specifically two former Members of the General Assembly, one former Senator and one former Representative. Both were charged with and convicted of crimes in connection with nonprofit organizations in which they created and ran. Clearly, this is another strong step forward in the ongoing work to reform our State government.

Senate Resolution No. 65 draws clear, commonsense lines regarding what is permitted and what is not for any Senator or Senate employee serving on a board of directors for a nonprofit organization. Serving on the board of a legitimate nonprofit organization is a true public service and something we should encourage. However, the abuses of a few have demonstrated this rule is necessary. I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I rise to support the resolution of the gentleman from the other side of the aisle. I do think that we have to move this body forward. In the past, we have seen how nonprofits can be abused not for the interests of the people of Pennsylvania, so I support what he is trying to do here. I serve on a number of boards throughout the Commonwealth in addition to my Senate duties, but none of them are solely funded by the State. So, I think that the gentleman's resolution is so clearly and narrowly tailored that it will serve the purpose of creating a better government here in Pennsylvania. For those reasons, I support him.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, very briefly, I want to rise and echo the comments of my friend and colleague, Senator Stack, as it relates to the benefits of this particular resolution. A number of Members in this Chamber and throughout this building participate in a variety of capacities with respect to nonprofits, and the benefit of this particular resolution is so narrowly crafted and tailored that it allows for the continuation of those good-faith efforts of the Members.

Mr. President, needless to say, there is enough concern that has been expressed, both currently and also in the past, that requires us to address this issue, whether it is this side of the building or the other side of the building, one party or the other party.

The fact of the matter is, this is something that is benefitting the people of Pennsylvania. I ask for its adoption.

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

NAY-0

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

The PRESIDENT. The resolution is adopted.

SENATE RESOLUTIONS ADOPTED

Senators STACK, RAFFERTY, HUGHES, BLAKE, KITCHEN, FONTANA, KASUNIC, BAKER, TARTAGLIONE, DINNIMAN, ERICKSON, SOLOBAY, McILHINNEY, ALLOWAY, COSTA, ORIE, GREENLEAF, ARGALL, PILEGGI, BREWSTER, PIPPY, FERLO, D. WHITE, SCHWANK, YUDICHAK, BROWNE, BRUBAKER and FARNESE, by unanimous consent, offered **Senate Resolution No. 262**, entitled:

A Resolution designating March 2012 as "Irish American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, I wanted to come up to the big desk here, up in front of the Chamber. I, of course, enjoyed being ribbed by all of my colleagues on both sides of the aisle, but the reason I came up to the big desk is because I am doing this resolution with my friend and colleague, Senator Rafferty, and I know that is what he would demand.

This resolution designates March as "Irish American Heritage Month" in Pennsylvania. I have seen a few Irish heritage folks around these Chambers, and as we get closer to St. Patrick's Day, we know we will see more who will wish to be Irish, who will act Irish, and we welcome it. It is a part of the celebration of our heritage together here in Pennsylvania.

Irish immigrants arrived on our shores seeking freedom from persecution in their homeland. They arrived penniless and unwanted, but like many immigrants, they carried the hope that America held a future in which they and their children would

enjoy bountiful fruits of a nation founded on the principles of liberty and justice for all. As one of the largest groups to emigrate to America, the Irish and their American descendants have made lasting contributions to Pennsylvania and to this great nation.

The celebration of the Irish is brought together on a special day, St. Patrick's Day, on March 17. The St. Patrick's Day Observance Association will host its annual parade in Philadelphia on March 11, a parade tradition that dates back to 1771, Mr. President. The society's theme this year is "St. Patrick, Bless the American Worker." At a time when American workers are striving to revive our economy and move us toward a more prosperous future, this theme resonates in every community.

So, Mr. President, I ask my colleagues to support this resolution, along with my cosponsor, Senator Rafferty, in commemorating Pennsylvania's many Irish Americans. Once again, I have been fortunate to have such a good friend and colleague as Senator Rafferty. We have cosponsored this resolution a number of years together, and I am delighted that we can do it again this year.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, I will stand on the floor among all of my fellow Senators, not at the big desk. My friend and colleague, Senator Stack, and I have this opportunity to work on this resolution each year to commemorate our roots as Americans of Irish ancestry living in the Commonwealth of Pennsylvania. And this day, as we go forward and talk about manufacturing, a resurgence in industry, and the use of our minerals here in the Commonwealth of Pennsylvania, I am mindful of what the Irish did to help build the Commonwealth of Pennsylvania, from mining coal, to farming, to building the railroads, to building many of the urban centers, the schools, and the churches. The Irish came over from Ireland, many of them not yet speaking the English language, but speaking Gaelic, and assimilated themselves into our society. They became Americans, and they were proud of that. They became Pennsylvanians, and they were proud of that. They worked hard to make sure that the Commonwealth of Pennsylvania was a vibrant, economically-driven State. They served their country in the Revolutionary War, the Civil War, the World Wars, and in Korea. We take pride in service, service to our fellow human beings, to try to make life better.

I am proud today to stand with Senator Stack to ask for a unanimous vote on the resolution honoring the month of March, particularly March 17, for the Irish. But I would be remiss, Mr. President, if I did not mention that March also brings with it the beginning of spring training. Mr. President, we are very thankful that the Phillies are looking good at spring training this year. So, along with the St. Patrick's Day resolution, we have to remember that the Phillies are in spring training.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senators BOSCOLA, COSTA, TARTAGLIONE, FONTANA, HUGHES, PILEGGI, BROWNE, BREWSTER, STACK, SCHWANK, WOZNIAK, RAFFERTY, GREENLEAF, ALLOWAY, PIPPY, BRUBAKER, FERLO, FARNESE and WARD, by unanimous consent, offered **Senate Resolution No. 263**, entitled:

A Resolution recognizing March 2012 as "Eye Donor Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I offer a resolution recognizing March as "Eye Donor Month." Eye donation follows the same process as organ donation. It makes a difference in the lives of many individuals, allowing for restoration of sight in people with vision problems resulting from injury, disease, or infection. In the Lehigh Valley, the people at the nonprofit Northeast Pennsylvania Lions Eye Bank have championed the cause of eye donation for over 50 years of service and are working with over 60 hospitals across the region.

There is no other substitute for the type of tissue with which they work, and the transplant process is therefore entirely dependent on eye donations. Transplant procedures can restore the sight of men, women, and children, ranging from the ages of just weeks old to over 100 years old. So, Mr. President, I am introducing this resolution today to mark this important effort and to recognize the great work that the Northeast Pennsylvania Lions Eye Bank continues to do for the people of our great Commonwealth. Thank you.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to James J. Korcienski, Jr., and to David Joseph Caffrey by Senator Browne.

Congratulations of the Senate were extended to Daniel Richard Reiste and to the Hempfield High School Varsity Field Hockey Team by Senator Brubaker.

Congratulations of the Senate were extended to Dr. Lorna Stuart and to Troop 55 of the Boy Scouts of America by Senator Dinniman.

Congratulations of the Senate were extended to Helen H. Judy by Senator Eichelberger.

Congratulations of the Senate were extended to Ryan Dundore and to Nicholas Kircher Blanchet by Senator Folmer.

Congratulations of the Senate were extended to Dave Campbell and to John VanSickle by Senator Kasunic.

Congratulations of the Senate were extended to Sean Michael Barton by Senator Orié.

Congratulations of the Senate were extended to George W. Knott and to Mary W. Barnes by Senator Pileggi.

Congratulations of the Senate were extended to the Reading Police Beneficial Association by Senator Schwank.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Quast, Mr. and Mrs. Charles Richard Milliken and to Alyssa Fine by Senator Solobay.

Congratulations of the Senate were extended to Neida Quinones by Senator Tartaglione.

Congratulations of the Senate were extended to Nicole Metz and to the Hempfield Area High School Rifle Team by Senator Ward.

Congratulations of the Senate were extended to the members of the Jenkintown High School Honors Chorale by Senator Washington.

Congratulations of the Senate were extended to Children's Service Center of Wyoming Valley, Inc., by Senator Yudichak.

BILLS ON FIRST CONSIDERATION

Senator VANCE. 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 209, SB 941, SB 943, SB 1115, SB 1296, SB 1373, SB 1406, HB 61, HB 1026 and HB 1546.

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, MARCH 7, 2012

9:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 10, 210 and 1371; and to consider the nomination of Allegheny County Councilman Vincent J. Gastgeb to the Pennsylvania Securities Commission)	Room 8E-B East Wing
9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on Senate Bill No. 8)	Room 8E-A East Wing
10:00 A.M.	INTERGOVERNMENTAL OPERATIONS (to consider Senate Bills No. 1080 and 1223)	Room 461 Main Capitol

THURSDAY, MARCH 8, 2012

10:30 A.M.	TASK FORCE ON CHILD PROTECTION (to consider issues pursuant to Senate Resolution No. 250 - House Resolution No. 522)	Hrg. Rm. 1 North Off.
------------	--	--------------------------

TUESDAY, MARCH 13, 2012

10:00 A.M.	JUDICIARY (public hearing to receive testimony on possible changes to the Wiretapping and Electronic Surveillance Control Act)	Hrg. Rm. 1 North Off.
------------	--	--------------------------

FRIDAY, MARCH 30, 2012

10:00 A.M.	JUDICIARY (public hearing to receive testimony on Senate Bill No. 1153, the Post Conviction Relief Act amendments)	Phila. Bar Assn. 1101 Market St. 11th Floor Conf. Ctr. Phila., PA
------------	--	---

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, very briefly, I want to remind folks that Thursday of this week is D-Day, the day that we have to automatically, morally, safety-wise, and legally change our behavior while we are driving our automobiles. Thursday is the day that the formal law that was passed here in the State Senate and moved along in the House and eventually became law banning text messaging while driving goes into effect. I remind the public, and I hope that the media will assist in every effort to promote it through public service announcements, newspaper articles, and whatever is needed over the next few weeks and months ahead to remind people of the law.

I think it is pretty obvious, certainly to the elected officials at the State level, this is something that most drivers, even drivers who have used text messaging and still continue to use cell phones without hands-free devices, I think, overwhelmingly, even that majority clearly wants to see text messaging stopped on the highways. There have been thousands of accidents leading to death and dismemberment on the open road, collisions, even pedestrians on the side of streets have been hit and killed as a result of distracted driving, and a large percentage of that distracted driving came from individuals utilizing text messaging activities, including cell phones.

So I remind folks that it is the law of the land Thursday. It is a primary offense. Police officers and State Troopers have the ability to pull you over, and I believe at this point it is only a \$50 ticket. I am not so naive to think that just because we pass a law that it is automatically going to change behaviors. It is probably not going to do that. It has taken years for individuals to get used to the benefit, the law, and the reality of wearing your seatbelt. Again, this is a law that is in place. It will assist the law enforcement officer with the primary offense, but it really comes down to education and advocacy, so let that education and advocacy begin. The law is in place on Thursday.

For instance, in my office store front on Butler Street, I have thousands and thousands of cars driving down the Main Street corridor, especially with Route 28 construction. I have big banner signs up in my windows about the law taking effect and why it is important that people obey the law. So, any effort that we can make, I would encourage all of our colleagues on our Web sites, if you Twitter, if you communicate via newsletters, whatever information, including the media, public schools, or any forum that is out there over the next days and weeks to come, I would please encourage folks to remind all of our family mem-

bers, our friends, our coworkers, to not engage in text messaging while driving. It is the law. Again, I wanted to be brief and just make that clarion call here today.

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, March 7, 2012, 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 1:50 p.m., Eastern Standard Time.