

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 27, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 19

SENATE

TUESDAY, March 27, 2012

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DR. BAYARD TAYLOR, of Calvary Baptist Church, Chester, offered the following prayer:

Let us pray.

Eternal and wise God, we acknowledge You as the giver of every good and perfect gift. You are our solid rock. You arm us with strength. Thank You for the seasons and climates, for planting and newness, for color and fragrance of life. Thank You for calling together the Senate of Pennsylvania, whom we, Your people, have chosen in the leadership to defend and oversee the rights and welfare of our citizens in this great State of Pennsylvania.

Today, we ask that You would bless our lawmakers, illuminate their lives, and keep them on the right path. May Your creative power produce in them a strong faith, an indomitable hope, that they strive for justice, freedom, and peace. Keep them from slipping. Fill them with courage as You show them Your unfailing love. Give them an attitude of openness to receive the fullness of Your grace and truth. We pray in Your precious name. Let us all say, amen.

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

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

March 27, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 6, 2011, for the appointment of Alfonso Frioni, Jr., Esquire, 210 Main Entrance Drive, Mount Lebanon 15228, Allegheny County, Thirty-seventh Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

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

TOM CORBETT
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 424**.

BILL SIGNED

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

HB 424.

BILLS REPORTED FROM COMMITTEES

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

SB 351 (Pr. No. 745)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, further providing for Good Samaritan civil immunity for use of automated external defibrillator and for nonmedical good Samaritan civil immunity.

SB 466 (Pr. No. 455)

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

HB 165 (Pr. No. 3272) (Amended)

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

HB 1264 (Pr. No. 3273) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, providing for expert testimony in certain criminal proceedings.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 964 (Pr. No. 2050) (Amended)

An Act providing for the licensing and regulation of cremation; prescribing penalties; and establishing the Crematory Regulation Fund.

SB 1314 (Pr. No. 1731)

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for nonapplicability.

HB 469 (Pr. No. 2756)

An Act amending the act of March 2, 1956 (1955 P.L.1211, No.376), known as the Practical Nurse Law, further providing for violations.

HB 470 (Pr. No. 2757)

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for use of title.

HB 1280 (Pr. No. 3270) (Amended)

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, further providing for medical diagnosis; and providing for liability insurance.

HB 1525 (Pr. No. 3271) (Amended)

An Act amending the act of December 21, 1989 (P.L.672, No.87), known as the Health Club Act, further providing for employee available to administer CPR.

Senator PIPPY, from the Committee on Law and Justice, reported the following bills:

SB 512 (Pr. No. 513)

An Act amending the act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employees (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for qualifications for appointment in the competitive class of the civil service.

SB 1175 (Pr. No. 2049) (Amended)

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in constables, further providing for election duties of constables and for election services; and repealing criminal penalty provision.

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

HB 1720 (Pr. No. 2589)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for uniform adult guardianship and protective proceedings jurisdiction.

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

SB 682 (Pr. No. 2047) (Amended)

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for the definition of "small business"; and further providing for indebtedness and for Second Stage Loan Program.

SB 1257 (Pr. No. 2048) (Amended)

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for revolving loan program accounts; repealing First Industries Program and Second Stage Loan Program; providing for the Liberty Financing Authority; imposing duties on the Department of Community and Economic Development; providing for First Industries Program, for Second Stage Loan Program and for transfer from Commonwealth Financing Authority to Liberty Financing Authority for First Industries Program and Second Stage Program; and making related repeals.

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

SB 1225 (Pr. No. 2043) (Amended)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for public library code; and making related repeals.

SB 1410 (Pr. No. 2044) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, reenacting and amending provisions relating to school boards and educational empowerment.

SB 1436 (Pr. No. 2045) (Amended)

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.

SB 1440 (Pr. No. 2046) (Amended)

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; and providing for reimbursement of certain costs relating to Keystone Exams.

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.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Kasunic and Senator Washington.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

Senator Costa requests legislative leaves for Senator Kasunic and Senator Washington.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of February 6, 2012, is now in print.

The Clerk proceeded to read the Journal of the Session of February 6, 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?

LEGISLATIVE LEAVE CANCELLED

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

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	Mensch	Tomlinson
Argall	Erickson	Piccola	Vance
Baker	Farnese	Pileggi	Vogel
Blake	Ferlo	Pippy	Ward
Boscola	Folmer	Rafferty	Washington
Brewster	Fontana	Robbins	Waugh
Browne	Gordner	Scarnati	White Donald
Brubaker	Greenleaf	Schwank	White Mary Jo

Corman	Hughes	Smucker	Williams
Costa	Kitchen	Solobay	Wozniak
Dinniman	Leach	Stack	Yaw
Earll	McIlhinney	Tartaglione	Yudichak

NAY-0

A constitutional majority of all 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 STEWART GREENLEAF
PRESENTED TO THE SENATE

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

Senator GREENLEAF. Mr. President, I rise to ask the Senate to recognize the Archbishop Wood High School Vikings football team, the winner of the PIAA State Class AAA Football Championship. They are possibly one of the best high school football teams in State history.

In the championship game, they won the victory by a significant amount, and it was their 13th consecutive victory. The final score was 52-0. Archbishop Wood's average margin of victory this season was 37.6 points, and in the playoffs, it was 40.8 points, including one victory that was 70-14. Their overall record was 14 and 1, and curiously, the first game they played was their first loss, and the only loss that season. They rebounded from that loss and then established that type of record. So they are a courageous team, a team that showed resilience and the ability to come back from defeat, which makes their record and their ultimate State championship even greater.

Thank you, Mr. President.

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

(Applause.)

GUEST OF SENATOR PATRICIA H. VANCE
PRESENTED TO THE SENATE

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

Senator VANCE. Mr. President, I am delighted to introduce Heather Heuft, a junior at Cumberland Valley High School who is shadowing me today. She is the daughter of Lori and Daniel Caruso. She is interested in the arts, participates in choir, band, marching band, school musical, drama club, and is enrolled in drawing and painting. She has a particular interest in anime, a Japanese animation style, and currently is president of the school's Japanese culture club. She would like to pursue a career in politics, music, or art, although she has not decided on a specific major. Her coursework includes AP U.S. history, AP psychology, honors precalculus, honors chemistry, and theatrical productions in American literature. Please, let us give a warm welcome to Heather.

The PRESIDENT. Would the guest of Senator Vance please rise so that the Senate may give you a warm welcome.

(Applause.)

**GUEST 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 a guest of mine today, Lisa Dempsey of Yardley. Lisa was born in Philadelphia and currently works as a financial advisor at Merrill Lynch. She holds a degree in finance and has traveled all over the world with her studies and her job. We are pleased that with all the places she has traveled, she found time to come to historic Harrisburg, Pennsylvania, for a day at the Capitol. So please join me in giving her a warm Senate welcome.

The PRESIDENT. Would the guest of Senator McIlhinney please rise so that the Senate may give you a warm welcome.

(Applause.)

**GUESTS OF SENATOR CHRISTINE
TARTAGLIONE PRESENTED TO THE SENATE**

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

Senator TARTAGLIONE. Mr. President, today we have a group visiting from the 2nd Senatorial District in Philadelphia. I would like to introduce Reverend Adan Mairena, Jonathan Reyes, Nathan Ransom, Eric Montes, Jada Montes, Tamera Ransom, and Dominique Davis.

Will the Senate please give them its usual warm welcome.

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

(Applause.)

**GUEST OF SENATOR MICHAEL W. BRUBAKER
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is a privilege of mine today to introduce Michael Brown. Michael is very, very mature for his age, in 10th grade, and goes to school at Manheim Central. His parents are Stuart and Dawn Brown. Michael is looking forward to attending the Air Force Academy, where he would love to learn how to fly planes. He is interested in working at the White House and in the Secret Service. He has a very strong drive to learn how we do government here in the Commonwealth of Pennsylvania. It is a privilege to introduce a very special young man, an AP honor student, Michael Brown.

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

(Applause.)

**GUEST OF SENATOR LISA M. BOSCOLA
PRESENTED TO THE SENATE**

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

Senator BOSCOLA. Mr. President, I also have a very special man and great intern with us today in the gallery, James Slaugh-

ter. He has contributed a great deal to the Bethlehem district office since he began his internship just a couple of months ago. He has been doing such an excellent job with constituent outreach and has assisted my staff with various legislative issues.

James is a very motivated high school student who currently attends the Lehigh Valley Academy and is looking forward to graduating next year. He plans on enlisting in the military, specifically the United States Air Force, and eventually wants to pursue a bachelor's degree in political science.

I have to say that James has been a great addition to my office over the past few months and has worked very, very hard to get where he is today. I am proud of his internship. I wish him the best of luck as he moves forward in his endeavors, and especially in the Armed Forces. God bless America and God bless us for having interns such as James. Thank you.

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

(Applause.)

**GUEST OF SENATOR MICHAEL J. FOLMER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I would like to welcome to the Senate today Andre Dunbar, a sophomore at Elizabethtown High School, who is spending the day at the Capitol as part of a school project on career options. I was told when asked why he wanted to pursue a career in politics, he answered, and I quote, he believes that change is inevitable and wants to help guide Americans to a more prosperous and productive future. Please join me in welcoming this bright young man from Elizabethtown High School, Andre Dunbar, to the Senate and wishing him well in his career.

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

(Applause.)

RECESS

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

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

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

Senator COSTA. Mr. President, at the end of the meeting of the Committee on Transportation, Senate Democrats will caucus at the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Transportation, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Browne, and a legislative leave for Senator Brubaker.

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Browne, and a legislative leave for Senator Brubaker.

Senator Costa requests temporary Capitol leaves for Senator Williams and Senator Yudichak.

Without objection, the leaves will be granted.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SB 818 (Pr. No. 2007) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of delinquent child.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to Senate Bill No. 818?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to Senate Bill No. 818.

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

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

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

SB 790 (Pr. No. 2008) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator FERLO offered the following amendment No. A9445:

Amend Bill, page 2, line 5, by inserting a bracket before the comma after "producer"

Amend Bill, page 2, line 6, by inserting a bracket after "retailer"

Amend Bill, page 2, by inserting between lines 27 and 28:

(5) Provide documentation which evidences that it has obtained a sales tax license from the Department of Revenue.

Amend Bill, page 5, line 8, by striking out "person" and inserting:
wine producer

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 932 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1054 (Pr. No. 3214) -- The Senate proceeded to consideration of the bill, entitled:

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

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	Waugh
Browne	Gordner	Robbins	White Donald
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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SB 1200 (Pr. No. 2035) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for sole source procurement and for emergency procurement.

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

SB 1329 (Pr. No. 2010) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator DINNIMAN offered the following amendment No. A9469:

Amend Bill, page 1, lines 6 through 12, by striking out "adding definitions; further " in line 6, all of lines 7 through 11 and "changes" in line 12 and inserting:

further providing for prohibited means of destruction of animals, for methods of destruction of animals, for exclusions and for use of carbon monoxide systems; providing for disclosure; and further providing for penalty

Amend Bill, page 1, lines 15 through 20; pages 2 through 11, lines 1 through 30; page 12, lines 1 through 29, by striking out all of said lines on said pages and inserting:

Section 1. Sections 1, 2 and 4 of the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, are amended to read:

Section 1. Prohibited means of destruction of animals.

No animal shall be destroyed by means of;

(1) a high altitude decompression chamber or decompression device;

(2) carbon monoxide gas; or

(3) chloroform, ether, halothane or fluothane for animals under seven weeks of age when administered in an airtight chamber or transparent plastic bag.

Section 2. Methods of destruction of animals.

(a) Required method.--The required method of destruction shall be by the administration of an overdose of a barbiturate, barbiturate combinations, drug or drug combinations approved for this purpose by the Federal Drug Administration [and in accordance with guidelines established by the Pennsylvania Department of Agriculture].

(b) Authorized method.--Nothing in this act shall prevent a person or humane society organization from destroying a pet animal by means of firearms.

Section 4. Exclusions.

(a) General rule.--This act shall not apply to activity undertaken in a normal agricultural operation. For the purposes of this paragraph, "normal agricultural operation" shall be defined as it is defined under section 2 of the act of June 10, 1982 (P.L.454, No.133), referred to as the Right-to-Farm Law.

(b) Specific entities.--The following exclusions apply:

(1) Sections 1(b) and (c), 2 and 3 of this act shall not apply to:

(i) a medical school [or];

(ii) a school of veterinary medicine [or];

(iii) a research institution affiliated with a hospital or university; or

(iv) a research facility that is one of the following:

(A) registered and inspected under the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.);

(B) subject to the public health service policy on the humane care and use of laboratory animals under the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 201 et seq.); or

(C) subject to the provisions of 21 CFR Pt. 58 (relating to good laboratory practice for nonclinical laboratory studies) or its successor regulation under the Food, Drug and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or the Public Health Service Act.

Section 2. Section 5 of the act is repealed:

[Section 5. Use of carbon monoxide systems.

(1) Carbon monoxide gas may be used to destroy animals seven weeks of age or older.

(2) Chloroform, ether, halothane or fluothane may be used to destroy animals under seven weeks of age when administered in an airtight chamber or transparent plastic bag providing for segregation of

animals by size and age which is capable of permitting unobstructed visual observation and which does not permit direct contact with any device containing chloroform.

(3) Carbon monoxide gas systems shall consist of and be equipped with:

(i) A tightly enclosed cabinet for the purpose of containing the animals during the destruction process.

(ii) Internal lighting and a window for direct visual observation in the cabinet at all times.

(iii) A gas generation capable of achieving a concentration of carbon monoxide gas of at least 5% throughout the cabinet.

(iv) A gauge or gas concentration indicator or recording device.

(v) A means of separating animals from each other within the cabinet, if the cabinet is of sufficient size to facilitate more than one animal.

(vi) A means of fully removing the carbon monoxide gas from the cabinet upon completion of the destruction process.

(vii) If an internal combustion engine is used, a means of cooling the gas to a temperature not to exceed 115 degrees Fahrenheit at the point of entry into the cabinet and not to exceed 90 degrees Fahrenheit at any point in the cabinet as determined by temperature gauges permanently installed at point of entry and inside the cabinet.

(viii) If the gas is generated by an internal combustion engine, a means of removing or filtering out all noxious fumes, irritating acids and carbon particles from the gas before it enters the cabinet.

(ix) If an internal combustion engine is used, a means of substantially deadening the sound and vibration transmission from the engine to the cabinet, by placing them in separate rooms or soundproof compartments connecting them with flexible tubing or pipe at least 24 inches in length, so that the noise level within the cabinet shall not exceed 70 decibels.

(x) If an internal combustion engine is used, a means for exhausting the internal combustion engine gas during the period of engine warmup.

(4) Upon completion of the destruction process, animals shall not be removed from the cabinet until the carbon monoxide gas has been fully removed from the cabinet.]

Section 3. The act is amended by adding a section to read:

Section 6.1. Disclosure.

Upon request, any veterinarian, animal shelter or humane society organization utilizing an euthanasia method for the destruction of dogs or cats must disclose all methods that are utilized by the entity. The department shall promulgate regulations requiring the public display of the information disclosed under this section.

Section 4. Section 9 of the act is amended to read:

Section 9. Penalty.

(a) Destruction of animals.--Any person or organization [found guilty of violating the provisions of this act] that violates section 1 shall be [fined] subject to a fine not to exceed [\$250] \$500 per violation day. Any person or organization that commits a second or subsequent violation of section 1 shall be subject to a fine not to exceed \$1,000 per violation day.

(b) Other provisions.--Except as set forth in subsection (a):

(1) Any person or organization that violates this act shall be subject to a fine not to exceed \$350 per violation day.

(2) Any person or organization that commits a second or subsequent violation of this act shall be subject to a fine not to exceed \$700 per violation day.

(c) Disposition of fines.--Fines collected under this subsection shall be deposited into the Dog Law Restricted Account.

Section 5. This act shall take effect in 60 days.

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.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1429 (Pr. No. 1968) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying State Route 114 over Interstate 81 in Silver Spring Township, Cumberland County, as the Corporal Paul Walters Memorial Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator VANCE. Mr. President, this bill designates the bridge carrying State Route 114 over Interstate 81 in Silver Spring Township, Cumberland County, as a memorial to Corporal Paul Walters, and will be named the Corporal Paul Walters Memorial Bridge. He is the only Silver Spring police officer to be killed in the line of duty. He was a veteran of the U.S. Air Force and served Silver Spring Township and Cumberland County. He is survived by three children, his parents, and a sister.

Thank you very much, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

YEA-48

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 10 (Pr. No. 173) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for health care services.

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

BILLS OVER IN ORDER

SB 210, SB 341, SB 345, SB 477, SB 819, HB 823 and SB 968 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

HB 1026 (Pr. No. 1113) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 1080 (Pr. No. 1995) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for government support agencies including their organization and their powers and duties; consolidating certain existing agencies into a new agency and providing for its organization and its powers and duties; providing for implementation and the transition of the existing agencies into the new agency; and making related repeals.

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 1150 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1169 (Pr. No. 2038) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1987 (P.L.412, No.86), known as the Pennsylvania Fair Dealership Law, further providing for definitions, for termination of dealer agreement and for death or incapacitation of dealer; repealing provisions relating to coercion; and providing for unlawful acts by supplier and for waiver.

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

HB 1203 (Pr. No. 1598) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating antique, classic and collectible plates.

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

BILLS OVER IN ORDER

SB 1223, SB 1351, SB 1382, SB 1395 and HB 1400 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1500 (Pr. No. 2108) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, consolidating the Long-Term Care Patient Access to Pharmaceuticals Act; further providing for declaration of policy, for definitions and for third-party drugs in long-term care facilities; and making a related repeal.

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

BILLS OVER IN ORDER

HB 1827 and HB 1960 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

HB 1830 (Pr. No. 3288) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for individuals in the service of the United States Merchant Marine and for a special registration plate for veterans and members of United States military airborne units.

HB 2133 (Pr. No. 2978)

An Act designating the bridge that carries State Route 66/28 over Redbank Creek between the Borough of South Bethlehem, Armstrong County, and the Borough of New Bethlehem, Clarion County, as the Sergeant Joseph M. Garrison Memorial Bridge.

SENATE RESOLUTION ADOPTED

Senators DINNIMAN, ARGALL, BAKER, BOSCOLA, BREWSTER, BROWNE, EARLL, ERICKSON, FARNESE, FERLO, FONTANA, HUGHES, KASUNIC, KITCHEN, ORIE, PILEGGI, RAFFERTY, SCHWANK, STACK, TARTAGLIONE, VANCE, WARD, D. WHITE, YUDICHAK, GREENLEAF, SOLOBAY, MENSCH, ALLOWAY and PIPPY, by unanimous consent, offered **Senate Resolution No. 274**, entitled:

A Resolution designating the month of April 2012 as "Pennsylvania Community College Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, briefly, I am sure all of us appreciate the role that community colleges play. Over 468,000 residents of Pennsylvania are enrolled in community colleges. In addition to that, there are 11,800 high school students who are taking dual enrollment courses and getting advanced credits through community colleges. Community colleges help our economy. They are a quick, rapid force when we need assistance on economic development issues.

So, Mr. President, I simply rise so that we, as a body, can give recognition to the community colleges of Pennsylvania. Next week, we will have the honor of having the All-USA Community College Academic Team here as our guests to further celebrate the wonderful contributions of community colleges.

Thank you, Mr. President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Joseph P. Muldowney by Senator Argall.

Congratulations of the Senate were extended to Gateway Senior High School Boys' Basketball Team by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. Aubrey Steffy, Mr. and Mrs. Carl Lorah and to Mr. and to Mrs. Stanley Martin by Senator Brubaker.

Congratulations of the Senate were extended to Leighton Dean Fritz, James C. Steff, John Laurence Gilbert, Blaise C. Contino and to Bald Eagle Area School District by Senator Corman.

Congratulations of the Senate were extended to Dante G. Bertani by Senator Kasunic.

Congratulations of the Senate were extended to the Hope Partnership for Education of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Sean Robert Newton and to Wes Phipps by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Bud Wills, Kinzua Bridge State Park of Johnsonburg and to Elk State Forest of Johnsonburg by Senator Scarnati.

Congratulations of the Senate were extended to Dr. D. Michael Baxter by Senator Schwank.

Congratulations of the Senate were extended to Mary Ann Glocker by Senators Schwank and Dinniman.

Congratulations of the Senate were extended to Mary Steffy by Senator Smucker.

Congratulations of the Senate were extended to Evelyn Wood by Senator Solobay.

Congratulations of the Senate were extended to Richard Schramm and to Francine E. Block by Senator Tomlinson.

Congratulations of the Senate were extended to the citizens of Levittown by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Dr. James J. Links by Senator Tomlinson and others.

Congratulations of the Senate were extended to Rae R. Snyder by Senator Vance.

Congratulations of the Senate were extended to Thomas Edwin Carnahan by Senator Ward.

Congratulations of the Senate were extended to Helen Louise Williams Bush and to Christopher Weimann by Senator D. White.

BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. 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 351, SB 466, SB 512, SB 682, SB 964, SB 1175, SB 1225, SB 1257, SB 1314, SB 1410, SB 1436, SB 1440, HB 165, HB 469, HB 470, HB 1264, HB 1280, HB 1525, HB 1720, HB 1830 and HB 2133.

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 28, 2012

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider the nomination of Brig. Gen. Eric G. Weller as Major General LINE of the PA Air National Guard)	Room 8E-A East Wing
9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 8) P O S T P O N E D	Room 8E-A East Wing
9:30 A.M.	LAW AND JUSTICE (public hearing with the House Judiciary Committee on State Police Trooper Complement)	Room G-50 Irvis Bldg.
10:00 A.M.	FINANCE (to consider Senate Bill No. 1309; and House Bill No. 1761)	Room 8E-B East Wing
10:00 A.M.	GAME AND FISHERIES (to consider Senate Bills No. 1340, 1402 and 1403; and House Bills No. 1236, 1237 and 1398)	Room 461 Main Capitol

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
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TUESDAY, APRIL 3, 2012

9:30 A.M.	EDUCATION (public hearing on Modernization of the Professional Educator Discipline Act)	Hrg. Rm. 1 North Off.
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BILL SIGNED

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

SB 818.

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 28, 2012, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 3:48 p.m., Eastern Daylight Saving Time.