

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MAY 1, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 24

SENATE

TUESDAY, May 1, 2012

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

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

PRAYER

The Chaplain, Reverend PAUL TAYLOR, O.S.B, of Saint Vincent College, Latrobe, offered the following prayer:

As an introduction to this prayer, I would like to say that the best prayer that anyone can offer is that of gratitude. And so, thank you and thank God for your generous service to the Commonwealth of Pennsylvania. This prayer is taken from the opening prayer before every session of the Second Vatican Council.

Let us pray.

We stand before You, O Holy God, conscious of our sinfulness, but aware that we gather in Your name. Come to us, remain with us, and enlighten our hearts. Give us light and strength to know Your will, to make it our own, and to live it in our lives. Guide us by Your wisdom, support us by Your power, for You are God, our God, the Holy God. You desire justice for all; enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to Yourself in the bond of love and keep us faithful to all that is true. As we gather in Your name, may we temper justice with love, so that all our discussions and reflections may be pleasing to You, and earn the reward promised to good and faithful servants. We ask this of You who live and reign forever and ever. Amen.

The PRESIDENT pro tempore. The Chair thanks Father Taylor, who is the guest today of Senator Ward.

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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 COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 1, 2012

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until January 16, 2013, and until his successor is appointed and qualified, vice John Thornburgh, Wexford, resigned.

TOM CORBETT
Governor

BILLS REPORTED FROM COMMITTEE

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

SB 1303 (Pr. No. 2137) (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 distress in school districts of the first class.

SB 1381 (Pr. No. 2138) (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 employment history review.

SB 1459 (Pr. No. 2139) (Amended)

An Act amending the act of December 12, 1973 (P.L.397, No.141), known as the Professional Educator Discipline Act, making extensive substantive and editorial changes; and providing for imposition of discipline on additional grounds, for imposition of discipline on founded and indicated reports, for confidentiality, for subpoenas and for disposition of fees and fines collected.

SB 1492 (Pr. No. 2105)

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

HB 1610 (Pr. No. 3442) (Amended)

An Act establishing standards for preventing sudden cardiac arrest and death in student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

LEGISLATIVE LEAVE

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

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

The PRESIDENT pro tempore. Senator Browne requests a temporary Capitol leave for Senator McIlhinney. Without objection, the leave will be granted.

LEAVES OF ABSENCE

Senator BROWNE asked and obtained leaves of absence for Senator BAKER, Senator ORIE, Senator GORDNER and Senator TOMLINSON, for today's Session, for personal reasons.

Senator BROWNE asked and obtained a military leave of absence, pursuant to Senate Rule XX.2(c), for Senator PIPPY.

JOURNAL APPROVED

The PRESIDENT pro tempore. The Journal of the Session of March 7, 2012, is now in print.

The Clerk proceeded to read the Journal of the Session of March 7, 2012.

Senator BROWNE. 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 BROWNE and were as follows, viz:

YEA-45

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

NAY-0

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

The PRESIDENT pro tempore. The Journal is approved.

LEGISLATIVE LEAVES

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

Senator BROWNE. Mr. President, I request a legislative leave for Senator Pileggi.

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Yudichak.

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

Senator Costa requests a legislative leave for Senator Yudichak.

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION ADOPTED**

Senator ROBBINS, on behalf of Senators BAKER, SOLOBAY, SCARNATI, PILEGGI, COSTA, ALLOWAY, BOSCOLA, BROWNE, DINNIMAN, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, MENSCH, PIPPY, RAFFERTY, STACK, TARTAGLIONE, TOMLINSON, VOGEL, WARD, D. WHITE, EARLL, WAUGH and ARGALL by unanimous consent, offered **Senate Resolution No. 297**, entitled:

A Resolution commemorating the 257th anniversary of Pennsylvania's first militia law and designating May 1, 2012, as "National Guard Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, on behalf of Senator Baker, it is with great pride that I stand here today asking my colleagues to support this resolution recognizing the service of our men and women in the Pennsylvania National Guard and Air National Guard.

Mr. President, it is important that we remember our citizen-soldiers, ordinary people who make extraordinary sacrifices. Patriotism, duty, freedom, love of country, support for democracy - those may seem like simple words, but for our men and women in uniform, they are a way of life. It is fitting that we honor our citizen-soldiers for their sacrifice and for the sacrifices they make for our Commonwealth and our country.

If you look back in our nation's history, Pennsylvania's militiamen have played vital roles in earning our freedom and in preserving our Union. Our Guard served with distinction during two World Wars, in Europe and in southeast Asia. When our nation called, our Guard answered, just as they are doing today at posts all around the world. Now we can repay such faithful and honorable service. Certainly, it is important that our men and women in uniform know that they have our deepest gratitude and appreciation. But it is also important for them to know that our thoughts and prayers are with them today and every day as well.

So, Mr. President, I ask my colleagues to honor that sacrifice and service by supporting this resolution and by urging all Pennsylvanians to take time out to remember our friends and neighbors who are serving today.

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.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, it is now my honor to introduce to the Senate, Major General Wesley E. Craig, the 51st Adjutant General of Pennsylvania and the Commander of the Pennsylvania National Guard. General Craig graduated from Temple University with a bachelor's degree in business administration, and the Army Reserve Officer Training Corps program as a distinguished military graduate in June 1968. He is a 1993 graduate of the United States Army War College. His distinguished military career includes assignments with a number of units, most notably his tenure as commander of Pennsylvania's own 28th Infantry Division in 2000. During his division command tenure, the 28th Division mobilized and deployed over 8,000 soldiers to the peacekeeping mission in Kosovo and to combat in Iraq and Afghanistan. In addition, the division headquarters deployed to a multinational training mission in Egypt known as "Bright Star." General Craig's military decorations include the Army Distinguished Service Medal, the Legion of Merit, and numerous other medals and ribbons. Mr. President, I present Major General Wesley Craig.

The PRESIDENT pro tempore. Would the Senate please join in welcoming Senator Robbins' guest. Please rise.

(Applause.)

Major General CRAIG. Mr. President, Members of the Senate, it is indeed a privilege to be with you and spend a few minutes today, on National Guard Day, here at our Capitol. Our motto is "Always Ready, Always There," and certainly, for the past decade, we have lived up to that, whether it is overseas deployments or emergencies here at home. There are 19,000 soldiers and airmen in the Pennsylvania Air and Army National Guard. Of those 19,000, more than 30,000 are deployed in defense of freedom for the past 10 years in Iraq, Afghanistan, Kosovo, Bosnia, you name it, we have been there. In addition, at the same time, we have experienced more than 20 calls to State active duty, at the call of the Governor, to relieve suffering and for emergency relief here in the Commonwealth.

I am joined today by one of my soldiers who has done all of this, Staff Sergeant Krystal Brown, standing to my left. She is an ammo section chief from the 228th Brigade Support Battalion, which is part of the 55th Armored Brigade, 28th Infantry Division, from Souderton, Pennsylvania. She was deployed to Iraq in 2005 and in 2009.

I am here today to discuss her heroic actions in Philadelphia, for on the evening of 27 March 2012, at 16:30 hours, Staff Sergeant Krystal Brown and Staff Sergeant Angel Mendez were driving northbound on I-95 in center city Philadelphia, where they observed a smoking, white Chevy Silverado which had crashed into the medial barrier, and the engine was still running. They pulled up next to the median, close to the smoking vehicle, noticing the unconscious driver still in the seat. As flames erupted and began to spread, they tried to gain access to the vehicle, but could not.

Sergeant Brown got a hammer from her vehicle and gave it to Sergeant Mendez, who used it to break open both the driver and passenger windows. She reached inside and turned off the vehicle's engine, because the driver's foot was still jammed on the accelerator. Fighting through heavy smoke, Staff Sergeant Brown freed the driver and assisted removing him, stabilizing his head and neck, along with Sergeant Mendez. Working as a team, they were able to clear the injured driver to a safe distance from the burning truck as it became engulfed in flames and then exploded into a fireball. They checked the man's vitals and provided comfort until the first responders arrived. When interviewed the next day by FOX 29 television, they said with their hours of combined combat rescue training, their heroics were instinctive. "We just worked together as a team," said Brown. With their Army training, it was second nature. Both of these soldiers have been recommended for the U.S. Army Soldier's Medal for saving a life at the risk of their own.

Ladies and gentleman of the Senate, it is my pleasure to introduce to you and present Staff Sergeant Krystal Brown.

(Applause.)

Major General CRAIG. Senators, I am happy to report that I am indeed blessed, as is all of Pennsylvania, that we have many more soldiers like Staff Sergeant Brown and Staff Sergeant Mendez in the ranks of all our units. Their actions that day show that we, indeed, in the Pennsylvania National Guard are a fully capable force, capable of dealing with the dual mission of emergency relief here at home or overseas combat for the Federal mission.

So, I am here today to celebrate their service and say thank you for your continued support to the Pennsylvania National Guard. Your support of the Educational Assistance Program is absolutely crucial to our success and our high strength levels. We have more than 3,000 soldiers and airmen every year who take advantage of this tremendous benefit, where if you are a serving member of the PA Guard, you can go to college and have your tuition paid, just like Staff Sergeant Krystal Brown is doing right now. So it is a tremendous benefit and helps us enroll high-quality young people like Sergeant Brown and Sergeant Mendez in our ranks, and also builds Pennsylvania and prevents that brain-drain, because then they are probably going to stay and work here when they get out of college.

Also, I want to thank all of you involved, and many of you in this Chamber have helped me directly, with your intervention with the Congressional delegation down in Washington, D.C., as we fight the Air Force to prevent the Air National Guard from being reduced. There is a bill in Congress, Presidential Budget 13, requiring inordinate amounts of cuts to the Air National Guard. I and Governor Corbett, and all of us adjutant generals and all governors, are objecting to this because they are the most cost-effective part of the Department of Defense. So, I appreciate your support for both of those initiatives, and your ongoing support when we see all our call-ups and returns.

I am here to tell you today, that when you are one of the best, and we are in Pennsylvania, you are one of the busiest, and that will continue. We are looking at large mobilizations from units of the eastern part of the State this fall. So, thank you again for your support, and with your support, we will remain strong so that we can always be Always Ready, Always There.

Thank you very much.

(Applause.)

**GUESTS OF SENATOR STEWART GREENLEAF
AND SENATOR CHARLES T. McILHINNEY
PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Mr. President, I rise with Senator McIlhinney to introduce the girls' basketball team from Archbishop Wood. They are the PIAA Class AAA Girls' Basketball State Champions. This is the third time, consecutively, that they have won this championship. It is an outstanding school and an outstanding program that they have, and outstanding young ladies who participate in this program. They lost many seniors last year and still repeated that tremendous victory.

When you look at what happened with the game that they played, they were a very good defensive team, and a good offensive team, but the other team was a tremendous offensive team, they scored 90 points in one game. So, their coach and the team came up with a great strategy, they implemented it, and played really smart basketball. They are good players, but they also have a good coach, and together they knew how to implement a plan, they did not allow the other team to run up a big score, and when they did that, they won the game.

So, I am really pleased to be here today to introduce the three-time girls' State champion basketball players to the Senate of Pennsylvania.

The PRESIDENT pro tempore. Would the guests of Senator Greenleaf and Senator McIlhinney please rise and be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR EDWIN B. ERICKSON
AND SENATOR DOMINIC F. PILEGGI
PRESENTED TO THE SENATE**

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

Senator ERICKSON. Mr. President, it is my pleasure this afternoon, on behalf of Senator Pileggi, who is in his district announcing the sale of the ConocoPhillips refinery, to introduce the Chester High School Boys' Varsity Basketball Team, the 2011 and 2012 PIAA Class AAAA State Champions. The Chester High School Clippers had an impressive undefeated season. By a score of 59-33, the Clippers defeated Lower Merion in the State Championship game on March 24. This is coach Larry Yarbray's fourth season as head coach, and this is Chester's eighth State title. Chester is ranked fifth among high schools nationwide by USA Today. They are the first team since 1988 to win back-to-back State championships, taking the title in 1983, 1989, 1994, 2000, 2005, 2008, 2011, and 2012.

I am extremely pleased to recognize these young athletes and coaches who, through their outstanding achievements, bring great distinction to themselves, their communities, and the Commonwealth. So, if you will join me please, I ask that we extend our traditional warm welcome to our 2011 and 2012 State champions.

The PRESIDENT pro tempore. Would the guests of Senator Erickson and Senator Pileggi please rise to be welcomed by the Senate.

(Applause.)

**GUEST OF SENATOR KIM L. WARD
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, it is really with happiness and a great honor that today, Father Paul Taylor, from Saint Vincent College in Latrobe, offered the prayer. Father Paul is a great friend of mine. All of my boys graduated from the wonderful Saint Vincent College, well, two of my boys. And I just want to tell you a little bit about Father Paul. Not only is he a man of the cloth, a holy man, and a good man, but he is an advocate for his community and college. He was one of the first people I met when I ran for Senate the first time. He approached me about helping Saint Vincent before we even knew who was going to win or lose. So he is a real gem and really an asset to Saint Vincent. I am so happy that you were here with us today, Father. Thank you.

The PRESIDENT pro tempore. Would the guest of Senator Ward please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR ANDREW E. DINNIMAN
PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Mr. President, as our guests today, we have a number of students here who are part of a group called Teens Against Tobacco Use. I know my buddy, Senator Greenleaf, is delighted to have allies in this cause. These are teens who are working in their communities to educate other young people not to start smoking, not to start chewing tobacco, or all the other abuses that lead to bad health and bad habits in their lives.

I would like to mention their names in the Senate in order to welcome them. They include their teacher, Kevin Corcoran; Billie Goldstein, who represents the health educators of the Phoenixville Hospital; students, Sean Phillips, Christina Miller, Alicia Perez, Carlee Horgan, Kayley Burnett, James Atkins, and a student in the graduate program of health at West Chester University, who is doing her internship at the Phoenixville Middle School, Charity Adendokun.

Mr. President, I ask that we give them a warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Dinniman please rise to be welcomed by the Senate.

(Applause.)

RECESS

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

Senator BROWNE. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room.

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

Senator COSTA. Mr. President, I ask that the Senate Democrats report to our caucus room in the rear of the Chamber.

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

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.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVES

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

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 61 (Pr. No. 29) -- 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 collection of court costs, restitution and fines by private collection agency.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

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

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

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-41

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

NAY-4

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

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

BILLS OVER IN ORDER

HB 165, SB 351, SB 477 and SB 932 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

SB 1351 (Pr. No. 1873) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for death and fetal death registration information for certificates, for coroner referrals and for pronouncement of death by a professional nurse.

On the question,
Will the Senate agree to the bill on third consideration?
Senator VANCE offered the following amendment No. A10021:

Amend Bill, page 4, line 6, by inserting after "physician":
or certified registered nurse practitioner

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

HB 1702 (Pr. No. 3331) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code.

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-45

Table with 4 columns: Alloway, Erickson, Piccola, Ward, Argall, Farnese, Pileggi, Washington, Blake, Ferlo, Rafferty, Waugh, Boscola, Folmer, Robbins, White Donald, Brewster, Fontana, Scarnati, White Mary Jo, Browne, Greenleaf, Schwank, Williams, Brubaker, Hughes, Smucker, Wozniak, Corman, Kasunic, Solobay, Yaw, Costa, Kitchen, Stack, Yudichak, Dinniman, Leach, Tartaglione, Earll, McIlhinney, Vance, Eichelberger, Mensch, Vogel

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.

BILL OVER IN ORDER

HB 2045 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2192 (Pr. No. 3077) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge carrying U.S. Route 202 over an unnamed branch of the Neshaminy Creek in Doylestown Township, Bucks County, in honor of First Lieutenant Colby J. Umbrell.

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-45

Table with 4 columns: Alloway, Erickson, Piccola, Ward, Argall, Farnese, Pileggi, Washington, Blake, Ferlo, Rafferty, Waugh, Boscola, Folmer, Robbins, White Donald, Brewster, Fontana, Scarnati, White Mary Jo, Browne, Greenleaf, Schwank, Williams, Brubaker, Hughes, Smucker, Wozniak, Corman, Kasunic, Solobay, Yaw, Costa, Kitchen, Stack, Yudichak, Dinniman, Leach, Tartaglione, Earll, McIlhinney, Vance, Eichelberger, Mensch, Vogel

NAY-0

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

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

HB 2246 (Pr. No. 3195) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge carrying U.S. Route 202 over the Neshaminy Creek in Doylestown Township, Bucks County, as the First Lieutenant Travis Lemma Manion Memorial 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-45

Table with 4 columns: Alloway, Erickson, Piccola, Ward, Argall, Farnese, Pileggi, Washington, Blake, Ferlo, Rafferty, Waugh, Boscola, Folmer, Robbins, White Donald, Brewster, Fontana, Scarnati, White Mary Jo, Browne, Greenleaf, Schwank, Williams, Brubaker, Hughes, Smucker, Wozniak, Corman, Kasunic, Solobay, Yaw, Costa, Kitchen, Stack, Yudichak, Dinniman, Leach, Tartaglione, Earll, McIlhinney, Vance, Eichelberger, Mensch, Vogel

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS REREFERRED

SB 8 (Pr. No. 2092) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania eHealth Partnership Authority and the Pennsylvania eHealth Partnership Fund; providing for consent and confidentiality of health information; and establishing civil immunity under certain circumstances.

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

HB 48 (Pr. No. 3337) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, adding definitions; and providing for licensure of prosthetists, orthotists, pedorthists and orthotic fitters.

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 512, HB 585 and SB 682 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

HB 761 (Pr. No. 3345) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for definitions, for excluded transactions, for documents relating to associations or corporations and members, partners, stockholders or shareholders thereof and for acquired company; and, in inheritance tax, further providing for transfers not subject to tax.

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

HB 807 (Pr. No. 3332) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 2008 (P.L.1009, No.78), known as the Biofuel Development and In-State Production Incentive Act, further providing for definitions, for biodiesel content in diesel fuel sold for on-road use and for cellulosic ethanol content in gasoline; providing for blending, registration and other requirements; further providing for department authority and responsibility; providing for fees; establishing the Biofuel Development Account; and imposing penalties.

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

SB 819 (Pr. No. 1115) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for employees of State veterans' homes.

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

BILL ON SECOND CONSIDERATION

SB 1067 (Pr. No. 2127) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "emergency vehicle"; and adding a definition.

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

BILLS OVER IN ORDER

SB 1090, SB 1135 and SB 1136 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1144 (Pr. No. 2077) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1996 (P.L.514, No.85), known as the Health Security Act, defining "covered dentist services"; and prohibiting insurers from setting fees for noncovered dentist services.

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

BILL OVER IN ORDER

SB 1175 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1177 (Pr. No. 1420) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Claysville Interchange of Exit 6 on Interstate 70 in Washington County as the Sergeant Nathan P. Kennedy Memorial Interchange.

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

SB 1225 (Pr. No. 2128) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

HB 1237, HB 1264, HB 1280, SB 1309, SB 1314, SB 1340, SB 1352, SB 1382 and HB 1398 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 1400 (Pr. No. 2652) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Statewide stroke system of care by recognizing primary stroke centers and directing the creation of emergency medical services training and transport protocols; and providing for the powers and duties of the Department of Health.

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

SB 1403 (Pr. No. 1974) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for liability for actions of others.

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

SB 1406 (Pr. No. 1934) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

HB 1525, HB 1682, HB 1830, HB 1862, HB 1955, HB 1956 and HB 2134 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 277, ADOPTED

Senator PILEGGI, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 277**, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2012, including any amendments offered to or for supplemental appropriations for prior fiscal years.

On the question,
Will the Senate adopt the resolution?

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

YEA-45

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

NAY-0

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

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators McILHINNEY, TOMLINSON, GREENLEAF and MENSCH, by unanimous consent, offered **Senate Resolution No. 298**, entitled:

A Resolution mourning the loss of the Honorable Frank J. Montemuro, Jr., who died on March 29, 2012, in Newtown, Bucks County, at 86 years of age.

On the question,
Will the Senate adopt the resolution?

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

Senator McILHINNEY. Mr. President, I rise today, along with my colleagues in the House of Representatives, to seek unanimous approval of a resolution honoring the loss of the Honorable Frank J. Montemuro, Jr., who died on March 29, 2012, in Newtown, Bucks County, at 86 years of age. Justice Montemuro was one of Pennsylvania's most prominent jurists and was known for his personal integrity and devotion to his family, the community, and the law.

Justice Montemuro was a noted trial and appellate court jurist in the Commonwealth, a retired Senior Justice of the Pennsylvania Supreme Court, a senior judge of the Pennsylvania Superior Court, and a former judge and administrative judge of the Philadelphia Court of Common Pleas. He also served this country in World War II as a United States Navy veteran. Justice Montemuro finished his judicial career as a senior judge of the Superior Court, retiring at 80 years of age.

In recognition of his exceptional service, Justice Montemuro received numerous awards and accolades. He was named a Knight Commander of the Order of Saint Gregory by the great Pope John Paul II, and was a former national president of the Supreme Lodge of the Order Sons of Italy in America. It is with great sadness that the Senate notes the passing of the Honorable

Frank J. Montemuro, Jr., whose life greatly enriched all who lived, served, and worked with him, and extend heartfelt condolences to his wife, Margaret; sons Frank, Michael, and Anthony; six grandchildren; and other family members and friends. I therefore ask my colleagues to join me in honoring one of Bucks County's most respected and admired citizens.

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

Senator COSTA. Mr. President, on behalf of my colleagues on the Senate Democratic side of the aisle, we want to join the gentleman in offering our condolences to Justice Montemuro's family. We agree that he was an outstanding jurist. He committed a very significant part of his life to the judiciary in this Commonwealth and made it a better judiciary for many, many years, and we appreciate his efforts on a number of fronts. We also, as I said, want to express our condolences.

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

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

Senators RAFFERTY, STACK, SCARNATI, PILEGGI, BREWSTER, BAKER, ALLOWAY, WARD, KASUNIC, D. WHITE, BOSCOLA, MENSCH, BROWNE, GREENLEAF, SCHWANK, KITCHEN, COSTA, VOGEL, EARLL, FONTANA, TARTAGLIONE, ARGALL, YAW, SOLOBAY, ORIE, GORDNER, PIPPY, TOMLINSON, ERICKSON, FARNESE, WAUGH and BLAKE, by unanimous consent, offered **Senate Resolution No. 299**, entitled:

A Resolution recognizing the week of May 13 through 19, 2012, as "National Police Week" and May 7, 2012, as "Police Officers' Memorial Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, this is a positive time of the year when we take a week to recognize the law enforcement community for their service to all of us in the Commonwealth of Pennsylvania and throughout our great nation. Realistically, we should be doing that every week and every day. These men and women lay their lives on the line to protect us, to protect our property, and to keep civil obedience throughout the Commonwealth of Pennsylvania. They are men and women, ordinary individuals performing extraordinary feats day in and day out. We have seen all too many times the routine traffic stop, going to assist on a domestic abuse case, or investigating a home burglary where it may wind up in a fatality involving a law enforcement official or a police officer.

Mr. President, these are men and women serving us who deserve this recognition and deserve our thanks day in and day out. On May 7, I will have the distinct pleasure to represent the Senate, along with Senator Stack, at the police memorial. I long for the year when we do not add a name to the police memorial. Unfortunately for us this year, we will be adding names to the 754 police officers who have made the ultimate sacrifice in the

line of duty. In 2011, those who were killed in the line of duty, Police Officer John David Dryer, East Washington Borough Police Department; Patrolman Derek Kotecki, Lower Burrell Police Department; Police Officer Alan Lasso, Freemansburg Borough Police Department; and Deputy Sheriff Kyle David Pagerly, Berks County Sheriff's Department.

Mr. President, these individuals made the ultimate sacrifice in order to insure our safety and welfare. On May 7, we will be honoring them in the grove behind the Capitol, but we should all keep them in our hearts and in our prayers for what they did to protect the citizenry of the Commonwealth of Pennsylvania. Mr. President, I thank you, and I ask God to continue to bless the men and women of our law enforcement community, the State Police, the local police, the county detectives, the Attorney General's office, all those involved in the law enforcement community who are protecting us. We ask God to keep them in His graces and blessings, keep them safe, and return them home safely to their families at the end of each shift.

Thank you, Mr. President.

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

Senator STACK. Mr. President, it is an honor to rise once again with my friend and colleague, Senator Rafferty, on this extremely important issue. The Commonwealth is blessed that our large cities and small communities alike are protected by men and women who have chosen this incredibly noble profession. Every day, they step on the streets and they put their lives on the line in order to keep us safe. Seven hundred and fifty-four men and women have made the ultimate sacrifice, as Senator Rafferty pointed out, in Pennsylvania law enforcement history, and in 2011, of course, we lost those four courageous men.

Pennsylvania cannot express enough gratitude for the service of these people, and we remember them always, and their families. So as we mark National Police Week and Police Officers' Memorial Day, let us all remember every time we see a police cruiser patrolling our streets, that our officers are risking their lives every day to insure our safety. And thank you out there to our police officers for a fine job that you continue to do. My thoughts and prayers continue to go out for all of the families of our slain police officers, who made the ultimate sacrifice in 2011.

I also want to say, Mr. President, that I know you attend this event. I want to say to all our colleagues, Democrat and Republican, it is truly a somber and important event, and if you can be there to salute the loss of these officers and to salute the service of our great men and women who are in law enforcement, please join us at the event. It is a truly important and memorable time, and we once again pray for the moment when we will not have to gather to honor our lost officers.

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.

Senators WASHINGTON, ALLOWAY, BAKER, BOSCOLA, DINNIMAN, FARNESE, WILLIAMS, FONTANA, HUGHES, GREENLEAF, KASUNIC, KITCHEN,

PILEGGI, PIPPY, RAFFERTY, SOLOBAY, STACK, TARTAGLIONE, ERICKSON and SCHWANK, by unanimous consent, offered **Senate Resolution No. 300**, entitled:

A Resolution recognizing the month of May 2012 as "Foster Care Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator WASHINGTON. Mr. President, I ask my colleagues to join me in recognizing May 2012 as "Foster Care Month" in Pennsylvania. It is important that we acknowledge the 24,000 children and youth in foster care and their dedicated parents who provide them with a safe, secure, and stable home environment. I ask for a unanimous vote.

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.

Senators SOLOBAY, KASUNIC, BROWNE, COSTA, ERICKSON, FONTANA, RAFFERTY, SCHWANK, STACK, KITCHEN, ALLOWAY, DINNIMAN, M. WHITE, BAKER, VOGEL, PIPPY, D. WHITE, GREENLEAF, FERLO, TARTAGLIONE, PILEGGI, BREWSTER, BLAKE and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 301**, entitled:

A Resolution recognizing the month of May 2012 as "Lupus Awareness Month" and May 10, 2012, as "World Lupus Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, as was just stated, we are asking that this resolution be adopted recognizing May 2012 as "Lupus Awareness Month," and the date of May 10 as "World Lupus Day" in Pennsylvania. It is estimated that over 65,000 Pennsylvanians struggle and suffer with the debilitating consequences of lupus, a fatal autoimmune disease that can damage many parts of a lupus patient's body. Currently, there are no cures and no known cause, and despite the treatments and medications that are available, still, the lupus symptoms make it very difficult for those patients to sometimes lead normal lives, complete their education, or even maintain employment. Uniquely, 9 out of 10 people with lupus are women. Eighty percent of those new cases are women between the ages of 15 and 44.

Lupus was identified back in 1872, but still continues to be a public health problem that attracts rare attention and, unfortunately, there is not a whole lot of research to try to find a cure. Lupus is often referred to as the disease that fools, due to the patient's unawareness of its presence for many, many extended

periods of time. The Lupus Foundation of Pennsylvania is a group that has had a long history of providing services, education, and awareness for these patients and victims. I again ask for an affirmative vote on this resolution.

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

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

Senator ALLOWAY, by unanimous consent, offered **Senate Resolution No. 302**, entitled:

A Resolution designating the month of May 2012 as "Celiac Disease Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, I rise to offer a resolution designating the month of May 2012 as "Celiac Disease Awareness Month" in Pennsylvania. Celiac disease is an autoimmune digestive disease that damages the villi of the small intestine and interferes with absorption of nutrients from food. Celiac disease is triggered by consumption of the protein called gluten, which is found in wheat, barley, and rye. Researchers have determined that celiac disease is a genetic condition and, in some cases, celiac becomes active or is triggered by events such as surgery, pregnancy, child birth, viral infection, or even severe emotional distress.

Left untreated, people with celiac disease can develop further complications such as other autoimmune diseases, osteoporosis, thyroid disease, and cancers. The only treatment for celiac disease is a lifelong gluten-free diet, avoiding all foods that contain wheat, including spelt, triticale, kamut, and rye. Despite these restrictions, people with celiac disease can eat a well-balanced diet with a variety of foods, including bread and pasta. For example, instead of wheat flour, people can use potato, rice, soy, or bean flour, or they can buy gluten-free bread, pasta, and other products from specialty food companies.

Roughly 1 out of every 133 Americans has celiac disease, but 95 percent remain undiagnosed, which means that almost 3 million Americans have celiac disease, and only about 120,000 even know that they have it. So I rise to offer this resolution so that the residents of this Commonwealth are aware of celiac disease and its treatment, and offer May as Celiac Disease Awareness Month.

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.

Senator WOZNIAK, by unanimous consent, offered **Senate Resolution No. 303**, entitled:

A Resolution recognizing the month of May 2012 as "Sleep Apnea Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I know that most of the time when we discuss things up here, it is about statutes and laws and the rules of conducting business here in Pennsylvania. But we also rise here to bring awareness to various diseases and issues that face and plague our people. I would like to bring up the awareness of sleep apnea. It is a very, very dangerous disease that is suffered by millions of people here in Pennsylvania. It is due to, perhaps, obstructions in your throat and in your nose. It causes extreme fatigue, automobile accidents, high blood pressure, diabetes, stroke, and numerous other diseases. The good news is that it is treatable. The bad news is that it affects mostly males, the stubborn gender of our society who argue everything, but something that is wrong with them. I know because I had sleep apnea. I had an operation that did correct that apnea, and I do believe today that I sleep much better, and I certainly do not hallucinate in the daytime anymore.

But I recommend, and I mean this sincerely, that if your significant other, if your spouse, if you are suffering from extreme daytime fatigue, if you are falling asleep driving a car or sitting at a desk, and it is not caused by staying out too late, I recommend you take a sleep test. If you have sleep apnea, look at the myriad of solutions that the doctors recommend and use them. I will guarantee you that it will change your life. So today, I would like to make May 1 through 31 as "Sleep Apnea Awareness Month."

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.

Senators COSTA, FONTANA, PIPPY, KASUNIC, PILEGGI, WILLIAMS, STACK, DINNIMAN, HUGHES, SCHWANK, EARLL, KITCHEN, TARTAGLIONE, GREENLEAF, BROWNE, ERICKSON and ALLOWAY, by unanimous consent, offered **Senate Resolution No. 304**, entitled:

A Resolution honoring the 100th anniversary of Pittsburgh Public Schools in the City of Pittsburgh.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I submit my remarks for the record as it relates to this 100th anniversary resolution for the city of Pittsburgh's public school system.

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

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

Mr. President, I rise today to ask the Senate to support the resolution I am offering that honors the 100th anniversary of the Pittsburgh Public Schools. The Pittsburgh Public School system has a long and very distinguished history. It was founded in 1911 in order to bring 61 separate schools under one board of directors to better serve students and families in Pittsburgh. Pittsburgh Public Schools has made great strides over the years and is now recognized nationally.

- It was ranked seventh in the country among public school systems in a 2010 report;
- It was awarded \$80 million in competitive grants from the Gates Foundation and Federal Teacher Incentive Fund to support its Empowering Effective Teachers plan;
- It achieved Adequate Yearly Progress for the second time in 3 years in 2011.

But, that is not all. Students in the Pittsburgh Public Schools have access to the largest Promise scholarship program in the nation, and 3,200 students have received scholarships. As important, more than 600 Pittsburgh Public Schools students will be in the inaugural class of scholars to graduate from a 2-year or 4-year course of study during the 2011-12 school year.

We are very proud of the 26,000 students enrolled in Pittsburgh Public Schools and are proud and pleased to honor the 5,000-plus employees who are committed to helping students learn and making the school district run well. They realize, as we all do, that our future leaders are now being taught and developed in our schools and that helping students grasp opportunities is a key to our future.

Mr. President, I am offering this resolution today to mark the 100th anniversary of Pittsburgh Public Schools. I ask the Senate for its support.

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

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

Senators HUGHES, KITCHEN, COSTA, TARTAGLIONE, DINNIMAN, KASUNIC, STACK, FONTANA, WARD, BOSCOLA, SOLOBAY, BAKER, RAFFERTY, ALLOWAY, GREENLEAF, D. WHITE, FERLO, PILEGGI and EARLL, by unanimous consent, offered **Senate Resolution No. 305**, entitled:

A Resolution designating the month of May 2012 as "American Stroke Month" in Pennsylvania.

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 Alice Greenway by Senator Fontana.

Congratulations of the Senate were extended to Beverly J. Knecht by Senator Gordner.

Congratulations of the Senate were extended to Agnes Venture, Mildred Ritchie, Clara Delaney, Mary Jane Zamek, Eleanor Avery, Margaret Crofcheck, Dolores Schimmel, Gertrude Galie, Bessie E. Zacovic and to Audrey Elish by Senator Kasunic.

Congratulations of the Senate were extended to Helen McCollum by Senator Kitchen.

Congratulations of the Senate were extended to Mandy Mundy and to the citizens of the Borough of Souderton by Senator McIlhinney.

Congratulations of the Senate were extended to Mr. and Mrs. Mark Cummins by Senator Mensch.

Congratulations of the Senate were extended to Penn State Lehigh Valley and to the Local Education and Resource Network Team of Northampton and Lehigh Counties by Senator Mensch and others.

Congratulations of the Senate were extended to Collin Joseph Gray, Brian Anthony Iezzi and to Saint Andrew's Nursery School Eagleville by Senator Rafferty.

Congratulations of the Senate were extended to Gregory Taranto and to Michael Illig by Senator Solobay.

Congratulations of the Senate were extended to William A. Gibson by Senator Stack.

Congratulations of the Senate were extended to Chief Russell L. Rhodes, Jr., by Senator Waugh.

BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. 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 1303, SB 1381, SB 1459, SB 1492 and HB 1610.

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, MAY 2, 2012

9:00 A.M.	DEMOCRATIC POLICY COMMITTEE (hearing to discuss the significance of the Development Fund to the horseracing and breeding industries within the Commonwealth, and their role in supporting the agricultural sector and statewide economy)	Hrg. Rm 1 North Off.
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9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on Senate Bill No. 1345)	Rm. 8E-A East Wing
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2:00 P.M.	2011 LEGISLATIVE REAPPORTIONMENT COMMISSION (public hearing to invite comment upon the preliminary reapportionment plan which was filed with the Dept. of State on April 12, 2012)	Hrg. Rm. 1 North Off.
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THURSDAY, MAY 3, 2012

9:30 A.M.	TASK FORCE ON CHILD PROTECTION (Pennsylvania's differential response system for child protection services)	Hrg. Rm. 1 North Off.
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FRIDAY, MAY 4, 2012

1:00 P.M.	EDUCATION (public hearing on non-partisan school board elections)	Downingtown STEM Acad. 335 Manor Ave. Downingtown
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TUESDAY, MAY 8, 2012

9:30 A.M.	EDUCATION AND VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint public hearing on Educational Opportunities for Veterans)	Dixon Univ. Center
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12:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 991; and House Bill No. 973)	Room 461 Main Capitol
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PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, first of all, I would like to thank Senator Rafferty and Senator Stack for their comments and for once again this year, as they have many times in the past, offering a formal resolution of the Senate expressing our concern and our support, obviously, in recognition of the yearly event for the law officers community and recognizing their annual memorial ceremony, the more prominent one being held here at the Capitol, and certainly other small-town communities throughout our Commonwealth also conduct such events. As the Minority chair of the Committee on Law and Justice, with Senator Pippy, I have learned a lot more in the last couple of years, as well as being a member of the Committee on Appropriations, about the role, function, activities, and the tremendous obligations that fall on the shoulders of the men and women of our State Police.

To hearken to some additional issues of concern, and Senator Brewster, to his credit, has tried to address locally the issue of so many smaller towns that have police officers, many of whom work for practically minimum wage, just about living wages, \$13 or \$14 an hour, with no benefits of collective bargaining. Many of these officers have been hurt, if not paid the ultimate sacrifice in the line of duty. And I realize bigger urban areas do pay property taxes and have certain privileges and benefits afforded to our uniformed officers. But I do think we need to grapple with recognizing the importance of this job, the tremendous sacrifice of those individuals, and certainly to their families and their children. These are the heroes and heroines in our community, and too often, it just seems like there is a growing trend of outright violence and murder of police officers regardless of what level of government they serve. So I hope we keep our thoughts and prayers in mind but also our pocketbooks, and that we recognize the sacrifice and contributions these men and women make, and that we think together constructively about how to make their quality of life much better than what it is in many host communities that struggle every day in meeting those government obligations. So I want to thank them and recognize them.

As far as comments, Mr. President, we need to go back to the drawing board on gas drilling in Pennsylvania. While I certainly applaud and recognize the leadership and effort of the President pro tempore for his efforts of a year or more that led to finally

passing something aimed at governing this growing industry, most citizens, at least in my neck of the woods, and probably across the Commonwealth, will readily tell you that Act 13 represents more of a sweetheart deal than any serious attempt to regulate this booming industry. Mr. President, most citizens will tell you they are outraged that Pennsylvania's budget shortchanges public schools and cuts funding to other critical State services and programs while handing gas drillers one of the lightest tax burdens in the nation. Our tax rate is three times lower than what many other comparable gas drilling States impose.

Most citizens will tell you they are sickened by the meager emphasis our law places on environmental protection. They will tell you they are outraged by the flimsy protections in the law that should have guaranteed that gas drillers respect our environment, clean up after themselves, and be held accountable well into the future when some of these gas companies will hightail it out of our Commonwealth. But we all know there has been few resources dedicated to regulating this industry, and that we have a Department of Environmental Protection, the top of the agency is more of a welcome mat than any serious protector of our environment. We keep hearing repeatedly, and certainly the industry itself has spent hundreds of millions of dollars not only with political influence, but in mass media and basically gratuitously buying public will through their organized media campaign. They are willing to spend those millions of dollars and yet still remain and continue to balk at paying their fair share of local taxes into communities and into our Commonwealth State budget.

People are shocked that Act 13 gives Marcellus Shale drillers the power to circumvent and trample local zoning ordinances. I noticed, just before the primary election, it seemed like a few colleagues who had voted for this legislation seemed to be suggesting to their constituents that they may start backtracking, at least on the zoning part. I do not really consider it back stepping. I just hope they reevaluate their position and recognize that Act 13 really runs roughshod over the rights and privileges of local municipalities and local elected officials to deal with fundamental zoning and land use policy, something that they have done well and have had the privilege of doing for many decades here in the Commonwealth.

I also note that, today, for instance, there have been a series of articles released by Reuters News about the shenanigans of Aubrey McClendon, the CEO of Chesapeake Energy. I believe it was reported late today that he resigned his position as CEO. The Rigas Family from Coudersport, Pennsylvania, I believe, that owned Adelphia Cable, I believe the father, son, and maybe the brother-in-law went to jail for tax evasion, corruption of corporate resources, and dipping their hand into the till. This gentleman, if you want to call him that, Mr. McClendon, basically waylaid \$1 billion-plus out of Chesapeake Energy in a pretty elaborate scheme, and again, there was no intervention other than the last few days by the SEC to begin to review what actions he took and, I believe, actions that were not only illegal, but certainly immoral to the rights of the stockholders. To borrow from his own company's assets to the amount of \$1 billion-plus, I just find reprehensible.

I could go on and on, but I want to mainly report, Mr. President, that this week we have submitted an omnibus piece of legislation, some 17 amendments that I feel very strongly about, and

I think many in the public feel that we need to go back and fine-tune Act 13. We have formulated amendments that would restore the local zoning powers of communities across the Commonwealth. We would strengthen and enhance a variety of environmental and healthcare protections for our citizenry, especially those who live at or near Marcellus Shale wells that are being dug. There are any number of amendments being offered that clarify the right, if not the legal and moral obligation, of the physician community to ascertain illnesses that may have been derived from carcinogenic toxins and other materials, some 200-plus, that are contained in the fracking fluid. But to be able to do their job as a physician, unfettered by any notion in this law that they must remain secretive or maintain proprietary information that they garner once they try to determine what was the material that may have entered the blood stream or entered the patient's body. Again, that is just reprehensible—I do not know if people really even knew that clause was in there when there was so much quick debate, discussion, and passage of the bill. A number of us obviously did, but it was not highlighted to the extent, along with the local zoning issue, the way it probably should have been.

So there is a series of amendments. I encourage folks to check out our Web site and get a full listing of the 17 amendments. This battle continues to be a wildfire around our Commonwealth, as it has been this past election. I think more so in the future, it will become a central political issue of public debate and discourse, and I think it is important that people begin to be much more vocal and animated about their opposition to Act 13 and to hold folks accountable for their votes. I ask that our colleagues take the time to review these amendments. Again, we are in the Minority in the Senate, I do not have any hopes, necessarily, that any of these amendments will reach the top Leadership on the aisle opposite, but the people, at some point, will have their rights respected, they will make it a political issue, and folks will be held accountable.

The other major initiative in this reform package of amendments is to really make it a uniform tax across the State and not the notion of an impact fee, a tax that would be far more equitable, at least in the middle of the pack, to other States around us that do, in fact, collect an extraction tax, a severance tax. It should be at a much higher rate than what is presently in law, and it should be a tax collected by the State Department of Revenue and not left up to local taxing jurisdictions to have to vote on whether or not they want to have the tax and to forward that. It would completely eliminate the nonsensical role and function of the Public Utility Commission, who has no experience whatsoever, nor should they be involved in zoning and land use policy matters in host communities. It would also create a 2-year moratorium on any further drilling.

I keep hearing each and every day, and there is no question that the media, especially the purchased media by the industry, from radio talk shows to full hours of air time, to everything from purchasing Little League T-shirts to sponsoring the July 4th fireworks in Pittsburgh, naming buildings, I could go on and on about the presence and the PR machine of the Marcellus Shale Coalition, so we have to counterbalance that. But I just think it is very important that they pay their fair share and that we recognize the euphoria and the gold rush mentality, whether it is on individuals capturing income from the industry because they have large tracts of land—in fact, many of them are now having

second thoughts about early deals that they signed, lease wise. But the fact of the matter is that I think we have underestimated and underappreciated the negative and detrimental impact to other billion-dollar industries in our State, namely agriculture, tourism, the tremendous God-given environment and beauty of our State in fields, streams, mountains, and some of the amenities that people take advantage of and appreciate in our Commonwealth, many of which are indeed threatened by the irresponsible drilling activity and the lack of inspection and important environmental and healthcare protocols.

So I encourage folks to check out the omnibus piece of legislation listing 17 amendments to Act 13 and get behind them and become vocal with your respective legislator in the House and Senate, on both sides of the aisle.

Thank you very much, Mr. President.

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

Senator BLAKE. Mr. President, I appreciate the opportunity to the address the body under Petitions and Remonstrances. Before I commence my remarks, which are really to say thank you on a particular piece of legislation that passed unanimously, I want to echo some other remarks, Mr. President, to thank Senator Rafferty and Senator Stack for the resolution today acknowledging our police officers and law enforcement community throughout the State, our men and women. I also acknowledge, of course, the Fraternal Order of Police memorial service that will be here at the Capitol on May 7 to honor not only the fallen officers, but also their families. There are 19,400 full-time officers in the State in addition to the State Police, as well as 4,500 part-time police officers throughout the State. In addition to honoring those fallen in the memorial that will be here, we have to acknowledge the extraordinary service of those who are providing public safety across our Commonwealth at the State and local level.

The other thing I would like to do, if I can, is acknowledge some of the earlier things that happened here on the floor, Mr. President, regarding the acknowledgment of May 1 as National Guard Day in Pennsylvania and Senator Baker, who put forward that resolution. I was very honored to hear the words of General Craig regarding our men and women in the National Guard who are just doing extraordinary work for us, not only in their deployments on behalf of our nation, but also emergency response here in the State.

Mr. President, that leads me to the primary purpose of my remarks. It has to do with the small piece of legislation that passed unanimously here in the Senate, Senate Bill No. 1702. I actually rise to make some comments, Mr. President, as the Democratic chairman of the Committee on Local Government, quite simply because I think there are thanks that need to be rendered on the record. Thanks, first and foremost, to my very distinguished colleague, Senator Eichelberger, who serves as the Republican chairman of the Committee on Local Government and with whom I very much enjoy working. I also want to express thanks to the other Members of the Local Government Commission, as well as Members of the respective Committees on Local Government in both the House and Senate who have worked so hard on the Borough Code, and the upgrade of the Borough Code for Pennsylvania - Representative Mauree Gingrich, Representative Creighton, Representative Ross, and

my colleague in the House on the Committee on Local Government, Representative Bob Freeman, and their staffs.

It is important to understand, Mr. President, there are 958 boroughs in the Commonwealth, and when we talk about redoing a Borough Code, perhaps some of us roll our eyes and wonder whether or not this is a boring matter not worth too much attention, but it is not a small matter. It involves the playbook, if you will, the rules, regulations, administrative, and managerial obligations of boroughs throughout the State.

I need to extend a special thanks to all the stakeholders who made possible the conclusion of Senate Bill No. 1702 today, as amended and approved by the Senate. Most notably, Ed Troxell and Ron Grutza from the Pennsylvania State Association of Boroughs, the Professional Fire Fighters Association, the Fraternal Order of Police, the Pennsylvania State Mayors Association, as well as the Pennsylvania Newspaper Association, all of who have worked for years, Mr. President, on getting this Code updated and modernized. The work that has been done—I have only been in the Senate for a little less than a year and a half—but the work that has been done on redoing this code actually extends over 5 years.

The vast majority of the provisions were necessary in order to enable our local borough managers throughout the State to be in a better position to conduct their business on behalf of the citizens in those boroughs. It includes citations to laws applicable to the boroughs, it consolidates provisions to make it easier for our borough managers to negotiate the voluminous data that is imbedded in the code, it takes into consideration recent legislation, and it also allows a clarification of provisions. It even incorporates legislation as recent as this legislative Session in 2011. There are no new subjects of taxation created, nor are there any existing taxes increased in millage. Following the precedent set by the General Assembly when the recodification of the Second Class Township Code occurred in the 1990s, appropriation limits for various purposes have been removed to permit local borough officials to understand their local fiscal position and the needs of their boroughs to be able to address those needs based upon the financial resources that they can afford to meet specific purposes within their boroughs.

The code also removed antiquated laws pertaining to boroughs which have been superceded by other statutes. It also had the opportunity to remove obsolete provisions and language that was otherwise conflicting in the prior code. Any amendatory acts, again, as I said, that were part of the most recent legislative Session, including Act 12, Act 54, Act 92, and Act 104 of 2011 have been embedded in Senate Bill No. 1702.

Finally, again, I need to express deep thanks, on behalf of the 958 boroughs throughout the State, to the Local Government Commission, Mr. President - Michael Gasbarre, attorney David Greene, and the staff of the commission. I want to acknowledge Senator Robbins, who chairs the Local Government Commission, because that commission is doing some of the most important work regarding the conduct of local government in the Commonwealth of Pennsylvania. So I need to extend on the record deep thanks to the Local Government Commission and to my colleagues who serve on it, including Senator Wozniak, and Members in the House. I express thanks for your patience and consideration for these remarks.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, many times in the past several years that I have been a Member of this body, I rose to talk about reform and ethics in government. Sometimes we overlook the fact that we have opportunities not only to reform government in the way of campaign finance legislation and other kinds of areas, but also in terms of the way that we assess property values. We have an opportunity to do that right now in Philadelphia. The so-called Actual Value Initiative, which is moving forward right now in the city of Philadelphia, is a comprehensive property reassessment program which will affect approximately 500,000 Philadelphia property owners. It is a much-needed reform which I and my colleagues from Philadelphia support.

Very early in my remarks, Mr. President, let me compliment Mayor Nutter for his vision and sharing my vision for reform, specifically moving forward on an AVI, because it is a reform that is certainly long overdue and much needed. But recently, the initiative has been moving, at least in my opinion, and the opinion of other folks, in the wrong direction, an unfortunate direction, and it is being transformed to what, when you boil it down, is nothing more than a backdoor tax increase. It is a windfall that should not be allowed in any other county, and in fact, Mr. President, it is not permitted as of right now in any other county in Pennsylvania except for Philadelphia.

The Actual Value Initiative is an undertaking to comprehensively reassess the city's more than half-million properties at their full, fair value. It is intended to level the playing field and create fairness for all property owners, insuring the people in similar houses and neighborhoods pay similar property taxes, in an effort that is well-intended and, as I said earlier, long overdue. In order to accomplish the reassessment, the city needs help from the General Assembly. Here in the Senate, we are well on the road to providing that help. We have already passed legislation to authorize a homestead exemption in the city of Philadelphia, and passed legislation giving the mayor all nine board appointments to a newly reconstituted Board of Revision of Taxes.

We are soon poised to pass legislation allowing the city to adjust its tax rates downward as property values are reassessed at 100 percent. We have also moved legislation to bring the city's assessor certification standards in line with the rest of the State, an initiative that I pursued earlier this year. But as we have moved through this process, the city has taken what I believe to be a troubling position. Property reassessment has changed from a revenue-neutral reform initiative into a Trojan horse that would generate more than \$90 million in new tax revenue through a backdoor tax increase.

In fact, just last week, the School District of Philadelphia announced that it already has factored into its budget an additional \$94 million in revenue to be produced through property reassessment. The Actual Value Initiative was billed by the administration as revenue-neutral, and the city of Philadelphia still makes that claim. Only now, the city claims that the \$90 million revenue boost merely represents property appreciation that was previously uncaptured. That position obscures what is really a simple algebra problem. The city collected approximately \$880 million in property taxes last year. If reassessment was truly revenue-neutral, then the city's total property tax collections after reassessment would be approximately \$880 million.

In an honest, revenue-neutral process, you would determine

the total property values, then adjust the millage rate to insure that the total revenue did not result in a windfall for the taxing authority. Sadly, Mr. President, that is not happening in Philadelphia. Instead, the city has the final number they want and they are driving the process toward that. That is why, Mr. President, and for that reason, I intend to introduce legislation which would apply an anti-windfall provision to property reassessments in Philadelphia similar to provisions that apply in counties and school districts throughout Pennsylvania.

This legislation would not prevent one penny, not one penny from being allocated to the school district or the thousands of students it serves. Along with my colleagues from Philadelphia, I will continue to fight for education funding here in Harrisburg, and the city government can still provide more funding through local tax revenues. It just should not be done through a Trojan horse under the banner of reform. The Actual Value Initiative should be used as it was originally intended - a comprehensive and transparent process to restore fairness to property taxation within the city of Philadelphia. Complete the property reassessments, then, only then, establish the correct tax rates and enact the policies that protect financially vulnerable homeowners. We can then have a public debate about the need for new revenue and where that money is coming from. Doing otherwise threatens to jeopardize the real property tax reform that has been sought for so long within the city of Philadelphia, and undermines the very confidence in the system that the reassessment effort is meant to restore.

Thank you, Mr. President.

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

Senator BROWNE. Mr. President, I move that the Senate do now recess until Wednesday, May 2, 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 4:53 p.m., Eastern Daylight Saving Time.