

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, MAY 21, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 29

SENATE

MONDAY, May 21, 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 JERRY FORTUNATO, of Rhawnhurst Baptist Church, Philadelphia, offered the following prayer:

Please join with me in prayer.

Almighty God, King of kings and Lord of lords, from whom proceedeth power and dominion in heaven and earth, most heartily we beseech You to look with favor upon each Member of the Senate, the President of the United States, the Governor of this State, and all others in authority. Give them the spirit of wisdom, goodness, and truth, and so rule their hearts and bless their endeavors, that law and order, justice and peace, may prevail. As a people, preserve us from public calamities, war, conspiracy, and rebellion, but especially from national sins and corruption. Bring success to the work of the Senators, and reward them for the good that they do. Blessed are You, Lord, our God, forever and ever. Amen and amen.

The PRESIDENT. The Chair thanks Reverend Fortunato, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

SENATE BILL RETURNED WITHOUT APPROVAL

The PRESIDENT laid before the Senate the following veto message from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been returned without approval:

SB 342, entitled:

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for definitions, for creation of board, for requirements for licensure, for practice and referral, for renewal of licenses and for refusal, suspension or revocation of license; and providing for impaired professionals program.

May 18, 2012

TO THE HONORABLE, THE SENATE
OF THE COMMONWEALTH OF PENNSYLVANIA:

I am returning, without my approval, Senate Bill 342, Printer's No. 549. I regret having to do so. However, I feel compelled to do so because of certain language contained in the bill.

Although there are many positive aspects of the bill, it also contains a provision that increases the per diem allowance for members of the State Board of Occupational Therapy Education and Licensure. Such a per diem increase would be in addition to the reimbursement that members of the Board receive for reasonable expenses. Since I find this provision objectionable, I am returning Senate Bill 342, Printer's No. 549, with my noted objection.

TOM CORBETT
Governor

The PRESIDENT. The communication and bill will be laid on the table.

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL**

May 9, 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, Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2017, and until his successor is appointed and qualified, vice L. Richard Larcom, Bloomsburg, resigned.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

May 14, 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, Brian H. Hoover (District 8), 514 Sharp Avenue, Glenolden 19036, Delaware County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gregory Isabella, Philadelphia, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING

May 14, 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, James M. Creason (Public Member), 320 Mollie Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for *[sic]* until September 26, 2014, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara Hassel, Hermitage, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING

May 14, 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, Ann C. Roman, M.S., CCC-SLP, 153 Butternut Road, Shavertown 18708, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Amy Goldman, Philadelphia, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

May 15, 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, Martin C. Levin, CPA, MBA, 3547 Alyssa Court, New Tripoli 18066, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

May 15, 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, Libby A. White (Public Member), 720 Bryn Mawr Avenue, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Maria Mengel, King of Prussia, resigned.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

May 16, 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, Elizabeth R. Kremer, 895 Race Street, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2017, and until her successor is appointed and qualified, vice L. Richard Larcom, Bloomsburg, resigned.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

May 16, 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, Christopher L. Neidert, 4151 Hill Terrace Drive, Sinking Spring 19608, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice William Zimmerman, Pottsville, deceased.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

May 17, 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, Ann Catalano (Public Member), 29 Tuscany Court, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor

is appointed and qualified, but not longer than six months beyond that period, vice Alessandra Carrafiello, Philadelphia, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF MASSAGE THERAPY

May 17, 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, George D. Moyer (Public Member), 122 Evergreen Drive, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Massage Therapy, to serve until October 9, 2015, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Susan Gobreski, Philadelphia, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

May 17, 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, Gary L. Coburn (Public Member), 3830 Pamay Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve until October 2, 2013, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Ann Fiorilli, Pittsburgh, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

May 18, 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, Melissa A. Haluszczak (Public Member), 1010 Vance Avenue, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ingrid Jones, Coatesville, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS

May 18, 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, Robb Keith (Public Member), 17 Norfolk Court, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve until March 31, 2015, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael A. Huwar, Pittsburgh, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

May 18, 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, George Mermon, 60 Great Oaks Drive, Nesquehoning 18240, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Zimmerman, Mechanicsburg, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

May 18, 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, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Father Rene Barczak, Philadelphia, whose term expired.

TOM CORBETT
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

May 14, 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 April 27, 2012, for the appointment of Stephanie Moore (District 8), 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gregory Isabella, Philadelphia, whose term expired.

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

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

May 15, 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 March 29, 2012, for the appointment of Mike Downing (Public Member), 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Maria Mengel, King of Prussia, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

May 16, 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 May 9, 2011 *[sic]*, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2017, and until his successor is appointed and qualified, vice L. Richard Larcom, Bloomsburg, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

May 16, 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 March 12, 2012, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Board of Trustees of

Hamburg Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice William Zimmerman, Pottsville, deceased.

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

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF MASSAGE THERAPY

May 17, 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 March 12, 2012, for the appointment of Stephanie Moore (Public Member), 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Massage Therapy, to serve until October 9, 2015, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Susan Gobreski, Philadelphia, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS

May 18, 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 April 13, 2012, for the appointment of Mike Downing (Public Member), 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve until March 31, 2015, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael A. Huwar, Pittsburgh, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

May 18, 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 March 12, 2012, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four

years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Zimmerman, Mechanicsburg, whose term expired.

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

TOM CORBETT
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 11, 2012

HB 65 -- Committee on Community, Economic and Recreational Development.

HB 254 -- Committee on Transportation.

HB 527 -- Committee on Veterans Affairs and Emergency Preparedness.

HB 1616 and **2285** -- Committee on Judiciary.

HB 1909 and **2116** -- Committee on Local Government.

HB 2150 and **2300** -- Committee on Finance.

May 21, 2012

HB 2271 -- Committee on Transportation.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

May 11, 2012

Senators FONTANA, COSTA, FERLO, BREWSTER, SOLOBAY, BOSCOLA, HUGHES, KASUNIC, YUDICHAK, FARNESE and TARTAGLIONE presented to the Chair **SB 1462**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for second class county real property assessment and tax elimination; and imposing duties on the Department of Revenue.

Which was committed to the Committee on FINANCE, May 11, 2012.

Senators BLAKE, FONTANA, SOLOBAY, SCHWANK, FERLO and ALLOWAY presented to the Chair **SB 1502**, entitled:

An Act authorizing counties to impose sales, use and occupancy taxes; and providing for the levying, assessment and collection of taxes and for the powers and duties of the Department of Community and Economic Development or any successor agency, the Department of Revenue and the State Treasurer.

Which was committed to the Committee on FINANCE, May 11, 2012.

Senators STACK, FARNESE and FERLO presented to the Chair **SB 1505**, entitled:

An Act amending the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act, providing for limitation of taxation and for property tax deferrals.

Which was committed to the Committee on FINANCE, May 11, 2012.

Senators VANCE, SCARNATI, PILEGGI, FOLMER, TARTAGLIONE, BAKER, BOSCOLA, EARLL, EICHELBERGER, RAFFERTY, SCHWANK, SOLOBAY, TOMLINSON, WAUGH, D. WHITE and M.J. WHITE presented to the Chair **SB 1511**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for ineligibility of State annuitants.

Which was committed to the Committee on LABOR AND INDUSTRY, May 11, 2012.

Senators WAUGH, FONTANA, RAFFERTY, EICHELBERGER, ERICKSON, ARGALL and PILEGGI presented to the Chair **SB 1517**, entitled:

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 acquisition and disposal of buildings, sites for school buildings and playgrounds.

Which was committed to the Committee on EDUCATION, May 11, 2012.

Senators WAUGH, TARTAGLIONE, PILEGGI, ERICKSON, SOLOBAY, ALLOWAY, BREWSTER, SCHWANK, WASHINGTON, COSTA, FERLO and BOSCOLA presented to the Chair **SB 1518**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for grants to municipal fire and emergency services organizations; and imposing a pyrotechnic public safety fee.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 11, 2012.

Senators YUDICHAK, STACK, TARTAGLIONE, FARNESE, BLAKE, McILHINNEY, SCHWANK, HUGHES, GREENLEAF, FERLO, COSTA and BOSCOLA presented to the Chair **SB 1519**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in unconventional gas well fee, further providing for distribution of fee.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 11, 2012.

May 21, 2012

Senators ALLOWAY, D. WHITE, VOGEL, GREENLEAF, PIPPY, WAUGH, M.J. WHITE, WASHINGTON and MENSCH presented to the Chair **SB 1521**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for use of farm vehicle plates.

Which was committed to the Committee on TRANSPORTATION, May 21, 2012.

Senators ALLOWAY, SCARNATI, WOZNIAK, ERICKSON, WAUGH, YUDICHAK, BAKER, ARGALL, SOLOBAY, D. WHITE, BOSCOLA and WARD presented to the Chair **SB 1522**, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in Pennsylvania Board of Probation and Parole, providing for early parole of inmates subject to Federal removal order.

Which was committed to the Committee on JUDICIARY, May 21, 2012.

Senators WILLIAMS, HUGHES, TARTAGLIONE, FONTANA, BROWNE, SCHWANK, STACK, COSTA, SOLOBAY and FARNESE presented to the Chair **SB 1523**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for Holocaust, genocide and human rights violations instruction.

Which was committed to the Committee on EDUCATION, May 21, 2012.

Senators D. WHITE and STACK presented to the Chair **SB 1524**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for reinsurance credits.

Which was committed to the Committee on BANKING AND INSURANCE, May 21, 2012.

Senators BROWNE, PILEGGI, PIPPY, HUGHES and McILHINNEY presented to the Chair **SB 1526**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in film production tax credits, further providing for definitions, for carrying and assignment, for limitations and for pass-through entities.

Which was committed to the Committee on FINANCE, May 21, 2012.

GENERAL COMMUNICATION

RESIGNATION OF SENATOR JANE C. ORIE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

May 18, 2012

The Honorable Joe Scarnati
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Scarnati:

I am hereby notifying you of my formal resignation from the Senate of Pennsylvania effective Monday, May 21, 2012.

It has been an honor and a privilege for me to have served in the Senate of Pennsylvania.

Sincerely,

JANE C. ORIE
40th Senatorial District

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Ms. Janet L. Sweeney as a member of the Conservation and Natural Resources Advisory Council.

Mr. Nicholas D. Varischetti as a member of the Governing Board of the Intergovernmental Cooperation Authority for Cities of the Second Class.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Public Health and Welfare to meet off the floor during today's Session in the Rules room to consider the nomination of Gary Tennis to be Secretary of Drug and Alcohol Programs.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Tomlinson and Senator McIlhinney.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Tomlinson and Senator McIlhinney. Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator RAFFERTY and Senator WAUGH, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, May 21, 2012

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 4, 2012, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 4, 2012, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT B. MENSCH
PRESENTED TO THE SENATE**

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

Senator MENSCH. Mr. President, it is my pleasure today to introduce the Senate to the Saint Stanislaus Parish School's band and chorus. Saint Stanislaus is a Catholic elementary school located in Lansdale, Montgomery County. For over 120 years, Saint Stanislaus has operated independently, educating children from pre-K to eighth grade. Starting next year, they are going to merge with Saint Maria Goretti and Saint Rose of Lima to become Mater Dei Regional Catholic School, as part of the Archdiocese of Philadelphia's Blue Ribbon Commission reorganization.

The music program at the school focuses on study, performance, appreciation, and technique to encourage participation. It is anchored by two chime groups, three bands, two choirs, and the students perform a musical program every year. The school is the latest beneficiary of the Earned Income Tax Credit program in my district, and that is a very worthwhile commitment to the education of youth.

I really want to give a special shout-out to one of the two directors of the band, Terri Rice. Terri and I play a great deal of music together, and it is a pleasure to welcome her, the other director, and all the other members of Saint Stanislaus to the Senate today. So please join me in a very warm welcome.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE**

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

Senator STACK. Mr. President, I would like to welcome today's guest Chaplain, Reverend Jerry Fortunato, to the Senate. Reverend Fortunato has been the pastor at the Rhawnhurst Baptist Church in my Senate district in northeast Philadelphia for 8 years, leading his 80 members in worship. Reverend Fortunato

is here with his wife of 40 years, Rosemarie. Together they have four children - Joyleen, Janeen, Jerry, and Jeffrey - and five grandchildren. I ask my Senate colleagues to please join me in giving Reverend Fortunato and his wife, Rosemarie, our usual warm welcome.

Thank you, Mr. President.

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

(Applause.)

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

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

Senator WARD. Mr. President, it is with great pride today that I welcome my guest, Mr. Bill Brasco, and his family. Mr. Brasco has been on the Jeannette School Board for 44 years. He currently serves as president of the school board, but he is so much more than just a school board director. He is an advocate and such a valuable person for that community. He is always out in front for Jeannette, and they need it. It is a wonderful, wonderful little city, but not a wealthy city. So, while across the board last year, because of the budget, school districts were tightening their belt, Jeannette has been running a ship like that for years. He has been in a position to oversee this, and to make sure that they have what they need and that those children in that school district have what they need. I am very proud of him. I admire him, I respect him, and I really, really like him and I am glad that he is a friend. Thank you.

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

(Applause.)

**GUESTS OF SENATOR JOHN T. YUDICHAK
AND SENATOR DAVID G. ARGALL
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, on behalf of Senator Argall, I would like to welcome some guests from Carbon County today. Jim Hauze, the senior high school adviser of Jim Thorpe Area High School, is here in the Capitol with several educators and several great students who presented a project today to the Pennsylvania Association for Educational Communications and Technology. Will the students and the educators in the gallery please rise, and I ask that my Senate colleagues give them a warm welcome.

The PRESIDENT. Would the guests of Senator Yudichak and Senator Argall 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 Public Health and Welfare to be held in the Rules room beginning im-

mediately, to be followed by a meeting of the Committee on Rules and Executive Nominations also to be held in the Rules room, to be followed by a meeting of the Committee on Appropriations also to be held in the Rules room, to be followed by a meeting of the Committee on Transportation also to be held in the Rules room. Following the conclusion of those meetings, there will be a Republican caucus in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the meetings as referenced by the Majority Leader, Senate Democrats will meet in the rear of the Chamber as well for a caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Public Health and Welfare, followed by a meeting of the Committee on Rules and Executive Nominations, followed by a meeting of the Committee on Appropriations, followed by a meeting of the Committee on Transportation, 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 Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I request temporary Capitol leaves for Senator Corman and Senator Pileggi.

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

Senator FONTANA. Mr. President, I request temporary Capitol leaves for Senator Costa, Senator Hughes, and Senator Yudichak, and a legislative leave for Senator Stack.

The PRESIDENT. Senator Browne requests temporary Capitol leaves for Senator Corman and Senator Pileggi.

Senator Fontana requests temporary Capitol leaves for Senator Costa, Senator Hughes, and Senator Yudichak, and a legislative leave for Senator Stack.

Without objection, the leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney and Senator Tomlinson have returned, and their legislative leaves are cancelled.

CALENDAR

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION OVER IN ORDER

SB 1467, SB 1468, SB 1469, SB 1470 and SB 1471 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL AMENDED

HB 165 (Pr. No. 3272) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senators EICHELBERGER and WILLIAMS offered the following amendment No. A10273:

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

Section 1. Section 5511 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding subsections to read:

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting:

* * *

(a.1) Guide dogs.--

(1) A person commits a misdemeanor of the

Amend Bill, page 2, lines 4 and 5, by striking out "(ii) A person commits an offense under this" in line 4 and "paragraph" in line 5 and inserting:

(2) A person commits an offense under this subsection

Amend Bill, page 2, line 8, by inserting after "provocation":

and the owner or co-owner knowingly or recklessly failed to restrain the dog or keep the dog in a contained, secure manner

Amend Bill, page 2, line 9, by striking out "(iii) Any person convicted of violating the" and inserting:

(3) Any person convicted of violating the

Amend Bill, page 2, line 10, by striking out "paragraph" and inserting:

subsection

Amend Bill, page 2, by inserting between lines 15 and 16:

(a.2) Civil penalty and restitution.--

(1) A person who is the owner or co-owner of a dog that kills, maims or disfigures a guide dog of an individual who is blind, a hearing dog of an individual who is deaf or audibly impaired or a service dog of an individual who is physically limited shall be subject to paragraph (2) if all of the following apply:

(i) The owner or co-owner knew the dog had a propensity to attack human beings or domestic animals.

(ii) The owner or co-owner failed to restrain the dog or keep the dog in a contained, secure manner.

(2) A court of common pleas may impose any of the following upon any person who is the owner or co-owner of a dog under paragraph (1):

(I) A civil penalty of up to \$15,000.

(ii) Reparations for veterinary costs in treating the guide, hearing or service dog and, if necessary, the cost of retraining the dog or of obtaining and training a replacement guide, hearing or service dog.

(iii) Loss of income for the time the individual is unable to work due to the unavailability of the guide, hearing or service dog.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, I would like to congratulate Representative Evans for all his work on this issue over the years and allowing us to, in conversations with him, work with the Democrats and Republicans together in the Senate and some of the advocacy groups around Pennsylvania to craft a bill that addresses the needs of people who have service dogs,

whose dogs are attacked at some point in time and incur damages to the dog which need to be paid for, or people to be held responsible for, and injuries to the owners of the dogs so that they can be made whole for the financial damages that occur to them.

So I think we worked together and crafted a good amendment today that will greatly enhance this bill, and I ask my colleagues to vote favorably for House Bill No. 165. I thank my colleague, Senator Williams, and some of the folks with whom he has worked, for working diligently on this bill as well. Thank you.

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

Senator WILLIAMS. Mr. President, I would also like to thank Senator Eichelberger and Representative Evans for advancing an idea and an issue that many of us sort of assumed and did not pay much attention to until recently. For those who do not understand, many of us who are dog lovers, I have been a pet owner, I am no longer a pet owner, and have some experience with this unfortunate set of circumstances we are confronting today. What I thought was most significant about the amendment is it puts a larger responsibility upon owners who just assume they have the money for civil claims. It puts a larger degree and an actual misdemeanor in place.

Unfortunately, far too many times in Philadelphia, I represent Philadelphia and Delaware Counties, in both areas people have these dogs that are dangerous, take very little responsibility for them and, frankly, do not necessarily have the means or financial wherewithal to withstand a civil claim, in fact, could not care less about it, but would question the fact that they found themselves in front of a court because of charges of it. So I am appreciative of the ability to make input on this piece of legislation, and I, too, ask for the support of the amendment and final passage.

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

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

YEA-45

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

NAY-2

Earll White Mary Jo

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 351 (Pr. No. 745) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, Senate Bill No. 351 is a legislative priority of the American Heart Association, and it has been for years. Since we are all susceptible, unfortunately, to having a sudden heart attack, this bill should be a priority for each of us. Across the nation, more than 300,000 sudden cardiac arrests happen where medical assistance is not within easy reach. If lifesaving equipment is not nearby, and no one is willing or able to administer CPR, the chances of survival are slim. However, if CPR is performed immediately, a victim's chances of survival doubles and possibly triples. Yet, Pennsylvania remains one of only a handful of States that does not provide full legal protections for bystanders who render CPR.

Senate Bill No. 351 fixes the law in two ways. First, it protects Good Samaritans who in good faith rush to the aid of someone in an emergency. Second, it protects from liability those businesses with automatic external defibrillators, AEDs, on their premises. Businesses are vulnerable to litigation, both when an AED is used and the outcome is not good, and when they have an AED on the premises and it is not used. With the proper equipment at hand and the proper legal protections in place, a Good Samaritan can jump in and lend a hand without being frozen or having the fear of litigation.

Heart health experts will tell you it is always better to do something than to do nothing when someone is in distress. The difference between action and inaction can be the difference between life and death. Passing this bill does not mean Pennsylvania is empowering bystanders to act negligently or carelessly. Instead, this bill underscores the importance of training and protects those reasonable people who act in good faith to help others. The Commonwealth has been working in many ways to upgrade our emergency response when it comes to preventing death in the aftermath of a massive coronary, and this legislation is the improved emergency response we need.

Thank you, Mr. President, and I ask for an affirmative vote on the bill.

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-47

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

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.

BILLS OVER IN ORDER

SB 932, SB 1090, SB 1135 and SB 1480 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1509 (Pr. No. 2150) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Erie Art Museum, certain lands situate in the City of Erie, Erie County.

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-47

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

NAY-0

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

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

SB 1510 (Pr. No. 2151) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Erie Art Museum, certain lands situate in the City of Erie, Erie County.

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-47

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

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

BILLS OVER IN ORDER

HB 135, HB 208 and SB 632 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL AMENDED

HB 804 (Pr. No. 823) -- 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 exemptions from jury duty.

On the question,
Will the Senate agree to the bill on second consideration?
Senator BROWNE offered the following amendment No. A10610:

Amend Bill, page 1, line 12, by striking out "full term" and inserting:
term of 18 months

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 BROWNE.

BILLS OVER IN ORDER

HB 970, HB 973, SB 991, SB 1255, SB 1265, SB 1303, SB 1362, SB 1381 and SB 1388 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION

SB 1398 (Pr. No. 2163) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

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

BILL REREFERRED

HB 1398 (Pr. No. 3296) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for definitions and for exotic wildlife possession permits.

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

BILLS OVER IN ORDER

SB 1449, SB 1459, SB 1460 and SB 1490 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILLS ON SECOND CONSIDERATION

HB 1682 (Pr. No. 3105) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for the creation of land banks for the conversion of vacant or tax-delinquent properties into productive use.

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

HB 1825 (Pr. No. 3494) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey by quitclaim deeds to Aber and Hockenberry, Mary E. Crotzer, Ronald and

Michael Haines, Randy D. Payton Sr., Jack L. Hanna and Victor and Katherine Crum, certain lands situate in Curtin Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Centre County Industrial Development Corporation certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Randy M. Thomas, or his assigns, a permanent utility easement across certain lands situate in White Township, Indiana County; authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County; authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Canonsburg, Washington County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to VARHA, Inc., certain lands situate in the Borough of Polk, Venango County; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Ohiopyle Borough certain lands situate in Ohiopyle Borough, Fayette County, in exchange for Ohiopyle Borough granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park; and making related repeals.

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

BILL OVER IN ORDER

HB 1913 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

HB 1237 TAKEN FROM THE TABLE AND REREFERRED

Senator BROWNE. Mr. President, I move that House Bill No. 1237, Printer's No. 1356, be taken from the table and rereferred to the Committee on Appropriations.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be rereferred to the Committee on Appropriations.

HB 1091 TAKEN FROM THE TABLE

Senator BROWNE. Mr. President, I move that House Bill No. 1091, Printer's No. 1188, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

February 29, 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, John E. Payne, Jr., 14023 Mike Road, North Huntingdon 15642, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES
OF CLARION UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

February 23, 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, The Honorable Donna Oberlander, 44 West Main Street, Clarion 16214, Clarion County, Twenty-first Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified.

TOM CORBETT
Governor

SECRETARY OF DRUG AND ALCOHOL PROGRAMS

January 25, 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, Gary Tennis, 773 South 8th Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as Secretary of Drug and Alcohol Programs, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice new position.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE
STATE SYSTEM OF HIGHER EDUCATION

March 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, Celestino R. Pennoni, 411 Valley Glen Drive, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors

of the State System of Higher Education, to serve until December 31, 2014, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE PHILADELPHIA
SCHOOL REFORM COMMISSION

February 10, 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, Feather O'Conner Houstoun, 240 S. Hutchinson Street, Philadelphia 19107, Philadelphia County, First Senatorial District, for reappointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2017, and until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS COLLEGE OF TECHNOLOGY

February 13, 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, John M. Levitski, 756 Rohen Ridge Drive, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Michael Winn, Lancaster, resigned.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SECRETARY OF DRUG AND ALCOHOL PROGRAMS

January 25, 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, Gary Tennis, 773 South 8th Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as Secretary of Drug and Alcohol Programs, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice new position.

TOM CORBETT
Governor

On the question,
Will the Senate advise and consent to the nomination?

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

Senator WOZNIAK. Mr. President, I had the opportunity to talk to Secretary-designee Gary Tennis today. I have absolutely no problem with his credentials. I think he will do a great job. However, as I said, I believe it was 3 years ago, on this floor to a previous administration, I oppose and continue to oppose the creation of another department. We are still in a deficit era, and yet we are creating the Department of Drug and Alcohol Programs.

I would be naive to think that we do not have a drug, alcohol, and substance abuse problem here in Pennsylvania, but to elevate such a situation to the level of a department equal to education, equal to transportation, equal to economic development, I think, is wrong-minded. This department that they wish to create, and it was started under the Rendell administration, not funded until I understand this year's budget, is best served within the Department of Health as a deputy secretary, perhaps a deputy secretary on steroids, but those are drugs, and we do not want to say that. But I do not believe it is appropriate for us to elevate drug and alcohol abuse to a level of a department equal to education, transportation, et cetera.

I am probably going to be the only vote opposing this nominee. It is not against the individual, but it is against creating yet another department that will have a budgetary expense. Although I believe the idealist concept is to use the revenues and the energy and the synergism from the Department of Corrections, from the Department of Health, from the Department of Education, to use all these things for the Department of Drug and Alcohol Programs, I think they would be very hesitant to share their staff and their money. As much as we like to think that we can absolutely control all the dynamics in this Commonwealth, those departments have their own existence. We are creating the Department of Drug and Alcohol Programs, which is only going to start with a few million dollars here and there, but mark my words, in 5 or 6 years, if it continues, it will be increased, and not at the decrease of the other departments that they talk about using. So, my opposition is not to the individual but to the fact that we are creating yet another department here in Pennsylvania.

Thank you, Mr. President.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEA-44

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

NAY-3

Earll White Mary Jo Wozniak

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.
The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

February 29, 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, John E. Payne, Jr., 14023 Mike Road, North Huntingdon 15642, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES
OF CLARION UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

February 23, 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, The Honorable Donna Oberlander, 44 West Main Street, Clarion 16214, Clarion County, Twenty-first Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

March 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, Celestino R. Pennoni, 411 Valley Glen Drive, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2014, and until his successor is appointed and qualified.

TOM CORBETT Governor

MEMBER OF THE PHILADELPHIA SCHOOL REFORM COMMISSION

February 10, 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, Feather O'Conner Houstoun, 240 S. Hutchinson Street, Philadelphia 19107, Philadelphia County, First Senatorial District, for reappointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2017, and until her successor is appointed and qualified.

TOM CORBETT Governor

MEMBER OF THE BOARD OF TRUSTEES OF THADDEUS STEVENS COLLEGE OF TECHNOLOGY

February 13, 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, John M. Levitski, 756 Rohen Ridge Drive, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Michael Winn, Lancaster, resigned.

TOM CORBETT Governor

On the question, Will the Senate advise and consent to the nominations?

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

YEA-47

Table with 4 columns: Alloway, Argall, Baker, Blake, Boscola, Eichelberger, Erickson, Farnese, Ferlo, Folmer, McIlhinney, Mensch, Piccola, Pileggi, Pippy, Tomlinson, Vance, Vogel, Ward, Washington

Table with 4 columns: Brewster, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Robbins, Scarnati, Schwank, Smucker, Solobay, Stack, Tartaglione, White Donald, White Mary Jo, Williams, Wozniak, Yaw, Yudichak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 817 (Pr. No. 1830) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for the use of restraints on children during court proceedings.

Senator CORMAN, from the Committee on Appropriations, reported the following bills:

SB 8 (Pr. No. 2196) (Amended) (Rereported)

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.

SB 1263 (Pr. No. 1627) (Rereported)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general budget implementation, further providing for the Department of Labor and Industry.

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

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 1492 (Pr. No. 2197) (Amended) (Rereported)

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 761 (Pr. No. 3559) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income and for income tax returns; in realty trans-

fer 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.

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

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.

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

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.

Senator D. WHITE, from the Committee on Transportation, reported the following bills:

SB 1465 (Pr. No. 2059)

An Act designating a portion of State Route 3 in West Chester Borough, Chester County, as the Senator Robert J. Thompson Highway; and designating the Pottstown Pike Bridge over the French Creek in South Coventry Township, Chester County, as the Representative Sam Morris and Eleanor Morris Memorial Bridge.

HB 2271 (Pr. No. 3255)

An Act designating a bridge carrying State Route 2009, formerly the Huff Road Bridge, in West Wheatfield Township, Indiana County, and in St. Clair Township and New Florence Borough, Westmoreland County, as the PFC Robert "Piney Decker" Nadolski Memorial Bridge.

SENATE RESOLUTIONS ADOPTED

Senators BAKER, ALLOWAY, ARGALL, BOSCOLA, BROWNE, BRUBAKER, COSTA, DINNIMAN, EARLL, EICHELBERGER, ERICKSON, FARNESE, FERLO, FONTANA, GORDNER, GREENLEAF, KASUNIC, KITCHEN, MENSCH, PILEGGI, PIPPY, RAFFERTY, ROBBINS, SCARNATI, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, WARD, WAUGH, D. WHITE, M.J. WHITE, WOZNAK and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 316**, entitled:

A Resolution designating the week of May 20 through 26, 2012, as "Emergency Medical Services Week" and May 23, 2012, as "Emergency Medical Services for Children (EMSC) Day," with the theme, "EMS: More Than a Job, A Calling," in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, I offer my remarks on EMS Week for the record. Thank you.

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 gentlewoman from Luzerne, Senator BAKER:)

Mr. President, EMS workers are usually the first to arrive on the scene of a car accident, a crime scene, a disaster, or a fire. They never know what they will face when they arrive, and often their own lives are in danger when they do. They kneel down to render life-saving aid along busy highways, outside burning buildings, and on crime-infested streets. While they are usually the first on the scene, they are often the last to seek recognition.

EMS workers do their jobs because they want to save lives, pure and simple. Their job, as their slogan says, is "More than a job: it's a calling."

EMS Week highlights these local heroes in uniform, who usually operate behind the scenes, day after day, night after night, shift after shift, restoring heartbeats, stopping bleeding, and transporting the sick and injured to the emergency health care they need. Their work too often goes unnoticed. Their presence, quick thinking, and skilled actions frequently spell the difference between life and death. They come whenever and wherever they are needed to face the unknown.

So, this week, I urge you to join me in marking EMS Week, when we recognize the courage of every EMS worker, from dispatchers and educators to emergency room doctors and nurses. We issue a heartfelt "thank you" for the heroic acts they perform every time a 911 call comes in. We also salute their family members, who sacrifice their time and sense of security, along with the sacrifices of their loved one.

Let us pray for the safety of our EMS workers and honor their sacrifices every time we hear a siren or see an ambulance en route to a tragedy. During EMS Week, let us take added time to applaud our first responders and their families for being first-rate protectors and healers.

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 FONTANA, on behalf of LEACH, Senators GREENLEAF, STACK, TARTAGLIONE, KASUNIC, COSTA, DINNIMAN, BOSCOLA, RAFFERTY, ALLOWAY, PILEGGI, ERICKSON, WARD, SCHWANK and PIPPY by unanimous consent, offered **Senate Resolution No. 317**, entitled:

A Resolution designating the week of May 21 through 27, 2012, as "Juror Appreciation Week" 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 Lorraine Patla by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Jay Oberholtzer, Mr. and Mrs. Robert Ludwig, Derek A. Shields, Andrew D. Beck, Charles B. Lovette and to Andrew Joseph Long by Senator Brubaker.

Congratulations of the Senate were extended to Pan-Macedonian Association USA by Senators Dinniman and Erickson.

Congratulations of the Senate were extended to Alexander Schaeffer Farm House of Schaefferstown by Senator Folmer.

Congratulations of the Senate were extended to L. Anderson Daub and to the Lehigh Valley IronPigs Baseball Team of Allentown by Senator Mensch and others.

Congratulations of the Senate were extended to Sergeant Christopher Barrett Saylor, Mary S. Crawford, Mildred E. Gallagher and to Louis DeAntonio by Senator Pileggi.

Congratulations of the Senate were extended to Christine Cusick by Senators Rafferty and Pileggi.

Congratulations of the Senate were extended to Tucker Allen Beatty by Senator Scarnati.

Congratulations of the Senate were extended to Sarris Candies of Canonsburg by Senator Solobay.

Congratulations of the Senate were extended to Glenn L. Wilson and to Jonathan Miller by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Virginia K. Transue and to the family of the late Wilma Mae Lansberry by Senator Baker.

Condolences of the Senate were extended to the family of the late Captain David A. Wintz, Sr., by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

Senator BROWNE. 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 1465 and HB 2271.

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

MONDAY, MAY 21, 2012

10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing to consider the nomination of Gary Tennis as Secretary of Drug and Alcohol Programs)	Hrg. Rm. 1 North Off.
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 8, 1263, 1321, 1410 and 1492; and House Bills No. 761, 1264 and 1610)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 817; and certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	TRANSPORTATION (to consider Senate Bill No. 1465; and House Bill No. 2271)	Rules Cmte. Conf. Rm.

TUESDAY, MAY 22, 2012

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY, LAW AND JUSTICE, TRANSPORTATION, and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint public hearing on the Statewide Radio System)	Hrg. Rm. 1 North Off.
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10:00 A.M.	LABOR AND INDUSTRY (to consider House Bills No. 728, 1055 and 1548)	Room 461 Main Capitol
10:30 A.M.	EDUCATION (to consider House Bills No. 1307 and 1901)	Room 8E-A East Wing
11:00 A.M.	GAME AND FISHERIES (public hearing to gather testimony regarding the ongoing problems with the Susquehanna River and a case for impairment; testimony received from the PA Fish and Boat Commission)	Room 461 Main Capitol
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 10, 807, 1237, 1349, 1761, 1960 and 2151)	Rules Cmte. Conf. Rm.

WEDNESDAY, MAY 23, 2012

9:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 874 and House Bills No. 19, 21 and 1857)	Room 461 Main Capitol
9:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 155 and 946; and House Bills No. 3, 17 and 156)	Room 8E-B East Wing
10:00 A.M.	FINANCE (to consider Senate Bill No. 161)	Room 8E-B East Wing
10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1346; and House Bill No. 1934)	Room 8E-A East Wing

PETITIONS AND REMONSTRANCES

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

Senator FARNESE. Mr. President, I rise today to talk about an issue that is particular to the city of Philadelphia. As we begin our budget negotiations and move forward with our budget here, the city of Philadelphia is also facing similar budgetary deadlines. Specifically, right now, the city of Philadelphia is going through what is known as an Actual Value Initiative, or an AVI. I want to talk today, Mr. President, not only so that folks at home can learn, but to talk to the people in this building, specifically this part of the building about a press conference that occurred on Friday morning at my office in south Philadelphia, one that was brought together on very short notice, but a press conference nonetheless that was important and specific because of the issues which we discussed. It was not just the topic of the Actual Value Initiative, Mr. President, that we discussed at that time, but the people who were with us at that meeting.

I bring this up today because, over the last several weeks, I have been out in front on this issue, along with other Members, such as Senator Stack, about making sure that the Actual Value Initiative is fair, transparent, and done properly so that the city of Philadelphia can get a fair and accurate property reassessment. Many people have been questioning where the city is on this. Are members of city council 100-percent supportive of the mayor's idea? Is the Philadelphia delegation 100-percent supportive of the mayor's idea, on both sides of the aisle and on both sides of the building?

So we met on Friday, Mr. President. I was joined by my colleague, Senator Stack, Representative Boyle, Representative Brownlee, Representative Donatucci, Representative O'Brien,

Representative Youngblood, Philadelphia City Councilman Mark Squilla, Philadelphia City Councilman Bill Green, and influential community leaders. Also, and she could not make it that day, but I was joined in support by the delegation head, Senator Kitchen, and also Senator Washington. We joined there to send a clear message that we are not on the same page with what the mayor wants to do in going forward with the AVI.

Let me just say that throughout the mayor's first and second terms, I have been one of his staunchest supporters. I believe in the reforms that the mayor has done, both in terms of the ethics and in terms of cleaning up the pay-to-play and other issues that have been so important. I support him, and I will continue to support the mayor and this administration.

When you talk about what is moving forward right now in the city of Philadelphia with the property tax assessment—just let me give you a little bit of background by way of what the AVI really is. The AVI is an effort to reassess more than 577 homes and properties in the city of Philadelphia. Now, at its core and its goal, the AVI is supposed to increase transparency and fairness by making sure that people in similar houses and neighborhoods pay similar property taxes, a very easy concept. Done correctly, Mr. President, and this is important, the AVI would be a difficult undertaking, and that is why I have stressed and will continue to stress my support for the mayor in moving forward with this very strong reform measure. He deserves credit for attempting to reform the system that we all agree has been in need of fixing for decades. But, Mr. President, like every reform measure and every measure with which we move forward, it must be done in the right way. Unfortunately, at the present time, this process is not moving forward, at least in some of our opinions, in the right way.

The first and most obvious problem with the AVI, Mr. President, is that the mayor wants to implement a property reassessment scheme—and this is the point which I find almost incredible—he wants to implement a property reassessment scheme without knowing the actual property values. Let me say that again. He wants to move forward on a property reassessment scheme without the number-one key component, the actual values of the properties. They are unknown, and they will continue to be unknown for some time into the future. Now, Mr. President, that is not fair to the taxpayers, and, of course, it really makes no sense at all to move forward in this way.

Secondly, the AVI is not, on its face or at any point, revenue-neutral. What do I mean by that? What I mean is that the city is claiming or intending to generate an additional \$94 million in new revenue. Now, I say that because it is very important, because what we hear up here is no new taxes. No new taxes, no new taxes, no new taxes. There is no exception for the city of Philadelphia. The city of Philadelphia's taxpayers should be treated just like everyone else across the Commonwealth of Pennsylvania. They should not be subject to an increase in revenue where no one else across the State is. That is an issue of fairness.

Now, in response, what I have heard is that this is not a new tax, Mr. President, but it is really just an attempt to recapture values that are so outdated, to recapture property values that have increased over time. But the problem with that argument, Mr. President, is this: in order to recapture values, you must know

what the actual values are. You have to have the starting point of those values in order to say you are recapturing value. If you do not know what the property values are, you cannot then go back and recapture them because you simply do not have that information. It is a circular argument, Mr. President, that really makes no sense.

Thirdly, let us address the funding needs of the school district of Philadelphia separately. I think we all believe that we must address the city of Philadelphia, the school district of Philadelphia's needs, and we must do it the right way. It should be done separately. I think it is appropriate for the mayor to work with city council on this very, very important issue, but not, Mr. President, play a game of brinkmanship. Our school system is in desperate need of money. We know that. We all know that. The city of Philadelphia knows that, the taxpayers know that, and the folks in this building know that. If we are going to raise money for schools, we need to have an open and honest discussion and consider all of our options. But for some reason, Mr. President, the administration believes that the AVI is a silver bullet, and it is not. On Friday, and again today, I am calling upon the mayor to implement separate and fair solutions, one for property reassessments and one for the school district of Philadelphia, so that we can fix both of these problems in a fair and transparent way.

Now, Mr. President, I am going to be moving forward with a number of amendments. When and if this bill, or bills, the vehicles for this legislation come forward, one of them would require that the process be truly revenue-neutral for the upcoming tax year, only that upcoming tax year. I also plan to introduce legislation that would allow city council, if it chooses, to delay the AVI for 1 year or to fund the schools through other taxing alternatives. We all know, Mr. President, this is not an easy fix. It is not an easy fix, but it must be done. It must be done through hard work and exploration of all available alternatives. To simply say that we are going to move forward with the reassessment without having the property values is not reform, Mr. President, and it is not the way to move forward on this vital and important issue.

I thank you, Mr. President, and I urge all the Members to take a very close look at an issue that may not affect them in their own districts, but it certainly is critically important to the Members here from Philadelphia. Thank you.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF HB 804

HB 804 (Pr. No. 3561) -- Senator BROWNE. Mr. President, I move to reconsider the vote by which the bill went over in its order.

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

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

PETITIONS AND REMONSTRANCES (Continued)

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

Senator BOSCOLA. Mr. President, all of us want State government to be cost-effective and invest tax dollars wisely. We all understand the very steep challenges we are facing this year, and all of us know that there are many very difficult decisions that have to be made. In making those decisions, Mr. President, it is imperative that we continue to support proven economic development programs that create jobs and sustain families. While nearly everyone in here will publicly pontificate about how jobs and economic development should be our top priority, we sometimes do not practice what we preach.

Even following the restorations in Senate Bill No. 1466, our spending plan, does little to help businesses or spur job creation. In fact, groups representing them, small businesses and large businesses, are out there publicly saying so. The proposed State budget would cut economic development spending by nearly \$4 million. This hardly supports public claims that jobs are a top priority. This also sends a chilling message to businesses that are interested in investing here in Pennsylvania and our workers. As chair of the Senate Democratic Policy Committee, I held roundtable discussions throughout the State gathering local input on economic development issues. Expert after expert warned that abandoning successful economic programs and stimulus investments would cripple our ability to stimulate our economy and would make an already tough job market even worse.

Mr. President, no one would argue that the Ben Franklin Technology Partners program has not been a great success, but even the Senate's new and improved budget would only fund this program at its current level. Now, some might say, well, it is funded at the current level, what is wrong with that? The problem is, in the past, it has been cut many, many times. In my opinion, this is not good enough. In my opinion, I would be investing more in some of these successful economic development programs and taking money out of the budget of the Department of Corrections, which, to me, is just money down the drain. Every year, the Ben Franklin program leverages millions of dollars to create and sustain thousands of good jobs. The Lehigh Valley's Ben Franklin TechVentures has been a glowing success story, winning numerous National Business Incubator of the Year awards. Now, in 2012, this year, Lehigh Valley's Ben Franklin TechVentures has won the Dinah Adkins Incubator of the Year award, and also the Randall M. Whaley National Incubator of the Year award, both given out by the National Business Incubation Association. So, that is a success story, and that is something of which we should all be proud. So, you want to invest in those types of companies. You want to invest in those types of programs that really do a good job and bring awards here to Pennsylvania for creating and for being innovative.

Ben Franklin TechVentures provides a high-energy and professional environment to facilitate connections between early-stage technology firms and the funding, people, technology, universities, and other resources they need to prosper. Since 1983, the program has fueled economic development growth throughout northeastern Pennsylvania and has graduated 55 successful companies. Mr. President, Ben Franklin TechVentures used \$5.9 million in RCAP funding to leverage an impressive

\$9.85 million to private funding and \$6 million in Federal EDA grants. So why on earth would we not fully support a program that has been so successful? I am not blaming one administration or another. All I am saying is, in this environment, when job creation is so critical, all it takes is a million dollars here and there to fund programs to operate businesses and get innovation going, create jobs, and the return on the dollar investment is sometimes three or four times as much as what we invested. That is real investment, because remember, in our budget, we do not really investment much. In certain economic development programs we do, but there are a lot of things in our budget that are not investments. We are just sending money away, handouts to people, and it is okay if we can afford it, but we cannot right now because not enough people are working. So when you have a program that is so successful, you not only fund it at the same level, you give it more money so it gets more people working, more innovation going, and more awards that come nationally to Pennsylvania.

Mr. President, what we need to keep in mind as we consider what we have to do here in Harrisburg, as far as our budget, is what we can cut, because we can cut a lot of things out of our budget, but what must we fund to help us grow and to help our business economy create an attractive environment, an attractive investment environment? In essence, pulling the plug on one aspect of Ben Franklin can have a negative ripple effect on other programs.

Mr. President, funding the Pennsylvania Infrastructure Technology Alliance would be eliminated under the Governor's proposed budget. Now, during previous years, we funded this program up to maybe \$6 million annually. The result of this investment, think about it, was 11 start-up companies created by PITA-sponsored technologies, resulting in over 930 projects in partnership with more than 300 Pennsylvania companies, and leveraging \$2 in Federal and private funds for every \$1 in State investment. Now, that is where I would put my money. When you get a return on your dollar like that, that is a wise investment. This program has been a great success, and the sponsored schools, the hundreds of students pursuing technology careers, how can we turn our backs on this type of success?

Mr. President, we have fallen from 7th in the nation in job creation to 35th. Now, here is where I am not going to be partisan. It is not the fault of just this administration. This has been years in the making. What I am asking and begging of this administration is that we should be strengthening and not axing these great programs that matter so much. I am encouraging this administration to put more money into these economic development programs because you will get more awards, create more jobs, and be in great standing here economically.

Mr. President, we must weigh the full impact of each and every cut we make, find innovative ways to make the most of our limited resources, and structure a sound, reasonable, balanced budget this year. I get it. Part of the effort should be centered on economic development programs and a revenue climate that will expand and prosper in years to come, and much of our responsibility for this is finding the means to invest State dollars in proven programs that give a great return on our investment. I know we can do it.

Thank you, Mr. President.

RECESS

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

Senator BROWNE. Mr. President, I move that the Senate do now recess until Tuesday, May 22, 2012, at 1 p.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 4:58 p.m., Eastern Daylight Saving Time.