

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, JUNE 20, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 41

SENATE

WEDNESDAY, June 20, 2012

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend RON ZEIGLER, Pastor of Church of the Servant, Palmyra, offered the following prayer:

Dear Father in heaven, giver of all good gifts, the sole source of all being, by whom, through whom, and to whom everything exists, whose knowledge is infinite and not dependent upon any created being, I thank You for this State Senate of Pennsylvania. Thank You for establishing civil governments for the better ordering of society and for the diligent protection of law-abiding citizens. Thank You for revealing in Your creation, as well as in Your written word, all that we need to know about You and how You have called for us to live in light of Your almighty authority as our Creator.

Thank You for the men and women who serve in this distinguished body, as well as for their families, who sacrifice much for them to do their work well. Thank You for all of the support staff who serve faithfully to help these public servants make just laws for the blessing and benefit of this great Commonwealth. Dear Father, in Your mercy and for Your glory, please enable each Member of this great body to be faithful to their oath of office, being ever diligent to uphold the Constitution on behalf of the people they represent, especially in the midst of the many pressures, challenges, and temptations they face each day. Strengthen these Senators to work well with their fellow colleagues in a common unity of love, care, and concern for the whole of Pennsylvania. Please guide and direct them this day in all they have to do and bless their labor so that all they accomplish is good and pleasing in Your sight and profitable for the people of this wonderful Commonwealth of Pennsylvania. I ask You for all of these things in the name of Jesus Christ, for He is my dear Lord and my precious Savior in whom I rejoice each day. Amen.

The PRESIDENT. The Chair thanks Pastor Zeigler, who is the guest today of Senator Folmer.

PLEDGE OF ALLEGIANCE

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

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately, without objection, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 375**.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 276**, with the information the House has passed the same without amendments.

BILLS SIGNED

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

SB 276 and **SB 375**.

BILLS REPORTED FROM COMMITTEES

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

SB 100 (Pr. No. 2272) (Rereported) (*Concurrence*)

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of burglary; in other offenses, further providing for drug trafficking sentencing and penalties; in Pennsylvania Commission on Sentencing, further providing for powers and duties and for publication of guidelines; in sentencing, further providing for sentences for second and subsequent offenses; in sentencing, providing for sentencing for certain paroled offenders; in sentencing, further providing

for sentencing generally, for disposition under guilty but mentally ill, for partial confinement, for total confinement and for proceedings and location; in sentencing, providing for court-imposed sanctions for offenders violating probation; in county intermediate punishment, further providing for definitions and for programs; in correctional institutions administration, further providing for drug distribution definitions; in inmate confinement visitation, further providing for Gubernatorial visitors, for official visitors and for rights of official visitors; in inmate confinement prerelease plans, further providing for establishment of prerelease centers, for prerelease plan for inmates, for regulations and for compensation of inmates; in inmate confinement motivational boot camps, further providing for definitions and for selection of inmate participants; in inmate confinement State intermediate punishment, further providing for definitions and for referral to State intermediate punishment program; in inmate confinement recidivism risk reduction incentive, further providing for definitions; in inmate confinement community corrections facilities, further providing for definitions; in inmate confinement, providing for safe community reentry and for community corrections centers and community corrections facilities; in probation and parole administration, further providing for certain offenders residing in group-based homes, for administrative powers over parolees, for general court criteria for parole, for parole power, for parole violation and for parole procedure; in probation and parole administration, providing for early parole subject to Federal order; making a related repeal; and abrogating regulations.

SB 157 (Pr. No. 2289) (Rereported) (Concurrence)

An Act establishing a task force within the Department of Education, providing for its powers and duties and providing for administrative support.

SB 449 (Pr. No. 2248) (Rereported) (Concurrence)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for child abuse recognition and reporting training.

SB 1478 (Pr. No. 2244) (Rereported) (Concurrence)

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2012, to June 30, 2013, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2012.

HB 823 (Pr. No. 3792) (Amended) (Rereported) (Concurrence)

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

Senator BRUBAKER, from the Committee on Finance, reported the following bill:

SB 1552 (Pr. No. 2256)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

Senator D. WHITE, from the Committee on Banking and Insurance, reported the following bills:

SB 1193 (Pr. No. 2311) (Amended)

An Act providing for the licensure of persons providing debt settlement services, for powers and duties of the Department of Banking and for enforcement; imposing civil penalties; and repealing in part the Debt Management Services Act.

HB 532 (Pr. No. 3601)

An Act providing mandatory insurance coverage for general anesthesia.

HB 2135 (Pr. No. 3603)

An Act providing for licensure of vendors, for requirements for sale of portable electronics insurance, for authority of vendors of portable electronics, for termination of portable electronics insurance, for licensure, for renewal of license, for injunctions and for appeals.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Costa requests legislative leaves for Senator Boscola and Senator Washington. Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of May 8, 2012, and May 9, 2012, are now in print.

The Clerk proceeded to read the Journals of the Sessions of May 8, 2012, and May 9, 2012.

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

On the question,
Will the Senate agree to the motion?

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

YEA-47

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

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

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR PATRICIA H. VANCE
PRESENTED TO THE SENATE**

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

Senator VANCE. Mr. President, I am particularly delighted to introduce the Big Spring High School Girls' Softball Team. Last Friday, they captured the PIAA Class AAA State Softball Title with a 2-1 victory over Valley View High School. The bulldogs battled back from a deficit to win. I think it is wonderful this is the first team championship ever won by any Big Spring team in their history. I am also pleased to say this is my fourth State championship team that I am honored to introduce this week. The team is coached by Steve Calaman, and assisted by Curt Saylor, John Hergenroeder, Patsy Lutz, Amanda Morrison, and Dan Hestor. The team was led this year by captains Morgan Paynter, Calli Pastor, and Ashley Baker. I am really delighted to introduce them to the Senate, and I ask that we give them a very warm welcome.

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

**GUESTS OF SENATOR JOHN C. RAFFERTY
PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Mr. President, it is my privilege this morning to be able to introduce to my colleagues the Heyde family. Dr. Curt Heyde and I have been friends for a number of years. In fact, we worked together in a recreation facility a number of years ago, and when I had left to begin law school as a second career, shortly after that, Curt had left and chose to attend the University of Pennsylvania Veterinary School. He became a veterinary doctor, and today runs Pets First Veterinary Center on the main line in Montgomery County, Pennsylvania. His wife, Gabriele, manages the office, while Curt is the attending veterinarian.

With them today is their son Lucas, who is a big tennis player and is looking forward to attending the tennis academy in Hilton Head, South Carolina. He will be a senior at Great Valley High School in Chester County.

Sofia is going into 10th grade at Great Valley High School and has a keen interest in American history and Pennsylvania government, and has been in touch with me through her father about attending a Session here in Harrisburg and visiting Harrisburg. So it is a special day for her as well.

Andre, who will be attending 7th grade at Great Valley in the fall, is interested in computer programing and is one of those, in the future, who I am sure will end up inventing the next Facebook.

They are a terrific family, and it is my privilege today to introduce them to the Senate. I ask my friends and colleagues here in the Senate to give our traditional warm welcome to Dr. Curt Heyde and his family.

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

**GUESTS OF SENATOR MICHAEL J. STACK
AND SENATOR ROBERT M. TOMLINSON
PRESENTED TO THE SENATE**

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

Senator STACK. Mr. President, I want to welcome guests who are seated in the gallery today, the Mindel family. They reside in my district in northeast Philadelphia, but they are here today as guests of my good friend and my next door neighbor in northeast Philadelphia, Senator Tomlinson, who asked me to introduce them on his behalf. Deborah and Raymond Mindel and their children, Reva Kane and Simon, won the "Spend the Day with Your Legislator" at the Tifereth Israel Touchdown for Tots auction.

In addition to visiting the Senate, they will receive a tour of the Capitol and the State Museum, and we spent some time here on the Senate floor. They are a great family, and I would like the Senate to welcome the Mindel family to the Capitol, and I ask my Senate colleagues to extend our usual, in fact, even greater than usual, warm welcome to them.

Thank you, Mr. President.

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

**GUEST OF SENATOR JAKE CORMAN
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, as a proud father, I am here today to introduce my daughter. My daughter could not come with us on Take Your Daughter to Work Day, but she was able to come with me today, now that she is in summer recess. My daughter is 9, heading to third grade. The last time that she was on the Senate floor for a Session day was about 2 months after she was born, and I actually held her on swearing-in day. I think Senator Earll helped me out a few times during that day as well. So if I could have the Senate give a welcome to my beautiful daughter, Isabella Sharon Corman.

The PRESIDENT. Would the Senate join me in welcoming Senator Corman's daughter to the Senate.
(Applause.)

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 WAUGH.

BILLS OVER IN ORDER

HB 3, HB 17 and HB 75 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 161 (Pr. No. 2297) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for criteria for institutions of purely public charity.

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?

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I request temporary Capitol leaves for Senator Corman, Senator Scarnati, Senator Pileggi, and Senator Browne, and a legislative leave for Senator Tomlinson.

The PRESIDENT. Senator Waugh requests temporary Capitol leaves for Senator Corman, Senator Scarnati, Senator Pileggi, and Senator Browne, and a legislative leave for Senator Tomlinson. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

Senator COSTA. Mr. President, I rise to take a few moments to talk a little bit about Senate Bill No. 161. As my colleagues know, this is the bill that asks us to adopt an amendment to our Constitution to address and establish the criteria for institutions of purely public charities. Mr. President, back in 1997 or 1998 when we initially did Act 55, and my colleagues know this case went to court, the long and short of it is, we are here today to pass the first part of a constitutional amendment process.

What I wanted to talk about a little bit today was we are at a different place in time with respect to our purely public charities in this Commonwealth. I intend to support the amendment. I think it is a good process that we must and should go through because as it relates to the court, I believe this General Assembly should be in the position to establish the criteria as it relates to purely public charities. However, to that end, my hope is that when we get to that point in time, if in fact we are required and if in fact we determine and interpret that we need to maybe reinstitute a statute that deals with public charities, I hope that we simply just do not go back to reenacting Act 55. I do not think that it is appropriate for where we are today with respect to our institutions of public charity.

Mr. President, there are a number of criteria that over the course of the years we have seen since we did Act 55 how that has all played out, and I do not think it has played out, quite frankly, to the benefit of the people in this Commonwealth. As you talk to folks in the southwestern part of the State, I can tell you that there are a lot of folks who question me all the time about how it is that some of our nonprofits are actually viewed that way when they continue to maintain large surpluses and they continue to have large surpluses at the end of each fiscal year, and how they are in a position to continue to maintain that tax-exempt status.

So it is very troubling to me that that is what I hear from folks. They question the validity of our law, whether or not the applicability of the law to these institutions is appropriate. I wanted to get on the record today that as we go forward in this conversation, which will not probably take place until sometime in 2013 when we look to, if in fact we do, modifying or reinstating an Act 55-type piece of legislation or statute, that we take these types of things into consideration.

Finally, I am very much concerned about the frequency with respect to whether or not these entities are required to provide information to this Commonwealth in order to reestablish, from time to time, their continued status as a nonprofit and that they continue to abide by the various elements that are part of, whether it be the HUP test or the statute we do, that they have an opportunity and we require them to come back and reestablish their place along those lines.

So, I wanted to get this on the record. For my colleagues, I support the amendment and the bill, and hope that as we go forward in this process that we take another look at Act 55 to make sure that it complies to what we want, and more importantly, that it meets the concerns of the people of this Commonwealth.

Thank you, Mr. President.

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-46

Alloway	Eichelberger	Piccola	Vogel
Argall	Erickson	Pileggi	Ward
Baker	Farnese	Rafferty	Washington
Blake	Folmer	Robbins	Waugh
Boscola	Fontana	Scarnati	White Donald
Brewster	Greenleaf	Schwank	White Mary Jo

Browne	Hughes	Smucker	Williams
Brubaker	Kasunic	Solobay	Wozniak
Corman	Kitchen	Stack	Yaw
Costa	Leach	Tartaglione	Yudichak
Dinniman	McIlhinney	Tomlinson	
Earll	Mensch	Vance	

NAY-1

Ferlo

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

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

HB 608 (Pr. No. 592) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for mining permit; providing for bioenergy crop bonding; and making editorial changes.

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

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.

BILLS OVER IN ORDER

SB 932, HB 970, SB 1090, SB 1091, SB 1135, SB 1184 and SB 1303 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1309 (Pr. No. 2298) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for appeals by taxing authorities.

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 PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, this is an issue that has been before this body as recently, I believe, as 2008, when it was overwhelmingly approved. It dates back to a 2005 Carbon County court decision which, to many of us, legalized what used to be called spot assessment. Many of us do not believe that it is appropriate that a school district can charge higher property tax rates to an individual based solely upon when that person bought their property.

Several school districts began to take advantage of what would appear to many of us to be an unfair practice after that court decision, although I should also note that while originally it may have been about a dozen school districts, several of those school districts no longer take advantage of the court decision because of a considerable outcry in their own communities because of the unfairness of the practice. So, this legislation would greatly restrict this practice in the future, and I ask for your support today.

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

Senator LEACH. Mr. President, I am going to be a "no" vote on this bill today. I understand the intent of the bill, I just think it is important to articulate the other side of this. What this bill does is it says if you buy a house for \$50,000 in 1959 and you sell the house for a million dollars in 2011, that house has to continue to be assessed and taxes paid as if it were still a \$50,000 house. As time goes by and fewer and fewer counties are actually doing countywide reassessments, this leads to an atrophy of the tax base and a starving of the public school districts.

The fact is that it is very rare. I know in my county there was a county commissioner who said that at some point in the future, we may have to consider reassessment, and she promptly lost her seat in a landslide when she ran for reelection. So it is not really feasible that that is going to happen that frequently, and so the values of these houses are never going to go up. So again, the costs the school districts have to pay for healthcare, for teachers, and for everything else will continue to go up as inflation goes up, but their tax base will not. At a time when we are doing other things that will make it more difficult for them to raise revenue, like cutting their funding, like passing back-end referendum legislation and possible charter school legislation, at the end of the day, this is just going to continue to starve our schools.

I do not know what is unfair, Mr. President, about someone who has a million-dollar house, paying taxes on that house as if it was worth a million dollars. Now, I understand that will lead to injustices in terms of not paying the same as a neighbor who has a similarly valued house who has not sold it recently, but the same injustices occur the other way as well. The difference is it

is not an injustice in the sense that you are paying what your house is actually worth, rather than paying a small fraction of what it is actually worth. So again, I do not know how we expect school districts to continue to function when we pass legislation over and over again that makes it more difficult for them to have a tax base that will sustain them. This is another bill that does that, and that is why I will be a "no" vote.

Thank you, Mr. President.

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-34

Argall	Farnese	Pileggi	Washington
Boscola	Folmer	Rafferty	Waugh
Brewster	Fontana	Robbins	White Donald
Browne	Greenleaf	Scarnati	Williams
Brubaker	Kasunic	Schwank	Wozniak
Corman	Kitchen	Smucker	Yaw
Costa	McIlhinney	Solobay	Yudichak
Dinniman	Mensch	Tomlinson	
Erickson	Piccola	Vogel	

NAY-13

Alloway	Eichelberger	Stack	Ward
Baker	Ferlo	Tartaglione	White Mary Jo
Blake	Hughes	Vance	
Earll	Leach		

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

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

BILL OVER IN ORDER

HB 1343 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1480 (Pr. No. 2074) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2012-2013.

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

Alloway	Erickson	Pileggi	Ward
Argall	Farnese	Rafferty	Washington
Baker	Ferlo	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	Leach	Tartaglione	Yudichak
Costa	McIlhinney	Tomlinson	
Dinniman	Mensch	Vance	
Earll	Piccola	Vogel	

NAY-2

Eichelberger	Folmer
--------------	--------

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

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

BILL OVER IN ORDER

HB 1525 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1535 (Pr. No. 2299) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, further providing for subpoena of records.

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-47

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

NAY-0

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

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

BILL LAID ON THE TABLE

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.

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

HB 1682 TAKEN FROM THE TABLE

Senator WAUGH. Mr. President, I move that House Bill No. 1682, Printer's No. 3105, 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.

BILL OVER IN ORDER

HB 1720 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL REREFERRED

HB 1820 (Pr. No. 3687) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wages and for exemptions.

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 197 (Pr. No. 3776) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission; and, in other subjects of taxation, further providing for hotel room rental.

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

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

BILLS OVER IN ORDER

SB 327, SB 338, SB 874, SB 922 and SB 929 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

HB 1055 (Pr. No. 3577) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for professional employer organizations.

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

BILLS OVER IN ORDER

SB 1134 and SB 1192 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1345 (Pr. No. 2285) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for streamlined procedures for reviewing applications for the modification or collocation of wireless communications facilities and wireless support structures.

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

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

BILL REREFERRED

SB 1346 (Pr. No. 2208) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, further providing for definitions, for eligibility and project inventory, for landowner liability limitation and exceptions, for project liability limitation and exceptions and for exceptions.

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

BILLS OVER IN ORDER

SB 1402, SB 1413, SB 1432 and SB 1456 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1478 (Pr. No. 1785) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in alternative provision for third class county convention center authorities, further providing for hotel room rental tax.

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

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

BILLS OVER IN ORDER

SB 1497, SB 1503, SB 1508, SB 1532 and SB 1544 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 1588 (Pr. No. 3346) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for authorization of five per centum hotel tax in certain counties of the fifth class.

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

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

HB 1749 (Pr. No. 2238) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for authorization of hotel tax.

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

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

BILLS OVER IN ORDER

HB 1767, HB 1893 and HB 1908 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

HB 1934 (Pr. No. 3589) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs.

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

BILL OVER IN ORDER

HB 2022 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

HB 2027 (Pr. No. 2776) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating State Route 422, from its intersection with State Route 724 in the Borough of Sinking Spring, Berks County, to the west end of the Borough of Robeson, Berks County, as the Kyle D. Pagerly Memorial Highway.

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

BILLS OVER IN ORDER

HB 2224 and HB 2293 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

HB 2349 (Pr. No. 3476) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the bridge on State Route 322 over North Fork Creek in Brookville Borough, Jefferson County, as the Purple Heart Memorial Bridge of Jefferson County.

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

BILL REREFERRED

HB 2366 (Pr. No. 3782) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding the definitions of "certified parking meter inspector" and "local government unit"; further providing for specific powers and duties of department and regulations; and providing for certified parking meter inspectors and for general testing and inspections.

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

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 2372 (Pr. No. 3665) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for width of vehicles.

Considered the second time and agreed to,

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

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

HB 2373 (Pr. No. 3534) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; and in registration of vehicles, further providing for vehicles exempt from registration.

Considered the second time and agreed to,

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

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

HB 2374 (Pr. No. 3579) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for vehicles exempt from registration; in fees, further providing for farm vehicles; and, in inspection of vehicles, further providing for requirement for periodic inspection of vehicles and for operation of vehicle without official certificate of inspection.

Considered the second time and agreed to,

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

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

BILL ON SECOND CONSIDERATION

HB 2406 (Pr. No. 3781) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Susquehanna Township, certain lands in Susquehanna Township, Dauphin County; authorizing the Department of General Services, with the approval of the Governor, to remove the restrictions imposed on certain lands situate in the City of Philadelphia, Philadelphia County; authorizing Indiana University of Pennsylvania of the State System of Higher Education, with the approval of the Governor, to grant and convey to the Armstrong County Industrial Development Council, or its assigns, a permanent easement across certain lands situate in South Buffalo Township, Armstrong County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Winebrenner Theological Seminary certain lands and improvements situate in Greene Township, Franklin County.

Considered the second time and agreed to,

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

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

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

MEMBER OF THE STATE BOARD OF EDUCATION

June 19, 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 Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Ivory V. Nelson, Lincoln University, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

June 19, 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 Mike Downing (District 5), 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, 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 Thomas E. Boop, Esquire, Sunbury, 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 PHARMACY

June 19, 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 19, 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 Pharmacy, to serve until September 24, 2014, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Marino, Philadelphia, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 19, 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 9, 2012, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Public Employee Retirement Commission, to serve until October 27, 2014, and until his successor is appointed and qualified, vice Ureneus Kirkwood, Tobyhanna, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

June 19, 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 1, 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 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.

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

June 19, 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 18, 2012, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth 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 her successor is appointed and qualified, but not longer than six months beyond that period, vice Father Rene Barczak, Philadelphia, whose term expired.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 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 Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Magisterial District Judge, in and for the County of Centre, Magisterial District 49-3-05, to serve until the first Monday of January 2014, vice The Honorable Jonathan Grine, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 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 Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Magisterial District Judge, in and for the County of Cumberland, Magisterial District 09-3-04, to serve until the first Monday of January 2014, vice The Honorable Thomas A. Placey, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 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, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as Magisterial District Judge, in and for the County of Luzerne, Magisterial District 11-1-04, to serve until the first Monday of January 2014, vice The Honorable Fred A. Pierantoni III, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 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 Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Magisterial District Judge, in and for the County of Somerset, Magisterial District 16-3-02, to serve until the first Monday of January 2014, vice The Honorable Joseph A. Cannoni, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 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 Robert J. Salera, Esquire, 1102 North 2nd Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Magisterial District Judge, in and for the County of York, Magisterial District 19-3-11, to serve until the first Monday of January 2014, vice new position.

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

TOM CORBETT
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

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 Wilferd Fritz and to Anna D'Amico by Senator Blake.

Congratulations of the Senate were extended to the Reverend D. Ronald Libengood and to the Reverend Douglas McCracken by Senator Brewster.

Congratulations of the Senate were extended to Kelli Walters by Senator Corman.

Congratulations of the Senate were extended to Zachary Radford by Senator Dinniman.

Congratulations of the Senate were extended to Kathleen Rzucidlo by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Dr. Katherine C. Erlichman and to Arthur J. DeCamp by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. John Taylor, John Landis and to Tim Zettlemoyer by Senator Folmer.

Congratulations of the Senate were extended to Seth Sparrer and to Randy A. Manbeck by Senator Gordner.

Congratulations of the Senate were extended to the Central Bucks High School South Softball Team by Senators Greenleaf, McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Elizabeth Sayre, Jan Jeffries, Nana Akomfohene Korantema Ayebofo, Nana Akosua Baakan Agyiriwah and to Iraina Salaam by Senators Kitchen and Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Walt Wydro by Senator McIlhinney.

Congratulations of the Senate were extended to Denise McEntee and to Eileen L. Meals by Senator Piccola.

Congratulations of the Senate were extended to Sister Mary Rene Procopio and to John S. Stanik by Senator Pippy.

Congratulations of the Senate were extended to Kathryn Virginia Hilton, Janet L. McDougall and to Jerod Evan Toskin by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Charles W. Riggle, Sal Faieta, DeShan Brown, Shawn Johnson, Mira Carozza and to the Chartiers-Houston High School Softball Team by Senator Solobay.

Congratulations of the Senate were extended to Evan Rivers Griffin by Senator Tomlinson.

Congratulations of the Senate were extended to Danny Jackson and to the Trinity High School Boys' 400-Meter Relay Team by Senator Vance.

Congratulations of the Senate were extended to Amber Liggett, Jesse Council, Joziah Council, citizens of Potter Township and to the Lincoln Junior-Senior High School Baseball Team by Senator Vogel.

Congratulations of the Senate were extended to Mr. and Mrs. William Hoffer, J. Roy Houston, Nick Yuris, Marian Yuris, Dave Yuris, John Yuris and to the Westmoreland County Commissioners by Senator Ward.

Congratulations of the Senate were extended to the citizens of Village of Ralston by Senator Yaw.

Congratulations of the Senate were extended to Robert Moisey and to Tom Pugh by Senator Yudichak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late L. Donald Linker by Senator Baker.

Condolences of the Senate were extended to the family of the late Joseph Dobron and to the family of the late Paul J. Raudenbush, Jr., by Senator McIlhinney.

BILLS ON FIRST CONSIDERATION

Senator EICHELBERGER. Mr. President, I move that the Senate do now proceed to consideration of all the 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 1193, SB 1552, HB 532 and HB 2135.

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, JUNE 25, 2012

Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 1345; and House Bills No. 156, 254, 728, 1269, 1539, 1617 and 1820)	Rules Cmte. Conf. Rm.
Off the Floor	LOCAL GOVERNMENT (to consider House Bill No. 1857)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	TRANSPORTATION (to consider House Bills No. 1803, 1847, 2060, 2199 and 2343)	Rules Cmte. Conf. Rm.

TUESDAY, JUNE 26, 2012

11:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 2390)	Room 461 Main Capitol
11:30 A.M.	LAW AND JUSTICE (to consider Senate Bill No. 1572; and House Bills No. 1310, 2043 and 2267)	Room 461 Main Capitol

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, I want to make some comments. Some of the comments I will make are a little bit unrelated, but I will try to weave it together because they are issues of concern to me and certainly many of my constituents.

First of all, on a happy note, I want to invite folks to a ribbon cutting ceremony tomorrow afternoon in Pittsburgh, at 2 p.m. in the Larimer community. It is a ribbon cutting for a new building, the Environment and Energy Community Outreach Center, the EECO Center in Pittsburgh. I have been very pleased, as a board member of the Urban Redevelopment Authority of Pittsburgh, to help acquire three abandoned gas stations. This site happened to be a BP gas station abandoned years ago. I was able to call and contact the corporation, and through a long legal process, they pretty much donated the property, and that began an effort to work with the community and with those who have a different vision about how to build sustainable neighborhoods and communities. We embarked on a plan to build an EECO Center, an Environment and Energy Community Outreach Center.

The center will be hosting the agency, the Pittsburgh Community Services, Inc., which is one of the community action agencies. I know many of my colleagues have community action agencies throughout their cities and counties. I am proud of the work of the Pittsburgh Community Services, Inc. That is tomorrow afternoon at 2 p.m. The mayor and other folks will be there. We have raised roughly \$600,000. This is a uniquely-designed building meeting green and sustainability principles, and it is a

manufactured building from Clarion County in Strattanville, Pennsylvania, brought onsite to this abandoned gas station after it was remediated. It is a very exciting program, an exciting community effort, and I want to invite everybody to come out to the ribbon cutting tomorrow at 2 p.m., in East Liberty, at the corner of Larimer and East Liberty Boulevard.

Now, I want to report and kind of weave that story back to work that not only am I proud of, but the synergy of effort that has gone on in the city of Pittsburgh, beginning under Mayor Caligiuri and proceeding under my tenure for the last 25 years, to the successive mayors, each of whom can be credited with expanding the beauty, the splendor, and economic viability of the city of Pittsburgh. I want to encourage folks to go online. Many folks across the Commonwealth, my colleagues here in the Senate, some of whom have not visited Pittsburgh for quite some time, have commented appropriately on the beauty, the character, the quality, and the economic vibrancy of the city in all corners of our neighborhoods, and certainly the downtown Oakland and North Shore corridor. That came about as a lot of work by previous mayors, previous councils, myself included, during that whole tenure, and I have been appreciative of the appointment by Mayor Luke Ravenstahl in my role as board treasurer of the Urban Redevelopment Authority. I encourage folks to go online and look for the most recent annual report of the URA to really understand the depth and breadth of our investments, the jobs created, the private capital, and private investment that we have generated.

Now, I want to weave a little story because I want to comment, at least briefly, on the so-called cracker plant debate, in terms of the allocation of what will be in excess of a billion dollars of economic development through tax avoidance and other opportunities that exist to support this development financially. The URA, and I just looked, in the last few years, we have had over \$600 million of investment just in the downtown part of East Liberty and the North Shore. I am concerned that somehow the debate right now on the so-called cracker plant in Beaver County is myopically focused on just narrowly the issue of the economic investment that is being requested through Governor Corbett under his leadership and approaches made to the House and Senate. A vote may come as early as next week on what we will do relative to approving changes in the Tax Code. We have already declared this proposed site in Beaver County as an enterprise zone, tax-free, and now there is a major commitment and lobbying effort, rightfully so, by the Governor and his administration to convince both the public and certainly elected officials that this is a quality, appropriate economic investment for jobs and income for our State.

The media seems to be narrowly focused right now on debate on what they present as a very large, \$1.5 billion, \$1.7 billion investment. I want to suggest that is the inappropriate debate and dialogue right now, because let us be honest, let us be frank, and let us be clear on what our history has been. I speak specifically about my history in the city of Pittsburgh over the last 25 years, but here in the Senate for the last 10 years. We have made economic investments under the previous Rendell administration, proceeding through the Corbett administration, far in excess of \$1.5 billion. If you look at the cumulative allocation of debt service that we have taken on as a State, as well as Federal recovery dollars, it far exceeds \$5 billion, with a "b." That economic investment certainly has been made not solely in one county, such

as the so-called cracker plant in Beaver County. If you go back through all those economic development investments, and I will not go through them all, they pretty much have touched over 60, 67 counties of our Commonwealth, directly or indirectly. So, I think it is wrong to right now focus narrowly on the issue of what that \$1.5 billion big number looks like, and the contradiction that is being presented that we are being too gracious or gratuitous because we have already created a tax-free zone. Now, on top of that, we are going to give these tax credits that will indebt or defer revenue from this General Fund for the next 20 years in the excess amount of \$60 million per year. So, when you say it like that, you do not focus in on the broader impact issues.

I just want to say something, because I know the environmental community, and myself included, are upset. We remain upset and diametrically opposed to the actions of the Majority in the House and Senate on the passage of Act 13. We need to go back and modify and reform the so-called Marcellus Shale legislation. It is weak on environmental concerns, it is not appropriate to the amount of tax revenue that we should be receiving from this developing and burgeoning industry throughout several counties and in our State, and it is completely violative, both constitutionally and morally, as the legislation that runs roughshod over the rights of local municipalities to decide long-held zoning powers and land use decisionmaking. So I think it is important that we focus and continue the spotlight and criticisms on that act. I want to suggest that you can separate out the issue of economic development and this so-called cracker plant from the inadequacies - policy wise, economically, and environmentally - of Act 13. I think we need to go back to that act and address it. As my colleagues know, I have a piece of legislation with 17 amendments that would make and recodify that law to be more appropriate to the concerns that have been raised by environmental organizations and others throughout this State.

The cracker plant, rather than focusing in on the \$1.5 billion investment, I think I would rather see the debate right now, because I think it is clear that we all want to move together, in a bipartisan fashion, to further economic development opportunities, job creation, and wealth building, whether it is the cracker plant or others. I look more recently, when you think about the investments that have been made, the three stadiums in the city of Pittsburgh and the Philadelphia Convention Center, I could go on and on, I have an endless list in my head. It is billions of dollars, it is revitalization, it is economic development, it is job creation, it is people buying housing and assessments on properties that have increased. I believe very strongly that if the cracker plant is to proceed, the focus should not be narrowly on the amount of economic incentive investment from the public sector. I would like to know more about what the cracker plant really represents.

We had wilding versions of what job creation is. There is no doubt thousands of jobs will be involved for several years in the construction of this plant. I would hope that there is no attempt to put waivers in a prevailing rate when this bill comes to some form. I do not believe that will be the case. I think the Governor himself is committed to working with the trade union organizations throughout our great Commonwealth. I wish, you know, in a parallel universe, I wish that we actually had a Federal government that had a national industrial policy. Morally and financially, in my opinion, this opportunity for the cracker plant really

should have been a three-State compact. It should have been an opportunity for all three States - West Virginia, Ohio and Pennsylvania - to ante up and pay for this plant, albeit the plant being in Beaver County.

My experience with the past quarter-million-dollar bond issue for the creation of the Greater Pittsburgh Airport, 40 percent of those jobs were not from Allegheny County, even though all that debt service and tax burden is on our taxpayers. Forty percent of the jobs were from Ohio, West Virginia, Beaver County, and elsewhere. The reality is, even within the construction trades community, they are going to have to bring a lot of folks in. We have several major skyscrapers that are going to be built in downtown Pittsburgh over the next 2 years. That is a great opportunity. Apprenticeships will be built up.

So I guess what I am saying is rather than myopically focus on the \$1.5 billion, or whatever it is, and get into an ideological debate about the free marketplace and what our investment should be, I think we should begin to wrestle the administration down and together be as creative as possible on what the impacts will be. What are the permitting and environmental issues? What is the impact on the port of Pittsburgh, on the barge and river community? What will be the housing demands or opportunities? What will be generated as far as local tax revenues? How do we guarantee that the percentage of these jobs, be it the trades or our post employment, which may be in the area of 400 or 500 workers, will be for the residents and taxpayers of the region and of our Commonwealth, given the type of investment that we make? And I could go on and on about other impact issues.

So I guess I want to say now in closing that while we continue to focus on this whole issue of the opportunity that now exists, let us broaden out the debate and discussion and the collection of knowledge and the dialogue that we need to begin, not focus myopically on the \$1.5 billion number. We will miss the opportunity to, in the several-year period that it is going to take during construction or longer, to really plan, land use planning, social impacts, economic impacts. I would suggest strongly that we create a bridge with the Corbett administration, the various Secretaries, be they DCED, the Secretary of Labor comes to mind, among others, and begin that broader dialogue on how we make this plant be productive financially, economically, and how we deal with the social impacts, be they detrimental or be they helpful to the vibrancy of our communities and our State.

So, Mr. President, thank you for allowing me the extra time here. I once again want to try to reframe these issues. I think we need to go back to Act 13 and create an appropriate Marcellus Shale obligation in terms of the taxes that we should be collecting from this industry. We need to modify and strengthen the environmental impacts which are too weak in Act 13. And again, I hope and pray to the court, the Commonwealth Court, and eventually the Supreme Court, that they do not run roughshod over, but that they protect the rights of our Commonwealth citizens as it relates to expecting our legislature to protect clean air and water and the aesthetic qualities of our great Commonwealth.

Thank you, Mr. President.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise to talk a little bit about an action that took place today in the Committee on Rules and Executive Nominations, specifically in reference to Senate Bill No. 100, legislation that passed this Chamber a number of months ago and will be before us for a vote, I hope, on Monday of next week. For many years, and most recently the last several months dating back to the beginning of this year, Senate Democrats have sought to make meaningful changes in policies of the Department of Corrections. We recognized early on, quite frankly, that the rapidly growing costs of incarceration were simply not sustainable.

Senate Bill No. 100, which included many initiatives that the Senate Democratic Caucus had talked about for a number of years, were unanimously adopted this past October. The initiatives pursued by our Caucus included increased programming for release for nonviolent offenders to reduce technical parole violations, expedited programming for short-term nonviolent offenders to help effectuate their timely release back into the community, aggressively utilizing alternative sentencing for nonviolent offenders, increased use of treatment programs, as well as looking at the issues that were raised by my colleague, Senator Solobay, regarding expungement reform.

Mr. President, the effort to curb the costs of prisons and corrections is part of a larger reform effort called the Justice Reinvestment Proposal. This multi-State initiative is supported by our Governor and by Members of this Chamber, and some of the elements are part of Senate Bill No. 100 as amended. A recent report indicated that this Justice Reinvestment Proposal has the potential to save Pennsylvania taxpayers \$250-some million over the course of the next several years. The legislation offers several provisions to help reduce the prison population, with its focus, as I mentioned earlier, on nonviolent offenders. The bill permits more nonviolent offenders to be eligible for alternative sentencing programs, and these include: county intermediate programs, State intermediate programs, State motivational boot camps, and the recidivism, retention, and reduction initiative. That is a mouthful, Mr. President.

Senate Bill No. 100 establishes the Safe Community Reentry Program and requires the Department of Corrections to create a comprehensive program to reduce recidivism and to increase the success of reentry and reintegration of offenders into our community. An amended version of the bill, as I mentioned earlier, unanimously passed the House and was unanimously reported out of the Committee on Rules and Executive Nominations today, and now is before the Senate with respect to a possible vote next week and on its way to the Governor. Mr. President, I mentioned earlier that there would be in excess of \$250 million in savings that would be generated, something we need to do. Not only will we be controlling the costs of our corrections system in our budget, but also be able to achieve savings. Part of those savings will also be utilized for the purpose of continuing to drive down entry into our corrections system, and there are a variety of ways in which we can do that.

One of the things that has been talked about and in a separate piece of legislation will be issues in areas where we will be driving out these savings so that we can prevent individuals from making their way into the correctional system in the first place. For example, Mr. President, there will be a portion of money that

will be making its way to the Pennsylvania Commission on Crime and Delinquency to utilize statewide technology initiatives. Nearly \$400,000, potentially, will go to the Pennsylvania Commission on Sentencing, a commission that I had the privilege of serving for more than 10 years. And over the course of the years, the role of the Commission on Sentencing has changed considerably. We are now not only looking at sentencing provisions and sentencing guidelines, we have now been expanded to do a lot of research on a lot of issues to provide guidance to this General Assembly in terms of what direction we need to go in terms of corrections policy.

But also, Mr. President, over the years we have assigned additional tasks to the Commission on Sentencing, and it is appropriate that they have the resources to be able to fulfill those tasks. A couple of years ago, we asked the commission to take on the issue of providing for parole guidelines. We had tremendous inconsistency with respect to our parole and what was done over the course of time, and under the Rendell administration, we passed legislation to be able to achieve that. But also probation along those lines, making modifications there, and more recently, the issue with respect to risk assessment now all placed in the lap of the Commission on Sentencing. Resources to be able to adequately do and perform those tasks is something that is very, very important and something that I have stood and talked about at this podium before.

But also, Mr. President, there is a need to drive these moneys out in a number of other ways. A portion will go, as I mentioned earlier, an additional portion will go to the Pennsylvania Commission on Crime and Delinquency, the PCCD, to provide for innovation and policing grants. Another portion will go to PCCD for counties for offender diversion grants. Another portion will go to the Pennsylvania Board of Probation and Parole for grants to counties for county probation improvement grants, and a portion there to help address the costs toward improving and streamlining the parole process. But most importantly, the portions are making their way to support innovative policing techniques and policies, something I think is very, very important to this process.

So at the end of the day, Mr. President, what do we have? We have a situation where we have legislation coming out that possibly could be voted on Monday but that has strong bipartisan support, that addresses a very significant part of our State budget, our corrections budget, and provides for a mechanism to allow us to achieve savings, recognize that we have to do things to curtail our prison population, particularly as this legislation relates to our nonviolent offenders, to allow them the opportunity to integrate back into the community, but also working to make sure that folks are not making their way into the correctional system in the first place. So it is a commonsense/makes sense type of legislation. I hope all my colleagues here today continue to support this legislation through this process. And I want to talk again about the role that the Senate Democratic Caucus has played over the course of the last several years working with our colleagues on the other side of the aisle, working with the House and the administration to continue to highlight this issue and highlight the awareness of how important this issue needs to be as we go forward. So I thank you, Mr. President, for the time to speak on this issue.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Monday, June 25, 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 12:38 p.m., Eastern Daylight Saving Time.