

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

SATURDAY, JUNE 30, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 47

SENATE

SATURDAY, June 30, 2012

The Senate met at 9 a.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by Senator MARY JO WHITE:

Good morning. During the past few weeks, as this body has engaged in one of our fundamental duties, forging a spending plan for the State of Pennsylvania and allocating our scarce resources across the needs of our entire State, we have had many prayers in this Chamber asking for wisdom, courage, fairness, and compassion. Soon, we will find out whether those prayers have been answered and whether that document that has been fiercely debated at all levels is the best that imperfect mortals can make it.

Today though, I have a favorite blessing that I wish to call down on this body and on all who work here. I did not realize until I checked the Internet to make sure that I had the language correct that it is, in fact, an old Hebrew blessing that probably because of its beauty and simplicity has found its way into the liturgy of many different religions. So I offer it today to all of you.

May the Lord bless you and keep you. May the Lord make His face to shine upon you and be gracious unto you. May the Lord lift up the light of His countenance upon you and give you peace. Amen.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator McIlhinney and Senator Scarnati, and a legislative leave for Senator Corman.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Kitchen, and a legislative leave for Senator Leach.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator McIlhinney and Senator Scarnati, and a legislative leave for Senator Corman.

Senator Costa requests a temporary Capitol leave for Senator Kitchen, and a legislative leave for Senator Leach.

Without objection, the leaves will be granted.

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:

June 30, 2012

Senators McILHINNEY, YUDICHAK and RAFFERTY presented to the Chair **SB 1567**, entitled:

An Act amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, further providing for Commonwealth Financing Authority loans or grants.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 30, 2012.

Senator CORMAN presented to the Chair **SB 1577**, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for sales and purchases, for prohibited advisory activities and for civil liabilities.

Which was committed to the Committee on BANKING AND INSURANCE, June 30, 2012.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of June 11, 2012, June 12, 2012, and June 13, 2012, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 11, 2012, June 12, 2012, and June 13, 2012, when, on motion of Senator PILEGGI, and agreed to by voice vote, further reading was dispensed with and the Journals were approved.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, June 30, 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, September 24, 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, September 24, 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-49

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

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.

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 Republican caucus to be held in the Majority Caucus Room immediately.

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

Senator COSTA. Mr. President, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

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

AFTER RECESS

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Scarnati has returned, and his temporary Capitol leave is cancelled.

CALENDAR

BILLS ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED

BILL OVER IN ORDER TEMPORARILY

SB 9 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

SENATE CONCURS IN HOUSE
AMENDMENTS AS AMENDED

SB 367 (Pr. No. 2349) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for indigenous mineral resource development; and imposing powers and duties on the Department of General Services and the State System of Higher Education.

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 367?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 367.

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-46

Alloway	Eichelberger	Piccola	Vogel
Argall	Erickson	Pileggi	Ward
Baker	Farnese	Pippy	Washington
Blake	Fontana	Rafferty	Waugh
Boscola	Gordner	Robbins	White Donald
Brewster	Greenleaf	Scarnati	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-3

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

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

SENATE CONCURS IN HOUSE
AMENDMENTS AS AMENDED

SB 1174 (Pr. No. 2350) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for appointment of members of authority, for qualifications, tenure and compensa-

tion of members of authority and for organization of authority; and providing for whistleblower hotline, for requirements regarding tenants and landlords in cities of the first class and for reporting by authorities in cities of the first class.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1174?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1174.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney and Senator Kitchen have returned, and their temporary Capitol leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

SB 9 CALLED UP

SB 9 (Pr. No. 2348) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, by Senator PILEGGI.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 9 (Pr. No. 2348) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 9?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 9.

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-39

Alloway	Earll	Piccola	Vance
Argall	Eichelberger	Pileggi	Vogel
Baker	Erickson	Pippy	Ward
Blake	Ferlo	Rafferty	Waugh
Boscola	Folmer	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Wozniak
Brubaker	Kasunic	Solobay	Yaw
Corman	McIlhinney	Stack	Yudichak
Dinniman	Mensch	Tomlinson	

NAY-10

Costa	Hughes	Smucker	Washington
Farnese	Kitchen	Tartaglione	Williams
Fontana	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 inform the House of Representatives accordingly.

PERMISSION TO ADDRESS

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

Senator GREENLEAF. Mr. President, I rise to offer some remarks to be placed on the record in regard to yesterday's vote on House Bill No. 761.

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

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

Mr. President, yesterday during consideration of the Tax Reform Code bill, House Bill No. 761, an amendment (A12888) was offered by Senator Stack providing for an annual report on job creation and I was recorded in the negative. I wish to reflect for the record that I want to be voted in the affirmative for the amendment. Thank you.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 351 (Pr. No. 2326) -- 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.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 351?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 351.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1301 (Pr. No. 2334) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in assessments of persons and property, providing for cities and counties of the first class, further providing for definitions and for administration and procedure and providing for applicability.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1301?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1301.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1386 (Pr. No. 2247) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for the Department of Environmental Protection; and repealing control of volatile organic compounds from gasoline-dispensing facilities.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1386?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1386.

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

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

Senator VOGEL. Mr. President, I rise in support of Senate Bill No. 1386. This bill would require the Governor to apply for a waiver to the summer gas requirement, known as RVP, for western Pennsylvania if supply disruptions occur at 5 percent of gas stations. It also requires DEP to work with stakeholders to reevaluate the effectiveness of the RVP mandate in the State implementation plan. This reevaluation shall include alternative methods on how to comply with the State implementation plan, which would not include RVP summer gas requirements for western Pennsylvania. This legislation would also permanently repeal Stage II requirements for gas stations, which has recently been phased out by the Federal government.

Since 1999, we have had to deal with higher gasoline prices in western Pennsylvania because gas stations are required to sell a boutique gas known as RVP in the summer months. Recently,

these higher prices have been compounded by a lack of supply and disruption challenges to the seven counties around Pittsburgh. Today, prices are 30 to 40 cents per gallon higher in western Pennsylvania.

Mr. President, this has been a hidden tax on our citizens. While I introduced this bill earlier this year to proactively work toward repealing this costly burden, a complete repeal of the requirement was not supported by DEP, EPA, or the administration. Their disagreement has caused us to agree to a compromise. While I would have liked to have seen language implemented to get rid of this hidden tax in western Pennsylvania, this bill represents a good faith effort by my colleagues on both sides of the aisle, including Senator Solobay, who is my partner in getting this bill across the finish line to insure that western Pennsylvanians would have an uninterrupted and affordable supply of fuel. I would like to thank Senator Solobay for his support of this issue and ask for your support.

Thank you, Mr. President.

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

Senator SOLOBAY. Mr. President, the comments by the previous speaker do speak a lot to the volume of what went on with this bill, but I am still very frustrated with the opportunity we had to eliminate the fact that those folks in those counties back in southwestern Pennsylvania still will have to pay anywhere between 25 to 40 cents per gallon more because we were unable--the issue that is tied in there about if there is a 5-percent variance in the supply, in my opinion, is just kind of smoke and mirrors. In all due respect, I ask for nonconurrence on this bill.

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

Senator COSTA. Mr. President, I ask if the speaker previous to Senator Solobay and the maker of the legislation would rise for brief interrogation with regard to comments that I think I heard him indicate.

The PRESIDENT. The gentleman indicates he will stand for interrogation. Senator Costa, you may proceed.

Senator COSTA. Mr. President, in the gentleman's comments, I think I heard the words "hidden tax," and if that is in fact the case where it came over from the House, I ask the gentleman to explain the nature of the hidden tax that would be in this bill.

Senator VOGEL. Mr. President, basically, the hidden tax is the fact that we pay 30 cents a gallon more than they do in the southeastern part of the State. Right now, gas is \$3.19 here, it is \$3.45 in my district. I believe if we could eliminate this RVP situation, we would not have to have this summer gasoline. That is the cost difference between the price of gas here and the cost of gas in western Pennsylvania.

Senator COSTA. Mr. President, I guess the question relates to what Senator Solobay indicated, that given the nature of the industry and what is taking place in this Commonwealth, is it, in fact, the case that there is still that difference? It is our understanding that there may not necessarily be that difference in terms of what was described by the gentleman.

Senator VOGEL. Would the gentleman ask the question again, please?

Senator COSTA. Mr. President, I guess at the end of the day my question is, it is probably more of a comment than a question, but at the end of the day, does this legislation do anything to effectuate that price difference? That seems to be something that

is going to take place and may happen because of the marketplace but not necessarily related to this particular piece of legislation. That is a comment as opposed to -- my comments toward the bill and no longer any questions to the maker.

Thank you, Mr. President.

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

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

YEA-29

Alloway	Erickson	Pippy	Ward
Argall	Folmer	Rafferty	Waugh
Baker	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	McIlhinney	Smucker	Yaw
Corman	Mensch	Tomlinson	
Earll	Piccola	Vance	
Eichelberger	Pileggi	Vogel	

NAY-20

Blake	Farnese	Kitchen	Tartaglione
Boscola	Ferlo	Leach	Washington
Brewster	Fontana	Schwank	Williams
Costa	Hughes	Solobay	Wozniak
Dinniman	Kasunic	Stack	Yudichak

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1551 (Pr. No. 2332) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic byways, providing for the designation of the 8.6 mile U.S. Route 202 Parkway between State Route 63 (Welsh Road) and State Route 611 in Montgomery and Bucks Counties as a scenic byway; and designating a bridge on that portion of U.S. Route 202 Parkway over Pennsylvania Route 309, Montgomery Township, Montgomery County, as the Chief Richard J. Brady Bridge.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1551?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1551.

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-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh

Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 3 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL OVER IN ORDER

HB 156 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 197 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 532 (Pr. No. 3601) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing mandatory insurance coverage for general anesthesia.

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-49

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

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.

BILL OVER IN ORDER TEMPORARILY

HB 869 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1026 (Pr. No. 3876) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments, for senior judge operational support grants and for expiration of provisions relating to access to justice.

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?

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Mr. President, I rise to request a ruling from the Chair as to whether I am eligible to vote on this issue. It relates to senior judge operational support grants for the courts, and my husband is a senior judge of the Commonwealth.

The PRESIDENT. After consultation with the Parliamentarian, although, Senator, your husband is a member of the class, this addresses the class, not an individual member. Further, it is not particularly personal to you. Therefore, it is the Chair's ruling that under the Rules of the Senate, you are compelled to vote on this bill.

Senator M.J. WHITE. 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-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh

Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS RECOMMENDED

SB 1090 (Pr. No. 2089) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 3, 1992 (P.L.28, No.11), known as the Tuition Account Programs and College Savings Bond Act, further providing for tuition account programs and funds.

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

SB 1135 (Pr. No. 2090) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1184 and **SB 1303** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1310 (Pr. No. 3833) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; and limiting number of retail licenses to be issued in each county.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER TEMPORARILY

HB 1363, HB 1478 and **HB 1588** -- Without objection, the bills were passed over in their order temporarily at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 1617 and **HB 1682** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 1749 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2135 (Pr. No. 3603) -- The Senate proceeded to consideration of the bill, entitled:

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.

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-49

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

NAY-0

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

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

HB 2199 (Pr. No. 3888) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for schedule of convictions and points; and providing for obedience to traffic control devices warning of hazardous conditions.

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 Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, very briefly, I would like to commend Representative Stephens for this piece of legislation. We were happy to pass it through the Senate Committee on Transportation. This addresses an ongoing, continuing, and growing problem here in the Commonwealth of Pennsylvania of people who are bypassing the wooden horses or the hazard signs placed up saying do not go any further on this roadway because it is flooded. They insist on driving through those flooded conditions and find themselves stranded. This now allows those first responders who have to risk their lives and use their equipment to go after restitution in such matters. I was pleased to move it through the Senate Committee on Transportation. It is a good bill, and I ask for an affirmative vote.

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-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington

Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2267 (Pr. No. 3786) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for sales by manufacturers of malt or brewed beverages and minimum quantities, for retail dispensers' restrictions on purchases and sales, for breweries, for local option, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for rights of municipalities preserved.

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-49

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

NAY-0

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

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

HB 2390 (Pr. No. 3604) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in cities of the first class, further providing for definitions, for contested complaints, for driver certification program, for power of authority to issue certificates of public convenience, for certificate and medallion required, for additional certificates and medallions, for wages and for civil penalties.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FARNESE. Mr. President, very briefly, many times throughout my time here in the Senate I have had opportunities to both work on legislation, and specifically in this case, to draft amendments to legislation, which I wholeheartedly believe in and support, then after the finished product comes to fruition, I can no longer support this bill, and actually will be voting against it. That is the situation on House Bill No. 2390.

Specifically, Mr. President, I applaud those who have worked to increase the number of wheelchair-accessible taxi cabs in the city of Philadelphia. Until this year, Mr. President, believe it or not, there were zero, none, not one operating in the city of Philadelphia. Two companies have since put seven wheelchair-accessible cabs on the street. This bill in the last 48 hours, Mr. President, has had many different issues come about. So, I just want to give a little bit of a background on this.

In January, the Philadelphia Parking Authority issued draft regulations that would have, by lottery, converted an additional 300 wheelchair-accessible medallions to the market by the year end. Let me say that again, Mr. President, by the year end, the Philadelphia Parking Authority issued its own regulations which would have put on the street a conversion of 300 additional medallions, which would have increased the fleet by the year 2016. That is important, because these numbers we have been talking about and the involvement here in terms of the community and getting the cabs on the street, the authority itself, the Parking Authority in Philadelphia, actually issued their own regulations for that number. The disabled came out full force in support of these regulations and the number of increased taxi cabs.

I myself, Mr. President, introduced my own legislation, Senate Bill No. 1533, earlier this year that would have increased the wheelchair-accessible medallion complement to 200 via auction, and would require that any medallions issued via that auction would be operational within 120 days. This was an attempt, Mr. President, at a market-driven solution that took into account the delicate economy of the taxi cab industry, while still balancing the needs of the residents, visitors, and tourists of the city of Philadelphia who, Mr. President, are wheelchair-bound. And again, I applaud the work of the Philadelphia Parking Authority and the General Assembly for rallying against an even more inadequate number of medallions than the current 15 per year over the next 10 years in House Bill No. 2390.

Unbelievably, Mr. President, some in the industry suggested numbers as low as 5 or 10 were adequate to address the need. However, and again, I reiterate, I applaud the authority for working to increase that number. I know many Members in this

Chamber as well worked to increase that number from 5 to 10 to 15. However, I personally, Mr. President, still do not believe that 15 per year is adequate, and I sincerely wish that the Philadelphia Parking Authority would have railed a little harder against these inadequate numbers.

Now, I have heard and seen the comments of many people in the disability community who have said they want, need, and deserve more transportation operations, and I wholeheartedly agree. Mr. President, in response to these requests and these inquiries, I did what I believe is my job as a legislator: I became engaged. I sought out information, I sought out those stakeholders, and I entered myself into this issue because I believe that is what I am supposed to do when issues arise of import to those in my community, and to those of whom I am privileged to represent. My pledge is, I will continue to engage myself in the process when those issues arise because I believe that it is not for people to come to me and ask, but for me to ask how I can be relevant, and how I can be engaged in this process. This process, Mr. President, is something I have taken to this podium and spoken about, time after time after time, because I wholeheartedly believe in it.

Mr. President, paratransit, a lot of folks have said, well, there are other options for disabled folks with wheelchairs, they can do paratransit. I know from personal discussions, Mr. President, that quite often with paratransit, if someone has a doctor's appointment at noon, they may have to get that paratransit at 9 o'clock in the morning just to give adequate time. So, I think this is something for us to recognize that paratransit services often do not accommodate the spontaneous or emergency transportation needs that those of us without disability issues take for granted. I have heard the stories and I have articulated them here today.

Not only does this pose concerns from a safety and health perspective, but Philadelphia's economy, Mr. President, may be losing out on significant patronage of its business, eateries, and establishments by the community. So, on top of the wheelchair-accessible focus in the bill, House Bill No. 2390 presents some complex issues that many people, I believe, have not had adequate time to wrap their heads around.

I applaud Members of the Committee on Appropriations, Members who spoke out both for and against this bill. I understand that those are issues that are, at times, especially during this very busy budget week, difficult issues for everyone to sort of get their arms around. And, this issue of course includes regulatory oversight of these nonmedallion taxi cabs by the authority, changes to the current court system, swapping the Commonwealth Court's current jurisdictional duties for Common Pleas Court, et cetera. We also have to keep in mind that the Commonwealth Court is where State agency matters are being heard.

So, again, I just want to be very clear: I wholeheartedly support getting more wheelchair-accessible cabs on the streets right now in Philadelphia. I just believe it should be more than is being suggested by this bill. I have issues with the way in which the authority has tied partial rights and court changes to what has been, Mr. President, my primary focus in this debate. My single and only focus in this debate is access for the mobility-impaired community as a way to move the regulatory agenda along. That is where I have my focus, but I wholeheartedly understand that there are a number of other issues out there, and I certainly do nothing to put those aside or to put those of less import.

I will be voting "no," Mr. President, for two reasons. Number one, I do not believe that 15 wheelchair-accessible taxi cabs this year and in each of 10 years are enough soon enough. And I do not support coupling of these regulatory changes to the emotional issue of wheelchair accessibility in order to garner swift passage of the bill.

Thank you, Mr. President.

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

Senator TOMLINSON. Mr. President, Representative Miccarelli's bill was debated to great extent in the House and passed overwhelming with only two negative votes, but I want to thank the Senator from Philadelphia for his interest in the handicap taxi cab issue. I actually want to thank him for his concession of 200 medallions at one time, down to 30 medallions over a year, but I still believe that the Philadelphia Parking Authority is looking at us from a regulatory viewpoint. They are looking at it from a viewpoint where, let us roll this out, let us walk before we run, let us roll this out in an orderly fashion, and what is a good and safe handicap cab and what is a cab that can accommodate a wheelchair without the person getting out of the wheelchair and getting into their seat?

So, I think we have a difficult position here, and we have a difficult job. I would like to rely on the regulatory agency that works hard on this and roll out 15 licenses now, and I think it is more important than ever to get what we have now because there was an appellate court decision that said the city of New York did not have to provide handicap cabs, and that the Americans With Disabilities Act applied to the drivers of the cabs. So, Mayor Bloomberg in New York decided they do not need to have handicap cabs, so they are now not going to put out handicap cabs. I think now we have the Philadelphia Parking Authority ready and prepared to put out 15 medallions for handicapped, we do it now, we proceed whether the courts say we should or should not. We should proceed in an orderly way, in a way that regulates these cabs, and to make sure that the drivers are trained. It requires not just the normal cab driver. This driver must be trained and prepared to handle these situations.

So, I think Representative Miccarelli, I think the House, I think the Philadelphia Parking Authority and everybody has worked very, very hard on this. I think it is time to move this legislation. As for the partial cabs, the only thing this bill does for partial cabs is reiterate and re-clarify what was done in 2004 in Act 94. Clearly, the PUC agrees with the Parking Authority that anybody who runs a cab in the city of Philadelphia must come under the authority of the Parking Authority. The PUC agrees with that. The act says that. We are re-clarifying that. It is nothing new, it is an old argument. I have had taxi cab companies in the suburban areas of my area go through this time and time again. I think now we have this in a position where we re-clarify this, we put this into action, and we take care of the handicapped people.

I want to thank the good Senator from Philadelphia for his interest in the handicapped. I want to thank him for trying to push the envelope a little further. I think we are running too fast and pushing a little too far. Let us make sure we get this done right. This is our chance to make sure we get the proper cab out there, the proper oversight, and we get a trained taxi cab driver in that cab to help the handicapped.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, very briefly, I was remiss in my comments to thank the chairman of the Committee on Consumer Protection and Professional Licensure for his work and leadership, and also our own Minority chair, Senator Boscola, for her leadership and work on this. I appreciate the opportunity from both chairmen for allowing me to participate in this process. It was something that was important for my community and important to the city of Philadelphia. Thank you very much for allowing me to participate.

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

NAY-3

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

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

HB 2438 (Pr. No. 3659) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, amending the title of the act; further providing for conflicts of interest and penalty; reorganizing the Department of Banking and the Pennsylvania Securities Commission; and making related repeals.

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-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh

Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 327 and **SB 338** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 728 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 1484, **HB 1847**, **HB 2060** and **HB 2343** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

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 in the Rules room immediately, without objection, the Senate stands in recess.

AFTER RECESS

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

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

BILLS REPORTED FROM COMMITTEE

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

SB 637 (Pr. No. 2347) (Rereported) (Concurrence)

An Act requiring public works contractors and subcontractors to verify employment eligibility; providing for the powers and duties of the Department of General Services; prescribing sanctions; and establishing good faith immunity under certain circumstances.

SB 1546 (Pr. No. 2353) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, codifying the State Tax Equalization Board Law into the act and further providing for creation of board, membership, general powers and duties and common level ratio and providing for publication of information by board funding contingency; and making a related repeal.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****HB 3 CALLED UP**

HB 3 (Pr. No. 3769) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 3 (Pr. No. 3769) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

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

Senator RAFFERTY. Mr. President, I thank the gentleman from Delaware County. Mr. President, I want to remind the Members of the Senate that House Bill No. 3 is a private/public partnership, the P3 legislation. When it came over from the House of Representatives with language different than that which the Senate passed several months ago and sent over to the House, we amended House Bill No. 3 in the Committee on Transportation, putting in our language. So this is the language that we worked on, myself and Senator Wozniak, along with Senator Pileggi's office. We worked to get the language correct. The Chamber of Commerce, the Contractors' Association, the building and trades, and AFSCME have all worked on this legislation with us and all support this legislation. I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator WOZNIAK. Mr. President, I also rise to support this bill, along with my colleague Senator Rafferty and our contemporaries in the House, along with our staffs who have worked very diligently on it. In many States and also in Canada, this concept is coming to fruition, creating opportunities particularly

in areas where we have tremendous congestion. We have problems in Pennsylvania. We need to think outside the box in ways that we can improve our transportation systems. I think it would be accurate for me to say that we also need to find revenues to help improve our highway systems and to upgrade our bridges. But this is one tool in the arsenal that we have never attempted before.

It has shown great promise and success in other States, and I think it is a great opportunity for us as a State to take advantage of something that the Chamber of Commerce, the trade unions, government, all have a vested interest in improving our highway system and the congestion that is occurring particularly in our urban areas, and perhaps even take a stab at some of the rural needs of Pennsylvania. So I hope that everybody would realize that this is a very synergistic bill supported by a number of diverse groups and certainly deserves the support of all the Members of this Chamber.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Earll and Senator Don White.

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

Senator WOZNIAK. Mr. President, I request a temporary Capitol leave for Senator Stack.

The PRESIDENT pro tempore. Senator Pileggi requests legislative leaves for Senator Earll and Senator Don White.

Senator Wozniak requests a temporary Capitol leave for Senator Stack.

Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 637 (Pr. No. 2347) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring public works contractors and subcontractors to verify employment eligibility; providing for the powers and duties of the Department of General Services; prescribing sanctions; and establishing good faith immunity under certain circumstances.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 637?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 637.

On the question,

Will the Senate agree to the motion?

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

Senator WARD. Mr. President, I rise today to ask my colleagues for an affirmative vote on Senate Bill No. 637, the Public Works Employment Verification Act, also known as E-Verify. This bill is simple. If you are a contractor or subcontractor who is working on a project which was awarded through a governmental body, you must use the E-Verify system operated by Homeland Security. You need that to verify that the new workers are authorized through Immigration Services.

There are a few things that I would like to highlight about the bill. Number one, it insures that our workers in Pennsylvania are not displaced or kept in the unemployment lines because of cheap labor that is not legally permitted to be here or work here. And it also provides another level of safety in that it will insure people who may wish to do harm to us do not slip through the cracks, and that qualified workers only will be working in our neighborhoods. It only makes sense that a government project, which is funded by government tax dollars, should employ workers who pay taxes. Each and every one of us in the Senate Chamber represent people who are unemployed. This bill will help to make sure that when there are new jobs because of public contracts, those unemployed Pennsylvanians will have an opportunity to fill one of those jobs.

This legislation, which I sponsored over 3 years ago when I first came to the Senate, has evolved and has gotten better and stronger as it has moved through the process. Many, many people helped to make this bill better, and I would like to thank some of them, if that is okay: Representative Metcalfe and Representative Miller over in the House; especially Representative Galloway, who has been working on this issue long before I ever came to the Senate. Also, Bruce Hanson from the House Committee on Labor and Industry; and from the Governor's Office, Andrew Ritter, and Deputy General Counsel Greg Dunlap.

Over here in the Senate, I thank Senator Pileggi and Senator Scarnati for saying that you would see this through and then for seeing it through. I appreciate it very much. And I know without Kathy Eakin and Casey Long, that would not have been possible either. Also Senator McIlhinney and his legislative director Gail Reinard, for moving it through committee and continuing to push on the bill. Last but certainly not least, Vicki Wilken, counsel in my Senate office who has worked tirelessly for weeks with everyone to make this bill something that we can hopefully concur in and vote on. I am asking my colleagues to consider a "yes" vote on this legislation. Thank you very much.

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

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

YEA-42

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

NAY-7

Farnese	Kitchen	Tartaglione	White Mary Jo
Hughes	Smucker	Washington	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

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

BILLS REPORTED FROM COMMITTEE

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

HB 1330 (Pr. No. 3892) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, establishing the Special Education Funding Commission; in terms and courses of study, further providing for agreements with institutions of higher education and for definitions; in opportunities for educational excellence, further providing for concurrent enrollment agreements; extensively revising charter school provisions; establishing an educational opportunity scholarship tax credit; in reimbursements by Commonwealth and between school districts, further providing for definitions and providing for special education funding for student achievement and instruction of eligible students, for special education funding for eligible students with disabilities in Category 3, for special education accountability, for data collection and for protections; providing for educational improvement tax credit; repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit; and providing for distribution of certain appropriated funds to the Department of Education for regional community college services.

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

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

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

June 29, 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 4, 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 Psychology, 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 Patricia Bricklin, Wayne, deceased.

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

TOM CORBETT
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nomination 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 nomination will be returned to the Governor.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1546 (Pr. No. 2353) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, codifying the State Tax Equalization Board Law into the act and further

providing for creation of board, membership, general powers and duties and common level ratio and providing for publication of information by board funding contingency; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1546?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1546.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-1

Pippy

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1330 (Pr. No. 3892) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, establishing the Special Education Funding Commission; in terms and courses of study, further providing for agreements with institutions of higher education and for definitions; in opportunities for educational excellence, further providing for concurrent enrollment agreements; extensively revising charter school provisions; establishing an educational opportunity scholarship tax credit; in reimbursements by Commonwealth and between school districts, further providing for definitions and providing for special education funding for student achievement and instruction of eligible students, for special education funding for eligible students with disabilities in Category 3, for special education accountability, for data collection and for protections; providing for educational improvement tax credit; repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit; and providing for distribution of certain appropriated funds to the Department of Education for regional community college services.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate until approximately 7 p.m.

The PRESIDENT. Without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 197 CALLED UP

HB 197 (Pr. No. 3834) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 197 (Pr. No. 3834) -- 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 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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 869 CALLED UP

HB 869 (Pr. No. 3891) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 869 (Pr. No. 3891) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions and for use and display of illuminated signs.

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

On the question,
Shall the bill pass finally?

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

YEA-45

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

NAY-4

Baker	Earll	Vance	White Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Stack and Senator Don White have returned, and their respective leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1363 CALLED UP

HB 1363 (Pr. No. 3837) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1363 (Pr. No. 3837) -- The Senate proceeded to consideration of the bill, 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 certain circumstances in which strikes are prohibited, for continuing professional development and for program of continuing professional development.

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-39

Alloway	Eichelberger	Pileggi	Vogel
Argall	Erickson	Pippy	Ward
Baker	Ferlo	Rafferty	Waugh
Blake	Folmer	Robbins	White Donald
Boscola	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Leach	Smucker	Wozniak
Corman	McIlhinney	Solobay	Yaw
Dinniman	Mensch	Tomlinson	Yudichak
Earll	Piccola	Vance	

NAY-10

Brewster	Fontana	Kitchen	Tartaglione
Costa	Hughes	Stack	Washington
Farnese	Kasunic		

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SECOND CONSIDERATION CALENDAR RESUMED

HB 728 CALLED UP

HB 728 (Pr. No. 3887) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Second Consideration Calendar, by Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 728 (Pr. No. 3887) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations and for prohibitions; and providing for signage requirements for retail service stations.

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

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.

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:

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

June 8, 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, Paul E. Cozza, Esquire, 521 Edgeridge Road, Pittsburgh 15234, Allegheny County, Forty-second Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2014, vice The Honorable Robert A. Kelly, resigned.

TOM CORBETT
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

May 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, William F. Ward, Esquire, 266 Jefferson Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2014, vice The Honorable David N. Wecht, resigned.

TOM CORBETT
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 8, 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 Roger F. Gordon, 2602 Apollo Plaza, Philadelphia 19153, Philadelphia County, First Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2014, vice The Honorable Renee Cardwell Hughes, resigned.

TOM CORBETT
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 8, 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 Kenneth J. Powell, Jr., 35 W. Hampton Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2014, vice The Honorable Thomas Dempsey, resigned.

TOM CORBETT
Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 8, 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, J. Scott O'Keefe, Esquire, 662 N. 65th Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2014, vice The Honorable Lydia Y. Kirkland, Philadelphia, resigned.

TOM CORBETT Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 8, 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, T. Francis Shields, Esquire, 712 Glenview Street, Philadelphia 19111, Philadelphia County, Second Senatorial District, for appointment as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2014, vice The Honorable Georganne V. Daher, Philadelphia, resigned.

TOM CORBETT Governor

JUDGE, COURT OF COMMON PLEAS, YORK COUNTY

June 8, 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, Michael W. Flannelly, Esquire, 162 Leads Road, York 17403, York County, Twenty-eighth Senatorial District, for appointment as Judge, Court of Common Pleas, York County, to serve until the first Monday of January 2014, vice The Honorable Clarence N. Patterson, Jr., deceased.

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-49

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

NAY-0

A constitutional two-thirds 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.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet off the floor during today's Session in the Rules room to consider House Bill No. 761.

RECESS

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

Senator PILEGGI. Mr. President, I request a brief recess of the Senate for the purpose of a meeting of the Republican Caucus at the Leader's desk.

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

Senator COSTA. Mr. President, the Democrats will meet at the Leader's desk as well, at our desk. We would love to join them, but we would like to have our own caucus. Thank you.

The PRESIDENT. Sounds good to me. For purposes of 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.

MOTION PURSUANT TO SENATE RULE XI

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

Senator PILEGGI. Mr. President, I move that the Senate continue debate beyond 11 p.m. to consider bills remaining on the Calendar and to consider bills sent from the House of Representatives requiring the concurrence of the Senate.

On the question, Will the Senate agree to the motion? A voice vote having been taken, the question was determined in the affirmative.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to HB 761, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1115, SB 1122, SB 1123, SB 1124, SB 1125, SB 1126** and **SB 1263** with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 887**, with the information the House has passed the same without amendments.

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 1174**.

HOUSE BILL FOR CONCURRENCE

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

June 30, 2012

HB 2354 -- Committee on Consumer Protection and Professional Licensure.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 48, HB 864, HB 1026, HB 1261** and **HB 1901**.

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, without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

SB 1122 (Pr. No. 2312) (Rereported) (*Concurrence*)

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

SB 1123 (Pr. No. 2313) (Rereported) (*Concurrence*)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh--Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1124 (Pr. No. 2314) (Rereported) (*Concurrence*)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1125 (Pr. No. 2315) (Rereported) (*Concurrence*)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1126 (Pr. No. 2316) (Rereported) (*Concurrence*)

An Act making appropriations to the Trustees of the University of Pennsylvania.

SB 1263 (Pr. No. 2351) (Rereported) (*Concurrence*)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general provisions, further providing for method of payment; in Department of Revenue, further providing for transmission of moneys; in Treasury Department, further providing for replacement checks; in State Treasury disbursements, providing for settlement agreements and enforcement actions; in capital facilities debt, further providing for definitions, for Neighborhood Improvement Zone Fund, for Keystone Opportunity Zone and for Commonwealth pledges; in financially distressed municipalities, further providing for administrative oversight; in oil and gas wells, providing for conventional gas well bonding and for oil and gas operations in the South Newark Basin; in Keystone Special Development Zones, further providing for definitions; in tax credits, repealing provisions relating to the Department of Education, the Department of Revenue and the Department of Community and Economic Development; in permit extensions, further providing for definitions; in special funds, further providing for funding; in general budget implementation, further providing for Auditor General, for Department of Labor and Industry and for Department of Public Welfare; providing for 2012-2013 budget implementation; providing for 2012-2013 appropriations restrictions; in audits, further providing for audits of Race Horse Development Funds; and making related repeals.

HB 761 (Pr. No. 3894) (Rereported) (*Concurrence*)

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 definitions, for exclusions from tax, for time for filing returns, for time of payment, for assessment and for collection of tax; in personal income tax, further providing for returns of married individuals, deceased or disabled individuals and fiduciaries, for requirements concerning returns, notices, records and statements, for assessment and for additions, penalties and fees; in corporate net income tax, further providing for definitions, for extension of time to file reports, for changes made by Federal Government and for assessments; in insurance premiums tax, further providing for definitions and for imposition of tax; in realty transfer tax, further providing for definitions, for excluded transactions, for documents relating to associations or corporations and members, partners, stockholders or shareholders thereof, for acquired company and for assessment and notice of tax and review; in cigarette tax, further providing for definitions; in research and development tax credit, further providing for limitation on credits and for termination; in film production tax credit, further providing for definitions, for credit for qualified film production expenses, for carrying and assigning credits and for limitations; in educational improvement tax credit, further providing for definitions, for qualification and application, for tax credit and for limitations; providing for a resource manufacturing tax credit, for an educational opportunity scholarship program, for a rehabilitation of historic structures tax credit and a community-based services tax credit; in tax credit for new jobs, further providing for definitions, for application process and for tax credit; in neighborhood assistance tax credit, further providing for definitions and for tax credit; in malt beverage tax, further providing for assessment by department; in inheritance tax, further providing for definitions and for transfers not subject to tax; in procedure and administration, further providing for petition for reassessment and for petition procedure and providing for compromise by secretary; in general provisions, further providing for petitions for refunds and providing for administrative bank attachment for accounts of obligors to the Commonwealth; making related repeals; abrogating a regulation; and providing for applicability.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**NONPREFERRED APPROPRIATION BILLS
ON CONCURRENCE IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1122 (Pr. No. 2312) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1122?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1122.

On the question,

Will the Senate agree to the motion?

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

Senator STACK. Mr. President, I rise not to oppose this legislation that would appropriate funds for Penn State University, I rise to express my concern about the lack of transparency in what this money goes toward. Each year, we appropriate funds to the four State-related universities - Penn State, Pitt, Temple, and Lincoln. I have been a longtime advocate of funding for higher education. Educating our citizens is a core function of government. The better we educate our society, the more we all prosper and benefit. However, the full disclosure of what this money goes toward has always troubled me, Mr. President. Do any of us on this floor of this great Chamber honestly know how each taxpayer dollar is spent at these universities? The answer is no. The money is sent to the university's general fund and then divided for various purposes.

Mr. President, I know we all support openness, transparency, and accountability. I know you support it as much as I do, so I prepared amendments to offer more transparency, accountability, and openness to clearly define what this money we allocate goes toward. Unfortunately, Mr. President, I am unable to offer these amendments due to this process. My amendments, one for each of the State-related universities, would have mandated that the money we appropriate would be kept in separate accounts from other university funds.

In light of the Sandusky investigation that Penn State is embroiled in, I feel it is not only appropriate to make the university accountable for how they spend their State-appropriated funds, I believe it should be placed into law. This money could only have been used for the following: student aid, professor/employee salaries, capital projects, and the acquisition, improvement, or maintenance of technological or instructional material or equipment for research-related projects. This amendment would have allowed Penn State to use the taxpayer money for appropriate university-related expenditures. This would include ongoing research projects, upgrades to research facilities and staffing, and other advancements for which Penn State has

of course been--and we are proud of Penn State--a national leader. However, they would not have been able to use this money to pay for insurance coverage in civil claims--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point of order.

Senator PILEGGI. Mr. President, I believe the gentleman is explaining an amendment that he has not offered and would be out of order to offer.

The PRESIDENT. The point is well taken. If the gentleman could refine his remarks to the bill before us, Senate Bill No. 1122, and the motion to concur.

Senator STACK. Mr. President, I will refine my remarks. The money, with regard to the nonpreferreds, my problem with this legislation is what it lacks, and what it lacks is transparency and a separation of funds. As I was saying, the funds should be clearly delineated and separated for what would be used on the expenditures that I have already spoken of, Mr. President, to which would be used for lawsuits and other expenses related to criminal charges.

Our Governor ran on a platform of openness, accountability, and transparency, and I feel that we could have made legislation which was tailor-made for what I thought the Governor believed in. But circumstances outside my control have prevented me from helping make this legislation what it could have been. I know that the folks at Penn State were not happy with my desire for how this legislation would be. I feel that we can do better, Mr. President. As a member of the Temple University Board of Trustees, a great school in the same category as Penn State, and I know, Mr. President, you are a proud alumnus, I understand the importance of full disclosure on what the university does and is obligated to do with money appropriated by the General Assembly. I know that the Auditor General has the power to audit what money is used for and that these institutions must keep records on spending. But once the horse is out of the barn, Mr. President, it is a little late to close the barn doors.

So, Mr. President, once again, in light of the recent judgments handed down on Mr. Sandusky, inevitably, lawsuits will follow, people will be implicated, perhaps in criminal liability. I believe that this legislation should be able to separate out where that money is expended. Mr. President, how much do we, the actual funders, really know what this money is used for, even before the recent controversy? Year after year, serving in this body, the request is made for the nonpreferreds, we ask what exactly is the money spent for, and essentially, the State-relateds tell us, we will get back to you.

So, Mr. President, all four State-related universities, once again, are prestigious institutions of higher learning. They have very proud alumni. Let us insure that our State-related universities are using the State funds to educate their students, support their teachers, and improve their institutions, not pay civil claims for the wrongdoing of others. Mr. President, I wish we could have done that in this legislation tonight. I sincerely hope we can all work together in the future to make the process more transparent.

Thank you, Mr. President.

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

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

YEA-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1123 (Pr. No. 2313) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh--Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1123?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1123.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1124 (Pr. No. 2314) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1124?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1124.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1125 (Pr. No. 2315) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1125?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1125.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1126 (Pr. No. 2316) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1126?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1126.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

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

HB 761 (Pr. No. 3894) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for exclusions from tax, for time for filing returns, for time of payment, for assessment and for collection of tax; in personal income tax, further providing for returns of married individuals, deceased or disabled individuals and fiduciaries, for requirements concerning returns, notices, records and statements, for assessment and for additions, penalties and fees; in corporate net income tax, further providing for definitions, for extension of time to file reports, for changes made by Federal Government and for assessments; in insurance premiums tax, further providing for definitions and for imposition of tax; in realty transfer tax, further providing for definitions, for excluded transactions, for documents relating to associations or corporations and members, partners, stockholders or shareholders thereof, for acquired company and for assessment and notice of tax and review; in cigarette tax, further providing for definitions; in research and development tax credit, further providing for limitation on credits and for termination; in film production tax credit, further providing for definitions, for credit

for qualified film production expenses, for carrying and assigning credits and for limitations; in educational improvement tax credit, further providing for definitions, for qualification and application, for tax credit and for limitations; providing for a resource manufacturing tax credit, for an educational opportunity scholarship program, for a rehabilitation of historic structures tax credit and a community-based services tax credit; in tax credit for new jobs, further providing for definitions, for application process and for tax credit; in neighborhood assistance tax credit, further providing for definitions and for tax credit; in malt beverage tax, further providing for assessment by department; in inheritance tax, further providing for definitions and for transfers not subject to tax; in procedure and administration, further providing for petition for reassessment and for petition procedure and providing for compromise by secretary; in general provisions, further providing for petitions for refunds and providing for administrative bank attachment for accounts of obligors to the Commonwealth; making related repeals; abrogating a regulation; and providing for applicability.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 761?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 761.

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

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

YEA-48

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

NAY-1

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 inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1263 (Pr. No. 2351) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general provisions, further providing for method of payment; in Department of Revenue, further providing for transmission of moneys; in Treasury Department, further providing for

replacement checks; in State Treasury disbursements, providing for settlement agreements and enforcement actions; in capital facilities debt, further providing for definitions, for Neighborhood Improvement Zone Fund, for Keystone Opportunity Zone and for Commonwealth pledges; in financially distressed municipalities, further providing for administrative oversight; in oil and gas wells, providing for conventional gas well bonding and for oil and gas operations in the South Newark Basin; in Keystone Special Development Zones, further providing for definitions; in tax credits, repealing provisions relating to the Department of Education, the Department of Revenue and the Department of Community and Economic Development; in permit extensions, further providing for definitions; in special funds, further providing for funding; in general budget implementation, further providing for Auditor General, for Department of Labor and Industry and for Department of Public Welfare; providing for 2012-2013 budget implementation; providing for 2012-2013 appropriations restrictions; in audits, further providing for audits of Race Horse Development Funds; and making related repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1263?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1263.

On the question,

Will the Senate agree to the motion?

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

Senator WOZNIAK. Mr. President, I appreciate the consideration and the time on the floor, and I can certainly hear the collective groan of my collegiate comrades, so I will be extremely brief. A few years ago, this Chamber and the Chamber across the hallway, signed by Governor Rendell, created a new department, a new cabinet level called the Department of Drug and Alcohol Programs. I opposed it then and I see, using the Fiscal Code, that I am going to try to oppose it now.

I do not think anybody disagrees that there is a drug and alcohol problem in Pennsylvania, in this nation, or throughout this world. However, when this was put into statute, I also heard from the citizens of Pennsylvania to control government costs, to stop government expansion, and to try to reduce the size of government. We did not listen and created an entirely new cabinet level. I understand the private, personal, and political reasons that it was put into place, but the logic of creating a cabinet level still eludes me.

When I was a young man taking those tests, those IQ tests, they had different numbers and you had to see the sequences there, and then they had words and you put the words together and it said, what does not belong? I will ask you right with me to take a short IQ test. I am going to say some words, and in your own minds, place what does not belong. The Department of Transportation, the Department of Environmental Protection, the Department of Drug and Alcohol Programs, the Department of Conservation and Natural Resources, the Department of Education, the Department of Health, the Department of Revenue, and the Department of Public Welfare. I firmly believe that the Department of Drug and Alcohol Programs should be an agency within the Department of Health and not a new cabinet level. Many people will say that we are just moving money from the

various departments and putting it into this department and that it will not cost any more money in the future. Are you new here? This was a wrong step, and I believe it is time to take a serious look at addressing issues of drug and alcohol abuse, but not lifting it to the elevation of a cabinet position.

I have tried and I have failed, I have tried and I have failed, I have tried and I failed, and then I finally succeeded in eliminating certain nonpreferreds from line items in our budgets. I do not expect to succeed today, but I do want to continue this effort. Abuse of alcohol and drugs and substance abuse needs to be addressed, but to elevate it to the level of a cabinet position sends the wrong message to the citizens who want us to curtail and contain our government, and it just sends the wrong message as to what is really wrong with Pennsylvania. I realize that I will not be successful today, so in my brevity, I will not be asking to suspend the rules, nor will I be asking for anyone to put a vote up on this amendment. Today I had my say, tomorrow I might have my way. Thank you very much for your time.

The PRESIDENT. The very definition of a smattering of applause. Thank you, Senator.

The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, I do not care if I get any applause or not. I am not responsible for rushing the budget up until 11:20 p.m. at the end of the year, at least the budget year, so I will take a little bit of time, but I will try to be expeditious. I want to briefly comment on the Fiscal Code, Senate Bill No. 1263, with a couple of brief points of very critical concern to me and certainly many others across the State.

First of all, as we know, this Fiscal Code is a compilation of many provisions, 12-plus major provisions with numerous budget implementation authorizations for just about every department in State government. I do want to draw attention because I think we need to be mindful through the summer and into the fall months on the issue of the Pennsylvania State Police. If I understand correctly, both the operating budget that we have approved, as well as the authorizations expressed in the Fiscal Code, we are requiring the administration to provide the Pennsylvania State Police, General Government Operations, an appropriation that would include funding for a cadet class of not less than 100.

That is certainly a step in the right direction, but I just want to draw attention to the urgency of our reconsideration through the fall months and into next year. We know that early retirements throughout this year could be closer to a figure of 500 men and women retiring from the State Police. I do believe, and I think many colleagues on both sides of the aisle share the concern, obviously, for many years we have expressed this: I am concerned that we have reached a critical point of the question of the available public safety, especially in smaller towns and communities throughout our Commonwealth. But equally important is the potential harm and safety issues for the men and women, the State Troopers themselves. With a depleted force, I am very concerned about whether or not we will be able to staff appropriately and actually respond, should there be an unfortunate critical incident where additional people power, Trooper power, is needed. I just want to draw attention to that because we are not meeting through the summer, and if I understand correctly, we only have 8 voting days in the fall until the lame duck Session. That does not give us a lot of time. I will not go into the fact that

we have not even addressed transportation and transit. I wish we could kind of multi-task, or that we had a Governor who could learn to multi-task like most of us have to do. So I am a little bit disappointed, and I just want to draw attention to that.

But what I think is most glaring and most reprehensible and it cannot go without some comment, at least from this Democrat on this side of the aisle, is the inclusion in the Fiscal Code of something that is completely unrelated. I do think it violates, at least in terms of the recent Commonwealth Court observation about window-dressing and the Christmas-tree loading up of the Fiscal Code on unrelated topics, and that is the midnight plumbers who all of a sudden appeared, and lo and behold, in this Fiscal Code we have special legislation catering to a few colleagues in a couple of counties. I am talking about this provision that now allows a moratorium for several counties in the southeast as it relates to potential drilling, now or in the future, on not just the Marcellus Shale, we are talking about a new wealth of natural gas that is thousands of feet even below the Marcellus Shale and the Utica Shale. I am very upset that this provision is in here. I think it is special legislation. I think it is violative. But I think what is most reprehensible is that we went through a long, deliberative process on the Act 13 amendments to oil and gas, and it was heavily debated. Obviously, many of us, myself included, opposed the final provisions of that act. I point out and reiterate, the amendments that I have standing here in the Senate would strengthen the environmental protections in Act 13, would raise a more serious amount of revenue, and most importantly, would not have run roughshod over the local land use and zoning decisions of our Commonwealth residents, something that is before the Commonwealth Court and I believe strongly is violation of democracy and violation of the constitutional provisions.

But to see this put inside the Fiscal Code, where special legislation now prohibits DEP from issuing permits to engage in oil and gas operations within the boundaries of the South Newark Basin until a study is completed by DCNR and legislation authorizing the governing body of a county within the basin that has a spud well in its borders to impose the fee under Act 13. Again, this section expires June 1, 2018. Maybe the study will be done more quickly. I am not sure. But apparently, according to a map by the U.S. Geological Survey, this basin, which I have to honestly admit I have never heard of before, contains certain areas of Bucks County, Montgomery County, Chester County, Berks County, and Lancaster County, as well as Northampton County.

Also I find it reprehensible that we had agreement on Act 13 on the obligations, and I do note that the bonding requirements for conventional oil and gas wells have now been lowered, I believe, to the \$2,000 or \$2,500 marker as opposed to the \$4,000 bonding requirements that were originally in Act 13.

I will not go on to describe this new geological basin, but again, I want to state for the record, I think this is absolutely undemocratic. The height of hypocrisy for colleagues here, especially for those from Montgomery and Berks Counties, to stand here and vote for Act 13 and then go back to their respective districts, and when confronted with irate citizens make statements about, well, they did not know what they were voting on, or they thought they were voting on something else. And now to see this be snuck into this legislation on the Fiscal Code, again, I think is outrageous. I am not looking to disrupt the Fiscal Code this late in the process; there are a lot of provisions. But I just do not know where the justice is.

As we celebrate July 4 in this country, it is great that we are going to spend time with our families and eat BBQ and look at the fireworks, but I think everyone in this room should start thinking about democracy, because I think we are on a slippery slope in this country, at the Federal level as well as the State level, in terms of losing our democratic principles, our democratic rights and people's right to know what the heck is going on in these Chambers, in the slippery, smoke-filled back rooms and PAC contributions and lobbyists and special legislation. It is disheartening, it is disconcerting, it is anti-democratic, and at some time there is going to be justice due. Justice due, Mr. President. Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, I have written comments which I would like to submit for the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record. That was certainly a smattering of applause.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Berks, Senator SCHWANK:)

Mr. President, although I plan to support this bill, I want to place my concerns on the record regarding the provision in Section 1729-F (10) that requires the Department of Public Welfare to study the formula that provides millions of dollars annually to fund programs serving sexual assault victims.

This language is a response to complaints by a number of programs, including one that serves victims of sexual assault and domestic violence in my district, that the process for funding local programs has gotten seriously out of kilter. Among the concerns that have been raised is that the formula now disproportionately, and ineffectively, sends funding to programs according to the square mileage they cover instead of the actual numbers of victims they serve or the level and amount of services they provide.

Although DPW is responsible for awarding this funding, which is more than \$7 million this year, it neither develops nor applies the formula. Instead, it contracts with the coalition that represents the local service providers to develop the formula and to distribute and administer the funding to the programs with what historically seems to be minimal oversight by the department.

While I believe the language in this bill is a good faith attempt to insure that a fair formula will be developed and applied to insure the effective and efficient use of this money, a goal that obviously drives so much of what we are dealing with this week, I am concerned that it leaves this responsibility to DPW, which has demonstrated a unique disinterest or inability to do so, and until now has deferred almost completely to the coalition on it.

I have introduced legislation, Senate Bill No. 1435, that enjoys bipartisan support to require DPW to develop a funding formula through the regulatory process to provide greater accountability and enable more legislative oversight, fair participation by all the interested parties, and public transparency to this process. Although it does not go far enough, the language in this bill recognizes the problem and takes us in the right direction. But it leaves too much to DPW's discretion in deciding who and what to study, and that is troubling, given the past history.

In order for this provision to achieve what I believe is its legitimate goal, DPW must seek and listen sincerely to input from all interested parties in developing the study within the broad framework being given to it. These are public tax dollars, and they must be used to the greatest and least wasteful effect.

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

Senator BROWNE. Mr. President, I rise today to express my support for Senate Bill No. 1263, which includes important changes to the Fiscal Code in order to spur economic development and job creation in Pennsylvania. Among other important provisions, this legislation specifically makes changes to the Neighborhood Improvement Zone legislation, which has been a product of over 8 years of work since first proposed back in 2004.

Mr. President, as you are aware, there exists in this Commonwealth within cities areas of economic distress characterized by high unemployment; little or no investment; inadequate dwellings; blighted conditions; underutilized, obsolete or abandoned industrial, commercial and residential structures; and deteriorating tax bases. These areas require coordinated efforts by the Commonwealth and local governments to restore prosperity and enable the areas to make significant contributions to the economic and social life of this Commonwealth.

It is in the best interest of the Commonwealth to assist and encourage the creation of Neighborhood Improvement Zones to allow certain existing taxes to be used to take advantage of special economic development opportunities, provide new employment, increase the future tax base, and improve the general economy of those areas.

Increased economic development, reduction of blight, improvements to the general economy, and increased employment in the Neighborhood Improvement Zones will provide a benefit to the municipalities in which Neighborhood Improvement Zones are created, as well as the neighboring municipalities, whose residents can be expected to find increased employment opportunities in the Neighborhood Improvement Zones.

In addition, it has long been recognized that the development of anchor entertainment venues that wish to locate in a municipality can be a catalyst for development and create enthusiasm and pride among its citizens.

Mr. President, under the Pennsylvania Constitution, our courts have recognized that population is a proper means and method for classifying municipalities. However, municipalities classified as cities of the third class vary greatly in population, some having populations of less than 5,000 and others in excess of 100,000. In order to ensure the support and success of certain significant economic development efforts, especially those that include an anchor multi-purpose entertainment venue, it is appropriate that the general statutory classification of a city of the third class be refined to properly leverage the benefits of the incentives in Neighborhood Improvement Zones. A critical mass of population is necessary to ensure these efforts will be successful. It is therefore necessary and proper for the General Assembly to limit the creation of such Neighborhood Improvement Zones to cities of the third class with populations large enough to adequately support the development of, and attendance at, a multi-purpose entertainment venue and associated development as contemplated.

Any third class city in the Commonwealth with a population large enough to sustain such activities, whether today or in the future, should be permitted to take advantage of the opportunities associated with Neighborhood Improvement Zones. Sufficient population is critical so that the Neighborhood Improvement Zones possess the greatest potential for significant economic improvement, so that the overall fiscal capacity of the Commonwealth is maximized and the General Assembly can assess and

improve the effectiveness of the Neighborhood Improvement Zones for such purposes in the future.

Thank you, Mr. President, and I would like to thank the Members of the Senate and the House for their endorsement of this important initiative, and my legislative counsel, Stacey Connors, for her hard and sustained work on the measure.

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

Senator BOSCOLA. Mr. President, all I want to say, really briefly, is, I really commend Senator Browne right now. We have tried to do something very important for the citizens of the entire Lehigh Valley with the arena and the NIZ project. He has worked tirelessly to make sure the people of the Lehigh Valley benefit from this economic development project. Sometimes you do not get the cooperation that you really need from individuals back home, but I think in all fairness to Senator Browne, he is so accommodating and is just such a gentleman that he recognizes the need to maybe change things a little bit to make it happen in the city of Allentown. I can honestly say here today, I am proud, proud to be sitting and working with him.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Mr. President, I really have to concur with the remarks of the prior speaker. I know there is a lot of very good stuff. A Fiscal Code is a huge code, it is a wild and wonderful animal, and there are many, many things in there that are to be favored, admired, and supported.

So I do not pretend that my comments here are going to defeat the Fiscal Code tonight, but I do feel I have to stand to object to it, specifically because of the essential moratorium that one county has been able to insert here on Marcellus Shale gas and nonconventional drilling. We fought very hard in here and negotiated very diligently on a fair and evenhanded approach to nonconventional gas drilling in the State. To permit one county to insert in here an essential moratorium because of a study that has no date on it that takes them out of the mainstream, but still permits them to perhaps enjoy the tax advantages while at the same time jeopardizing negotiations that are going on in that region with the Delaware River Basin Commission for the other counties that wish to participate is just plain wrong.

So for that reason, I am voting against the Fiscal Code, despite the fact that I recognize the very, very many benefits that are in it. Thank you.

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

Senator McILHINNEY. Mr. President, I rise in support of this bill, and specifically in reaction to the previous comments. The gentleman from Pittsburgh fought against the drilling that was happening in Pennsylvania and tried to make things better. The gentlewoman from Venango County fought for the drilling, repeatedly telling me during those discussions that it would not affect Bucks County or the lower southeast.

But yet, we find out afterward that it does. And then even after that, we find that there is actually shale within that region, but I am not allowed to actually get any of the impact dollars that are going to her counties because we did not know it was there and we did not sign into it.

So this piece of legislation simply allows us to actually do the study, and then if the communities locally in the southeast find that they want to actually extract it, that they could actually en-

gage and put in an impact fee so they have the same protections that the gentlewoman from Venango County has in her drilling. I find it pretty reprehensible that she is jumping up and saying that she does not like the idea that I am trying to protect my communities when she did just that in Act 13 making sure that she had those local impact dollars.

Mr. President, I ask that everyone support this bill. Thank you.

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

Senator FERLO. Mr. President, I cannot believe the disingenuous descriptions and commentary that I just heard. People knew full well what the heck they were voting on in Act 13. Thousands of people across this Commonwealth complained and appealed to this body for a sense of fairness and democracy and for local decisionmaking. The bill was shoved down our throats. The fact of the matter is, it became a political hot potato for a couple of colleagues from a couple of counties. Now they are coming here with their tail between their legs and seeking some relief. Let us be clear about what the heck is going on here. We should go back and allow our authority and local jurisdiction as it relates to this drilling. We have underestimated the critical nature of this drilling, and it is so hypocritical when we have a Secretary of DEP who keeps saying that there are no accidents, there are no public safety concerns, there is no environmental hazard--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

Senator FERLO. --tell him to wake up and smell the coffee.

The PRESIDENT. The gentleman will yield.

Senator FERLO. They need to get out of the these counties and understand what is going on.

The PRESIDENT. The gentleman is out of order.

For what purpose does the gentleman rise with his point of order?

Senator PILEGGI. Mr. President, we are talking about a motion to concur on a bill. I think this debate has gotten way beyond the scope of the question in front of us.

The PRESIDENT. The gentleman's point is well taken.

If the gentleman could reserve his comments to concurrence on Senate Bill No. 1263.

The gentleman may continue.

Senator FERLO. Mr. President, the gentleman is disgusted with the lack of democracy, and the gentleman has concluded his comments. Thank you.

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

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

YEA-43

Alloway	Eichelberger	McIlhinney	Tartaglione
Argall	Erickson	Mensch	Tomlinson
Blake	Farnese	Piccola	Vogel
Boscola	Ferlo	Pileggi	Ward
Brewster	Folmer	Pippy	Washington
Browne	Fontana	Rafferty	Waugh
Brubaker	Gordner	Robbins	White Donald

Corman	Greenleaf	Scarnati	Williams
Costa	Hughes	Schwank	Wozniak
Dinniman	Kitchen	Smucker	Yaw
Earll	Leach	Stack	

NAY-6

Baker	Solobay	White Mary Jo	Yudichak
Kasunic	Vance		

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILLS SIGNED

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

SB 351, SB 637, SB 887, SB 1122, SB 1123, SB 1124, SB 1125, SB 1126, SB 1174, SB 1263, SB 1301, SB 1386, SB 1551, HB 48, HB 532, HB 864, HB 1026, HB 1261, HB 1901, HB 2135, HB 2267, HB 2349, HB 2390 and HB 2438.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 1310**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

PERMISSION TO ADDRESS

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

Senator COSTA. Mr. President I know the hour is very late and we are waiting for a number of bills to come over from the House, but I would be remiss if we did not take a few moments to thank a lot of folks who this past week have worked very, very hard, put up with all of us for the past 6 days, and now going on 7 days, in Harrisburg. Our staff, let us start with the folks here in this room, from our Pages to all the folks who work at the desk with you, and all of our staff personnel who are here working and doing all the business that needs to be done for us to be able to effectuate a General Fund budget, School Code, Fiscal Code, Tax Code, Welfare Code, and a whole host of other bills. They simply do not come out of the air. A lot of work goes into them from a lot of individuals.

I am going to start naming a few folks, and I apologize if I leave some out. Let us start with our legal staff here, C.J. Hafner and Gladys Brown, but also folks who are back in the office, and a number of other folks. My chief of staff, Tony Lepore, and Colleen DeFrank, who worked and helped us on the floor. Also, many Members who are not here, who am I missing? Am I missing anybody? Attorney Mark Mekilo, Senator Hughes' staff, and

I am certain he would echo my comments as well, with Randy Albright as executive director, and a whole host of people on our Committee on Appropriations. But it does not stop there, the folks who work on the Committee on Education and their chairpersons, and Committee on Finance chairpersons, and right down the line. There is a tremendous amount of work that goes into doing the business of the government here in Harrisburg. We owe them a debt of gratitude. I want to take a few moments to say thank you for the yeoman's duty and yeoman's work. Thank you all very much.

Thank you, Mr. President.

The PRESIDENT. The gentleman's remarks are well taken.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SENATE 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 by amending Senate amendments to **SB 1546**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 3** and **HB 1893**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 237**, with the information the House has passed the same without amendments.

GENERAL COMMUNICATION

RESIGNATION OF SENATOR JOHN R. PIPPY

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

SENATE OF PENNSYLVANIA

June 30, 2012

The Honorable Jim Cawley
Lieutenant Governor
Commonwealth of Pennsylvania
200 Main Capitol
Harrisburg, PA 17120

Dear Lieutenant Governor Cawley:

It is with this letter that I announce my intention to resign from the Senate of Pennsylvania effective 11:59 p.m. on June 30, 2012.

The last nine years in the Senate have been the most meaningful experience I have had in my professional career. My Republican and

Democrat colleagues in the Senate have become lifetime friends and I am humbled to have had the honor to work in this ornate Capitol and especially this Chamber.

I would be remiss if I did not mention the hundreds, if not thousands, of outstanding relationships that I have been fortunate to forge with the residents of the 37th Senatorial District. The support I received on a daily basis from my constituents has been both meaningful and lasting.

The Senate of Pennsylvania is a special place. I am deeply thankful for being a small part of it.

Sincerely,

JOHN PIPPY
State Senator
37th District

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 Mr. and Mrs. Dean Lobaugh by Senator Alloway.

Congratulations of the Senate were extended to PPL Corporation by Senator Baker.

Congratulations of the Senate were extended to Shane P. Gillis, Scott C. Romanko, Joseph W. Hayward and to Elizabeth Phillips by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Bomberger, Mindi Marks and to the Mount Joy Borough Authority by Senator Brubaker.

Congratulations of the Senate were extended to Emily Vogt Fisher, Dorothy Beck, Michael R. Milliken, Amanda Ruffner, Mifflin County School District Future Problem Solvers Middle Division Team and to the Mifflin County School District Future Problem Solvers Senior Division Team by Senator Corman.

Congratulations of the Senate were extended to Adam Michael Vincent Zelenko by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Zerkle by Senator Earll.

Congratulations of the Senate were extended to Jennifer Pokempner by Senator Farnese.

Congratulations of the Senate were extended to Jerry Baylor by Senator Ferlo.

Congratulations of the Senate were extended to Ethel Hershman by Senator Greenleaf.

Congratulations of the Senate were extended to Ryan T. Rago, Michael J. Kohutka, Robert R. Kociuba, Sean Welch and to Sine's 5 and 10 Cent Store by Senator Mensch.

Congratulations of the Senate were extended to Mr. and Mrs. Burton B. Rudy and to Jack Kifer by Senator Piccola.

Congratulations of the Senate were extended to Jack Holfelder by Senator Pileggi.

Congratulations of the Senate were extended to The Meadows at Shannondell of Audubon by Senator Rafferty.

Congratulations of the Senate were extended to Jennette Berti by Senator Robbins.

Congratulations of the Senate were extended to the Reverend Carmen D'Amico and to Justin Ortosky by Senator Solobay.

Congratulations of the Senate were extended to Eric Matthew Titus by Senator Tomlinson.

Congratulations of the Senate were extended to Julian Armstrong by Senator Vance.

Congratulations of the Senate were extended to Lillian Westerman, Chester Zaluski and to Gustina Howze by Senator Vogel.

Congratulations of the Senate were extended to University of Pittsburgh at Greensburg by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. William Vojtek by Senator D. White.

Congratulations of the Senate were extended to Jenelle Lassiter by Senator Williams.

Congratulations of the Senate were extended to Steve Kopic and to Rich Pais 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 Juliana J. Uram by Senator Solobay.

BILLS SIGNED

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

SB 237, HB 3, HB 1893 and HB 2199.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1588 CALLED UP

HB 1588 (Pr. No. 3346) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator ALLOWAY. Mr. President, I rise to thank the Leadership on both sides of the aisle for staying and indulging us. I appreciate it. I know at this late hour, this means a lot to Senator Blake and me. So thank you all. I thank my good friend, Representative Moul from Gettysburg, for all his hard work in getting this through. So, I really appreciate it. Thank you all.

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

NAY-3

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

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

HB 1749 CALLED UP

HB 1749 (Pr. No. 2238) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BLAKE. Mr. President, echoing the comments of my friend and colleague, Senator Alloway, I want to extend thanks to the Majority Leader and of course my Leader on the Democratic side, Senator Costa, for staying at this late hour and making it possible to move this forward. I also want to thank my colleagues from Lackawanna County, particularly Representative Staback, the dean of the Lackawanna County delegation, for making it possible for this to get to the floor.

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

NAY-3

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

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

REMAINING BILLS AND RESOLUTIONS ON CALENDAR LAID ON TABLE

Upon motion of Senator PILEGGI, and agreed to by voice vote, all the remaining bills and resolutions on the Calendar not considered were laid on the table.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 197, HB 254, HB 869, HB 1363** and **HB 2406**.

BILLS SIGNED

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

HB 197, HB 254, HB 761, HB 869, HB 1363 and **HB 2406**.

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Monday, September 24, 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 1:38 a.m., Eastern Daylight Saving Time.