

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, OCTOBER 17, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 57

SENATE

WEDNESDAY, October 17, 2012

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

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

PRAYER

The Chaplain, Reverend BRETT HARTMAN, Pastor of New Covenant Fellowship, Mechanicsburg, offered the following prayer:

It is a privilege to be here. Let us pray together.

Our God and our Father, we thank You and praise You for the goodness of this great State. Father, we thank You for the freedom that You have given us. Even as we see the fall colors and the brilliance in the change of this season, we are reminded of the many blessings that You have given us, blessings that we do not deserve and blessings that are more than we could possibly ask or imagine.

Father, I pray for each one here today. Father, I pray that You would prosper them as they seek the prosperity of the people of Pennsylvania. Father, I pray that You would give them the knowledge and the wisdom to know what is true and what is right, and that You would give them the courage then to do it. I pray that You would protect them from the seduction of power. I pray for their marriages. God, I pray that You would strengthen and bless them, that You would bless them as they raise their children, as they enjoy their grandchildren. And, Father, I pray that You would assist them today, each one in this room, in the responsibilities that You have given them, and in the difficulties that they will face. God, I pray that You would protect them, Father, from any type of discord, the violence that would seek to tear away at the fabric of unity, the blessing of camaraderie, and the peace, Father, which preserves the governance of this Commonwealth.

Father, we do pray, even as we reflect on the passing of Senator Arlen Specter, we think of those who are grieving. Father, we pray that their grief would be turned into joy, but we are to remember the brevity of the time that You have given us to the work that You have set us about. And I pray that You would help us to number our days, Father, that You would help us to redeem our work, that You would remind us to love our friends, and Father, call us to serve the community around us.

Father, I pray that You would teach us what it means to walk humbly before You, to walk in repentance before You. And, Father, I pray this for those here but also for this State, and also

for this nation, Lord, that You would bless us and keep us, and that You would turn Your face toward us and be gracious to us, that You would turn Your countenance toward us and, Father, that You would give us Your peace, that we would know how vast Your love is, how deep Your kindness is. Father, I pray this all in the name of the Savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Pastor Hartman, who is the guest today of Senator Vance.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY

October 17, 2012

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Erie County, to serve until the first Monday of January 2014, vice The Honorable Michael E. Dunlavey, resigned.

TOM CORBETT
Governor

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

October 17, 2012

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Montgomery County, to serve until the first Monday of January 2014, vice The Honorable Richard Hodgson, deceased.

TOM CORBETT
Governor

GENERAL COMMUNICATION**ANNUAL MACHINERY AND
EQUIPMENT LOAN FUND REPORT**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

October 15, 2012

Mr. Mark R. Corrigan
Secretary/Parliamentarian of the Senate
Room 462 Capitol Building
Senate Room 203053
Harrisburg, PA 17120-3053

Mr. Tony Barbush
Chief Clerk of the House
129 Main Capitol Building
Harrisburg, PA 17120-2020

**RE: ANNUAL MACHINERY AND EQUIPMENT
LOAN FUND REPORT**

Dear Mr. Corrigan and Mr. Barbush:

Enclosed herewith is the Annual Machinery and Equipment Loan Fund Report covering Fiscal Year 2011-12, as required by Title 12 of the Pennsylvania Consolidated Statute.

The Department continually refines and improves upon the tools available to help businesses prosper and we appreciate your support in helping us achieve our economic development goals.

Please do not hesitate to contact me or Barry Wickes in DCED's Legislative Affairs Office at 717-214-5373 should you have any questions regarding this document.

Sincerely,

KEVIN M. ROWLAND
Director, Loans Division

The PRESIDENT. This report will be filed in the Library.

BILLS SIGNED

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

HB 1616 and HB 1767.

BILL REPORTED FROM COMMITTEE

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

SB 1391 (Pr. No. 2505) (Amended)

An Act limiting copayments and coinsurances for insured medical services.

LEGISLATIVE LEAVES

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

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

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

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

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

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

Without objection, the leaves will be granted.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of October 1, 2012, and October 2, 2012, are now in print.

The Clerk proceeded to read the Journals of the Sessions of October 1, 2012, and October 2, 2012.

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

On the question,

Will the Senate agree to the motion?

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN P. BLAKE
PRESENTED TO THE SENATE**

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

Senator BLAKE. Mr. President, I am delighted this morning to welcome to our Senate Chamber a few guests, and I appreciate the attention of the Senate. First, I want to acknowledge a young gentleman, Tyler Williams, who comes from my high school, Valley View High School, in Archbald, in northeastern Pennsylvania. He is a two-time class president, considering to run for senior class president, and is interested in a life of public service. He is here helping me facilitate a visit by other guests. I want to acknowledge Tyler.

But importantly, Mr. President, I want to acknowledge the Wilkes-Barre/Scranton Junior Knights Under 14 AAA USA Hockey Tier 1 National Champions. The Junior Knights won their championship on April 1, 2012, in Buffalo, New York, where they beat the St. Louis Blues 4-2 in their victory. Mr. President, this team before us went a remarkable 71-4-7 over the 2011-12 hockey season. Their inaugural season was in 2005. They are members of the Atlantic Youth Hockey League and Delaware Valley Hockey League.

Mr. President, the hockey youth registration in USA Hockey for last year was over 350,000 youth. The Wilkes-Barre/Scranton Knights are only the sixth team in Pennsylvania history to win a USA Hockey national championship, and on their way, they won important tournament wins in Chicago; Port Huron, Michigan; Lansing, Michigan; as well as two league championships in order to win their national championship. Mr. President, it is important to point out that they have an international flavor, just like the NHL. Members of the team are from Russia, Ukraine, Canada, and from the U.S. They are very, very special young kids not only in their teamwork, but their international cooperation and camaraderie that I am sure will be with them for the rest of their lives. I want to acknowledge the coaches, Alex Vasko and Scott Lewis, and I also rise on behalf of my friend and colleague, Senator Yudichak, because there are some members from this team from his area as well.

Finally, I want to say, the president of the Wilkes-Barre/Scranton Knights, Larry West, has been my regional director for 7 years. He headed up the Knights and is also a parent of one of the teammates, Patrick West, who is on this championship team.

Mr. President, I would be very grateful for a warm welcome of these young champions.

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

(Applause.)

GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE

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

Senator CORMAN. Mr. President, it is an honor for me because it is always nice to have constituents here in the Capitol, and also particularly nice to honor constituents with some success in their most recent athletic prowess. The Milesburg Bald Eagle VFW Teener Baseball Team is here today in the gallery. They won the State championship this year for the 15-year-old and 16-year-old championships. This is a credit to perseverance, because the 2 years previous to this year they got to the finals and came up a little short, got the silver medal, which is a great accomplishment in itself. But to keep coming back, many of them are on the same time all 3 years, and this year to get the State title shows a lot for their own dedication and perseverance. The Bald Eagle team is led by Manager John Greene. This is his third consecutive year with the team and has made it to the State championship, as I mentioned, all 3 years. Just to put the exclamation point on their pitcher, Nate Cleaver, who is with us here today, threw a no-hitter in the final game to clinch the title against--sorry, Senator from Lebanon County--it was against Lebanon, in that final. So if you would help me congratulate this

very special team, special bunch of kids from Centre County, the Bald Eagle VFW State Champions, who are here with us today.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, I rise today to introduce two students from the district I serve who are here in Harrisburg this week attending the Pennsylvania Schoolboard Association School Leadership Conference, along with their leader, Tim Kozusko. Matthew Nitkiewicz is a senior at Derry High School. He has a 98-percent GPA, and he is also part of the academic quiz team, drama and musical club, and track and field. We had a great conversation up there about education. It just so happens that we did the charter bill yesterday, and since that is why they are here, we got to talk a little bit about it. Matthew is currently looking at the University of Pittsburgh to pursue a degree in materials engineering, where he said there are actually jobs to be had when you finish.

Noah Alter, who is, on a personal note, my Facebook friend for well over a year, is a senior at Derry High School and has studied various foreign languages including German, French, Spanish, and Slovak. He is going to attend Washington and Jefferson College, where he will pursue a degree in German and international business. I am honored to have these folks here with me today in Harrisburg.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

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

Senator SCHWANK. Mr. President, I would like to welcome a special group of elementary school students from the Muhlenberg School District to our Senate Chamber today. These students participate in the school district's reading initiative called WOW, Word of the Week. They are here with their teachers, principal, parents, as well as some other guests I will introduce, but also with the program director, David Kline from the Reading Eagle Company. Through the WOW initiative, children are learning vocabulary and incorporating the words into sentences and poetry. It was first launched in 2010 and has been growing ever since. The overall goal is to have the city of Reading be recognized as the reading capital of the world. In fact, because of the positive influence of these youngsters and their reading and writing skills, the city of "Reading" will be changing its name to "Reading" for a day. Let me tell you, the students' use of vocabulary is impressive.

I would like to share with this Chamber, if I may, Mr. President, a poem that Muhlenberg Elementary second grader Sarah Miller wrote. Sarah is in the third grade now and she is with us, and I ask her to stand. The students, who are dressed in bright yellow in the gallery, will let us all know when I read of their vocabulary words by raising their sparkle hands, and I hope everybody will join them.

Plants, by Sarah Miller

I have a resolution
To get rid of pollution
I will be very dynamic
I will not panic
I will not procrastinate
And will try to ameliorate
A way to help plants flourish
With soil, sun, and water to nourish
My plants will be prolific
From the Atlantic to the Pacific
I will be tenacious
But always gracious
I hope you will reciprocate
Please do not be late
There is a prodigious amount of work to do
And it starts with me and you
We must be vigilant to get the job done
An authentic effort by everyone
It cannot happen by serendipity
It will happen with creativity

(Applause.)

Senator SCHWANK. Thank you, Sarah, for writing such a wonderful poem about environmental conservation, and for your excellent use of your WOW words.

Mr. President, I am so proud of these students for embracing the importance and the beauty of the language arts. I want to thank Dave Kline, the Reading Eagle Company, WEEU, and there are specific individuals there I would like to introduce. First, Peter Barbey is the president of the Reading Eagle Newspaper, which is our premier regional newspaper; Charlie Adams, WEEU, a radio personality; Joe Painter, also a radio personality on WEEU, but also general manager and program director; Stephen Baylor, principal of Muhlenberg Elementary School; Dr. Argyro Elliker and Mrs. Leslie Angelucci-Kuriger, both reading specialists at Muhlenberg; former Reading mayor Tom McMahon, who has been a champion of this program; and the Reading community for embracing the WOW initiative.

Reading comprehension and writing are skills that you take with you no matter what path you take in life. So, Mr. President, I ask my colleagues to give the students in the WOW initiative a warm, authentic welcome.

Thank you, Mr. President.

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

(Applause.)

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

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

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

Senator COSTA. Mr. President, at the conclusion of the meetings, Senate Democrats will meet in the rear of the Chamber.

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations, to be followed by the Committee on Appropriations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 79 (Pr. No. 2431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bases of jurisdiction and interstate and international procedure, providing for foreign depositions and subpoenas; and repealing provisions relating to foreign depositions.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 79?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 79.

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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington
Blake	Folmer	Robbins	Waugh
Boscola	Fontana	Scarnati	White, Donald

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

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 235 (Pr. No. 4233) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the National Human Trafficking Resource Center Hotline Notification Act; imposing duties on the Department of Labor and Industry; and prescribing penalties.

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 Leach.

Senator LEACH. Mr. President, this bill is the human trafficking bill. It is a bill I first introduced about 2 years ago. It has been a long road, but this is a bill which is going to make a huge difference in the lives of many people. Human trafficking is the second-most pervasive crime in the world, Mr. President, right after drug trafficking. Hundreds of thousands of people, many young people, even children, are forced into sex trafficking and labor trafficking every year. This is the equivalent of human slavery, and it is not only a horrific crime but a crime that we need to do more and more about. This bill will give people the opportunity, if they are the victim of human trafficking or are aware of victims of human trafficking, to get help. It will post the number of the Polaris Project in a number of establishments around the Commonwealth, certain bars, certain restaurants, truck stops, nail salons, whatever it is. In other States that have done this, we have seen a dramatic increase in the number of people who have taken advantage of the Polaris Project, a private organization, not a government organization, to get the help they need to get rescued from these terrible situations. And so, Pennsylvania today, or hopefully tomorrow, joins the list of States that are requiring this in certain establishments.

There are a few people I would like to thank for help in getting this bill through the legislature. I would like to thank Representative Clymer, who worked with me in the House to get this through. I would like to thank Senator Gordner, who moved this

bill in the Committee on Labor and Industry, I think twice. I would like to thank Senator Pileggi for moving this bill on the floor, and I would like to particularly thank Erik Arneson from Senator Pileggi's staff, who I know feels deeply about this issue and worked extremely hard to make sure this bill came to fruition. He did an amazing job, way above and beyond the call of duty. I would like to thank my entire staff, particularly Zachary Hoover, who worked very hard negotiating with the different interest groups to make sure that all objections were dealt with. And I would like to particularly thank Sarah Charles in my office. Without her passion and dedication to fight human trafficking in Pennsylvania, this bill would have never come to the floor. This is a big day for her as well. So, I urge everyone to support this. This is something we can all feel good about going back to our districts and helping somebody.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tartaglione has returned, and her temporary Capitol leave is cancelled.

And the question recurring,

Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

HB 272 (Pr. No. 4222) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a task force on Lyme disease and related maladies; and providing for powers and duties of the task force, the Department of Health, the Department of Conservation and Natural Resources and the Pennsylvania Game Commission to execute prevention and education strategies.

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

NAY-0

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

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

SB 709 (Pr. No. 730) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for funds of volunteer firefighters' relief associations.

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

NAY-0

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

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

HB 815 (Pr. No. 4234) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sexual abuse of children; and providing for the offense of transmission of sexually explicit images by minor.

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-37

Alloway	Eichelberger	Pileggi	Vulakovich
Argall	Erickson	Rafferty	Washington
Blake	Farnese	Scarnati	Waugh
Boscola	Gordner	Schwank	Williams
Brewster	Greenleaf	Smucker	Wozniak
Browne	Hughes	Solobay	Yaw
Brubaker	Kasunic	Stack	Yudichak
Corman	McIlhinney	Tartaglione	
Costa	Mensch	Tomlinson	
Dinniman	Piccola	Vogel	

NAY-12

Baker	Folmer	Leach	Ward
Earll	Fontana	Robbins	White, Donald
Ferlo	Kitchen	Vance	White, Mary Jo

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 898 (Pr. No. 954) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sale or transfer of firearms.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator MENSCH. Mr. President, I rise in full support of House Bill No. 898, and there was a recent event in Montgomery County which has compelled me to stand and make additional comments. On September 13, 2012, this world lost one of the good guys. Plymouth Township K-9 Police Officer Bradley Fox, a constituent of the 24th Senatorial District, a 5-year veteran of

the force, who was cited for service, bravery, and valor, and decorated as a United States Marine Corps Sergeant, who had completed 2 years and two tours of duty in Iraq, was murdered while on duty after investigating a hit-and-run accident. Officer Fox's murder had two assailants: the individual who shot him at 5:45 p.m., the day before Brad would have turned 35 years old, and also the person who purchased the .9mm Beretta and then sold it to Officer Fox's killer, in what is called a straw purchase. Andrew Thomas killed both Officer Fox and himself with a gun that he was not able to purchase legally because Pennsylvania has laws that prohibit criminals from owning and purchasing firearms.

However, an individual named Michael Henry, who does not have a criminal history, bought nine guns between April and July for Andrew Thomas, someone who had allegedly told Henry that he would not go alive and that he would shoot a cop rather than be captured. For this, Michael Henry was paid \$500 for each gun that he sold to Andrew Thomas. Michael Henry has been charged and will be prosecuted with the illegal sale or transfer of firearms and lying on gun purchase applications. For this, Michael Henry could realistically be put to jail for a total of 16 months, or he could get probation of 16 months. Is this enough for us to say that we will not tolerate illegal gun sales? The answer is absolutely not.

That is why I ask my colleagues to join today and vote in the positive for House Bill No. 898. It is the right thing to do. We will give to the Montgomery County district attorney the tools that she needs to further prosecute this case. It is the very least that we can do for the memory of Officer Fox. So, Mr. President, I thank you for the time to make comments to the assembled body, and I ask that all Senators please vote in the affirmative for House Bill No. 898.

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

Senator FARNESE. Mr. President, I think it is very relevant that the former speaker, Senator Mensch, brought up fallen police officers because so many times over the last 4 years for me, and I am sure many people in this building and in this Chamber, not only here but back in their districts, have stood in silence for numerous men and women in uniform, fallen police officers who have been gunned down in the line of duty, gunned down by, many times, illegally purchased firearms. Firearms that, as was previously described, were purchased as a straw purchase, bought by someone who could legally purchase the gun and then sell them to someone who, because of a criminal record, cannot within the Commonwealth of Pennsylvania.

So many times we talk about our support for men and women who protect us, we talk about giving them the equipment that they need, the guns, the cars, the radios, but something until today, we have been lacking. Equipment is one thing, but what they also need is legislation that can make the streets safer, that can, in essence, protect them from keeping, let me underscore this again, illegal firearms from getting in the hands of those who, by law, cannot own them. Until today, I think we have missed many opportunities to give law enforcement those tools, and not only law enforcement, but the men and women and children on our streets.

I come from Philadelphia. We have an epidemic of handgun violence, firearm violence, illegal handgun violence on the streets of Philadelphia. I am sure that I am not the only one that

joins in fighting an epidemic, but we certainly acknowledge it. Again, I think it is important that we--this really is, Mr. President, when you take a step back, I hope everyone in this building realizes how much of a historic day this really is. There are many, many people, including the former Governor, who thought we would never get here, who thought we would never put this type of legislation in place. I, myself, put in a companion piece to House Bill No. 898, which was Senate Bill No. 1028. I introduced this legislation in 2011 with identical language. I know, Mr. President, especially in this Chamber, there really is no pride of authorship, especially when the issue is of such critical importance as this is. It does not matter whose name is at the top. The only thing that matters, the only thing that matters, is that this bill gets passed and that it gets signed into law by the Governor. And I am very, very hopeful that is what will happen.

I think it is important also to recognize where this legislation came from and the road that it took to get here today. Right from the start of this legislative Session, I began working at the direction of the chairman of the Committee on Judiciary, who tasked me with the opportunity to work on another piece of legislation to go after the Florida loophole. Although we were not able to do that, Mr. President, I think the relationships that my office and I were able to forge with those stakeholders, the trust that was designed and built up over these last 2 years, I think played a pivotal role in insuring that House Bill No. 898 not only reached where it is today, but most importantly reached clean without amendment. I thank the chairman for his trust, and the opportunity to work on this legislation, and to be a part of this very, very important discussion. Because for me and for many other folks around the State, not just from Philadelphia but from around the State, it is an issue that is of critical importance. It truly is a life-and-death issue. When we are talking about bipartisan support, I would also like to thank my friend across the aisle, Senator Alloway. Again, he was another individual over the last 2 years who may not see things the way that I see them on this issue, but at each and every opportunity, when we talked about responsible handgun legislation, he was someone who could be counted on to deal rightfully and to deal upfront with me and the other stakeholders, we had an opportunity to forge a relationship, and I believe that, again, that type of relationship played a pivotal role in the last 24 hours. The fact that this bill, people like Senator Greenleaf, people like Senator Alloway, we were able to get this bill to where we are today, clean, without amendment. That is critically important, and I am proud to be a part of that discussion and helping to make that happen.

So again, when we leave here today, we will come back and there will be another legislative Session, but I hope that everyone in this Chamber, I hope that everyone in Pennsylvania takes a step back today and really has an opportunity to recognize what we are doing here. There are not many opportunities that we really get to say, you know what, today, I made people's lives better by protecting them. I did something that is truly going to impact someone's life very, very soon. This legislation will have that impact. It will help make people's lives safer across the Commonwealth, not just law enforcement, but the men and women whom we are sent to represent and to protect.

Again, I want to thank this Chamber over the last 24 hours for doing whatever was necessary to get this done, moving this bill, moving it clean, and setting it up for passage.

Thank you very much, Mr. President.

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

Senator ALLOWAY. Mr. President, I rise in support of this bill, and I want to thank my colleague from Philadelphia and all of those who worked to get the bill done. Speaking on behalf of law-abiding gun owners who support this type of legislation, it is important, as my colleague from Philadelphia said, that we have good, solid dialogue about these important issues. As law-abiding citizens and gun owners, we do not want to see this type of activity happen as well. So, I appreciate all of the hard work that went into this and thank everyone in this body for having that good, honest conversation where we can come together to do better for Pennsylvania.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, there are many emotions that I have today. Certainly, with the loved ones of officers who lost their lives, to individuals who got ahold of guns who should have never legally had the ability to operate a firearm in Pennsylvania, this legislation certainly goes toward correcting that problem. But I also want to draw our attention to the thousands of Pennsylvanians who have lost their lives who are not armed members of a police force. Young people who come from Erie, Harrisburg, Pittsburgh, Philadelphia, Dauphin County, Greene County, who have unfortunately been shot down in the prime of their life because they were nothing other than young and in the wrong place, connected with wrong-minded young people who were allowed to get straw-purchase guns in multitudes for decades in this Commonwealth. They are the first wave of infantry who lost their lives in an epidemic that has spread the cancer across Pennsylvania. Unfortunately, it had to spread beyond Philadelphia County in order for us to begin to think about it, and unfortunately, it had to take the lives of police officers on duty for us to pay attention to it.

My hope is that this will not just start a conversation but will correct a policy, one that recognizes the Second Amendment is a right, and there is a standard by which we are allowed to have arms in this country, to hunt, to sport, and to protect ourselves, and there is a law that needs to be executed for those who have the ability in broad daylight to get their hand on a gun illegally. This is a first step, not a completion step. And unfortunately now, far too many innocent victims, mothers and children who are shot down on any given day across Pennsylvania simply because someone has gotten ahold of one of these straw purchases, does not know how to use it, shoots in a direction, misses, and maims someone else. This is not a minor activity, this is a human tragedy and a condition within this Commonwealth.

So I too am grateful that Senator Alloway and others, who come from a historically strong community that recognizes the rights of gun owners, are combining with us who also--and by the way, I want to say for the record, I do not want people to think that an African American from an urban community does not have NRA members in their community. I want you to understand something, I come from a family who comes from the south. They hunted for a living, and they hunted for a purpose. That is how they provided for their families. So I can go to many churches on Sunday who have an overwhelming population of African Americans in them and a number of them are NRA

members who believe in the sanctity of the Second Amendment and the right to bear arms. But they also understand that there is a balance against this catastrophe in Pennsylvania of a generation buying these guns illegally, and the fact that we no longer need to turn a blind eye to it and do something aggressively about.

So for those reasons, I am obviously supportive of this particular piece of legislation, and am grateful there is an opportunity to move it from the Senate, and I hope that the House will move it expeditiously.

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

NAY-0

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

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

LEGISLATIVE LEAVE

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

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Ward.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Ward. Without objection, the leave will be granted.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1718 (Pr. No. 3804) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, further providing for contents of subdivision and land development ordinance, for completion of improvements or guarantee thereof prerequisite to final plat approval, and for release from improvement bond.

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

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 1719 -- 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 1794 (Pr. No. 2472) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for HIV-related testing for certain sex offenders; and making a related repeal.

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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington
Blake	Folmer	Robbins	Waugh

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

NAY-0

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

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

HB 1840 (Pr. No. 4061) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, further providing for required contract provisions.

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

NAY-0

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

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

HB 1857 (Pr. No. 4236) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions relating to indebtedness and borrowing, further providing for home rule; in assessments of persons and property, providing for tax rates relating to cities and counties of the first class; and in consolidated county assessment, further providing for exemptions from taxation, for notices, appeals and certification of values and for appeals to court and providing for grants of real property to register deed with chief assessor.

On the question,
Will the Senate agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

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

Senator STACK. Mr. President, I move to revert to prior Printer's No. 4215 on House Bill No. 1857.

The PRESIDENT. Senator Stack has moved to revert to prior Printer's No. 4215 on House Bill No. 1857.

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, the reason for my motion is that last night the Senate added language to House Bill No. 1857 that deals with the Philadelphia property tax issue, and the language is nearly identical to the language from Senate Bill No. 1303, the author of which is my friend and colleague, Senator Williams, which we passed the week of October 1. Senate Bill No. 1303 is currently on the House voting schedule for today, and it is my understanding it will be considered in the House this afternoon. The reason I make the motion is I think that we should let the House do its job and vote on the merits of Senate Bill No. 1303 on its own. Much like we would not want the House to tell us how to do our business, we should not interfere with theirs. For that reason, Mr. President, I ask Members to vote in the affirmative on the motion.

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

Senator PILEGGI. Mr. President, I ask for a negative vote on the motion. This is essentially the same issue we voted on just yesterday. Nothing has changed since yesterday, and I ask for the same response of the Members to yesterday's vote, and that would be a negative vote on the gentleman's motion.

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

Senator WILLIAMS. Mr. President, the details of the amendment, which was agreed to last night and followed a similar vote in the Senate prior, is significant to the question of shall we allow the House to do its business. It is certainly unfortunate that we actually had to have an amendment attached, but there are those Members who felt that the House activity would entail a great deal of debate, a great deal of suggested amendment process, and for those who do not understand, this is attached to an actual value initiative which the city of Philadelphia has already legislatively put in place.

This particular amendment simply reduces the millage for that county, and if it does not occur within the time clock, the millage will not be reduced and Philadelphians will be waking up with a shocking tax bill attached to their name regardless of their position on AVI. It was requested several times of certain Members of the House that they not amend that bill, that there not be an argument, that there simply be--and regardless of whether they agreed with AVI or not, that they would allow the millage rate to be reduced so that sticker shock would not occur in Philadelphia County. Apparently, there were some Members of the House

who felt it was appropriate to hijack the moment, to leverage that moment, I guess on behalf of their local constituents, who they think they are fighting for, which I guess is their right. But equally important, it is fair for the rest of Philadelphia and those surrounding counties to do what is most responsible, and that is to reduce the millage rate regardless of one's view on the AVI process. For those reasons, I agree with the Majority Leader. We would like to have a negative vote on this and allow for this process to proceed forward.

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

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

YEA-5

Eichelberger Farnese	Folmer	Stack	Ward
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NAY-44

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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	Erickson	Piccola	Vulakovich
Argall	Farnese	Pileggi	Washington
Baker	Ferlo	Rafferty	Waugh
Blake	Fontana	Robbins	White, Donald
Boscola	Gordner	Scarnati	White, Mary Jo
Brewster	Greenleaf	Schwank	Williams
Browne	Hughes	Smucker	Wozniak
Brubaker	Kasunic	Solobay	Yaw
Corman	Kitchen	Tartaglione	Yudichak
Costa	Leach	Tomlinson	
Dinniman	McIlhinney	Vance	
Earll	Mensch	Vogel	

NAY-4

Eichelberger	Folmer	Stack	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 with amendments in which concurrence of the House is requested.

HB 1884 (Pr. No. 4224) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Conservation and Natural Resources to release, upon the satisfaction of certain conditions, Project 70 restrictions on certain land owned by the West Rockhill - Sellersville Joint Recreation Authority, Bucks County; authorizing the conveyance of an easement and the release of Project 70 restrictions imposed on a portion of land owned by the Pennsylvania Fish and Boat Commission in Gamble Township, Lycoming County, in return for the imposition of Project 70 restrictions on certain land being conveyed to the commission in Gamble Township, Lycoming County, and other terms and conditions; authorizing the sale and transfer of title for Project 70 lands owned by Erie County to Springfield Township, Erie County; authorizing Westmoreland County to convey and transfer a fee interest in certain Project 70 land in Unity Township free of Project 70 restrictions in return for the imposition of Project 70 restrictions on other land in Unity Township to be acquired by Westmoreland County; authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to QRS Realty Corp. certain lands and building situate in the City of Erie, Erie County; and approving the release of Project 70 restrictions on certain land owned by the Borough of Downingtown, Chester County, in return for the development of public park improvements within Kardon Park within the Borough of Downingtown and East Caln Township, Chester 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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington
Blake	Folmer	Robbins	Waugh
Boscola	Fontana	Scarnati	White, Donald
Brewster	Gordner	Schwank	White, Mary Jo
Browne	Greenleaf	Smucker	Williams
Brubaker	Hughes	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Tomlinson	
Earll	McIlhinney	Vance	
Eichelberger	Mensch	Vogel	

NAY-0

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

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1970 (Pr. No. 4216) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration and for limits on number of towed vehicles.

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****BILLS OVER IN ORDER TEMPORARILY**

HB 1991 and **HB 2032** -- Without objection, the bills were passed over in their order temporarily at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2116 (Pr. No. 3445) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for a transition from township treasurers to tax collectors in first class townships; and making editorial changes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 2224 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL AMENDED

HB 2270 (Pr. No. 3448) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Alzheimer's Disease State Planning Committee within the Department of Aging; and providing for its powers and duties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BROWNE offered the following amendment No. A13867:

Amend Bill, page 1, line 2, by striking out "Aging" and inserting:
Health

Amend Bill, page 1, line 2, by striking out "and"

Amend Bill, page 1, line 3, by inserting after "duties":

; providing for the regulation of indoor tanning facilities; establishing the Indoor Tanning Regulation Fund; and providing for penalties

Amend Bill, page 1, by inserting between lines 5 and 6:

CHAPTER 1**PRELIMINARY PROVISIONS**

Amend Bill, page 1, line 6, by striking out "1" and inserting:
101

Amend Bill, page 1, line 8, by inserting after "Plan":
and Indoor Tanning Regulation

Amend Bill, page 1, by inserting between lines 8 and 9:

Section 102. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Health of the Commonwealth.

"Secretary." The Secretary of Health of the Commonwealth.

CHAPTER 3**PENNSYLVANIA ALZHEIMER'S DISEASE STATE PLAN**

Amend Bill, page 1, line 9, by striking out "2" and inserting:

301

Amend Bill, page 2, line 2, by striking out "Department of Aging" and inserting:

department

Amend Bill, page 2, line 12, by striking out "3" and inserting:
302

Amend Bill, page 2, line 13, by striking out "act" and inserting:
chapter

Amend Bill, page 2, line 17, by striking out "act" and inserting:
chapter

Amend Bill, page 2, lines 18 and 19, by striking out all of said lines

Amend Bill, page 2, line 22, by striking out "4" and inserting:

303

Amend Bill, page 4, line 2, by striking out "5" and inserting:
304

Amend Bill, page 5, by inserting between lines 27 and 28:

(5) To work in conjunction with the Department of Aging as necessary to implement this chapter.

Amend Bill, page 6, line 7, by striking out "6" and inserting:
305

Amend Bill, page 6, line 8, by striking out "act" and inserting:
chapter

Amend Bill, page 6, line 9, by striking out "5(c)" and inserting:
304(c)

Amend Bill, page 6, lines 10 and 11, by striking out all of said lines and inserting:

CHAPTER 5**INDOOR TANNING REGULATION**

Section 501. Scope of chapter.

This chapter relates to indoor tanning regulation.

Section 502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Customer." A member of the public who is provided access to a tanning facility in exchange for a fee or other compensation or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

"Fitzpatrick scale." A scale for classifying a skin type, based on the skin's reaction to the first ten to 45 minutes of sun exposure after the winter season as follows:

Skin Type	History	Sunburning and Tanning
1		Always burns easily, never

2 tans Always burns easily, tans
3 minimally Burns moderately, tans grad-
4 ually Burns minimally, always
5 tans well Rarely burns, tans profusely
6 Never burns, deeply pigmented

"Legal entity." An individual, corporation, partnership, proprietorship or association.

"Operator." An individual designated by a legal entity to control operation of the tanning facility and to instruct and assist the customer in the proper operation of the tanning equipment.

"Phototherapy device." Equipment that emits ultraviolet radiation and is used by health care professionals in the treatment of disease. The term shall not include any of the following:

- (1) Devices utilized by appropriate health care professionals under the direct supervision of a physician who is trained in the use of phototherapy devices.
- (2) Devices used for personal use in a private residence.
- (3) Devices intended for purposes other than the irradiation of human skin.

"Tanning equipment or device." Equipment that emits radiation used for tanning of the skin, such as a sunlamp, tanning booth or tanning bed that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers. The term includes any accompanying equipment, such as protective eyewear, timers and handrails.

"Tanning facility." Any place where a tanning device is used for a fee, membership dues or any other compensation.

"Ultraviolet radiation." Electromagnetic radiation with wavelengths between 200 and 400 nanometers.

Section 503. Certificate of registration and fees.

(a) Requirement.--No legal entity shall establish, maintain, operate or hold itself out as authorized to establish, maintain or operate a tanning facility without first having obtained a certificate of registration issued by the department.

(b) Application.--A legal entity may apply for a certificate of registration required under subsection (a) by submitting an application to the department on a form prescribed by the department. The form shall require all of the following information:

- (1) The name, address and telephone number of the tanning facility and owner.
- (2) The manufacturer, model number and type of each ultraviolet lamp or tanning device used in the tanning facility.
- (3) The name and contact information of the equipment supplier, installer and service agent of each ultraviolet lamp or tanning device used in the tanning facility.
- (4) A signed and dated certification that the applicant has read and understands the requirements of this chapter.
- (5) A copy of the operating and safety procedures of the tanning facility.
- (6) Any additional information required by the department.

(c) Determination.--The department shall issue a certificate of registration to an applicant upon determination that the applicant meets all of the requirements of this chapter.

(d) Fee.--An applicant shall be required to pay a registration fee of \$300 per salon, including ten devices, and \$20 per additional bed for each year that the facility applies for a certificate of registration. The department may increase registration fees by regulation to ensure implementation of this chapter.

(e) Posting.--A legal entity shall post its certificate of registration in a location clearly visible to its customers.

(f) Disclaimer.--The department shall promulgate language to be clearly placed on the certificate of registration explaining that such facility has not had an initial inspection by the department.

(g) Term.--A certificate of registration shall be issued for a period of time not to exceed 12 months following the date of issuance and shall be renewable for one additional year, subject to extension as provided in section 503.1.

(h) Renewal.--A legal entity shall submit an application for renewal of a certificate of registration on a form prescribed by the department prior to expiration of its current certificate of registration.

(I) Nontransferability.--A certificate of registration shall not be transferable from one legal entity or one tanning facility to another.

(j) Denial, suspension or revocation.--The following shall apply to the denial, suspension or revocation of a certificate of registration:

(1) The department may deny, suspend or revoke a certificate of registration for any of the following reasons:

(i) Submission of false statements in application, reports, plans or specifications.

(ii) For conditions which violate this chapter.

(iii) Operation of the tanning facility in a manner that threatens public health or safety.

(iv) Failure to allow the department to enter the tanning facility at reasonable hours for inspection or investigation.

(v) Failure to pay registration fees.

(2) Except in cases involving an immediate threat to public health and safety under section 511(b), the department shall, prior to suspension or revocation of a certificate of registration, provide written notice to the legal entity to whom the certificate of registration has been issued of the facts or conduct which may warrant suspension or revocation and shall provide the legal entity with an opportunity to demonstrate or achieve compliance. The legal entity may request an administrative hearing upon receipt of the written notice.

(k) Expiration.--

(1) Except as otherwise provided in paragraph (2), this section shall expire two years from its effective date.

(2) Paragraph (1) shall not apply to the duty to post under subsection (e), the term provisions of subsection (g), the nontransferability provisions of subsection (I) or the powers of the department under subsection (j) and this subsection.

(3) A certificate of registration issued by the department that is not extended in accordance with the provisions of section 503.1 shall automatically expire two years from the effective date of this section.

Section 503.1. Extension of certificates of registration.

If a legal entity that holds a valid certificate of registration issued by the department has applied for a license from the department prior to the expiration date of section 503(a) and the department has not inspected the tanning facility for purposes of reviewing the application for the license by the expiration date, then the term of the certificate of registration shall be extended until:

(1) the department approves or denies the application for license; or

(2) the department revokes or suspends the certificate of registration in accordance with section 503(j).

Section 504. Licensing and fees.

(a) Requirement.--No legal entity shall establish, maintain, operate or hold itself out as authorized to establish, maintain or operate a tanning facility unless the legal entity has:

(1) obtained a license issued by the department; or

(2) been issued a certificate of registration that is extended under the provisions of section 503.1.

(b) Application.--A legal entity may apply for a license required under subsection (a) by submitting an application to the department on a form prescribed by the department. The form shall require all of the following information:

(1) The name, address and telephone number of the tanning facility and owner.

(2) The manufacturer, model number and type of each ultraviolet lamp or tanning device used in the tanning facility.

(3) The name and contact information of the equipment supplier, installer and service agent of each ultraviolet lamp or tanning device used in the tanning facility.

(4) A signed and dated certification that the applicant has read and understands the requirements of this chapter.

(5) A copy of the operating and safety procedures of the tanning facility.

(6) Any additional information required by the department.

(c) Determination.--The department shall issue a license to an applicant upon determination that the applicant meets all of the requirements of this chapter.

(d) Fee.--An applicant shall be required to pay a license fee in such amount as determined by regulation of the department. The department shall not establish the fee in excess of the amount necessary to conduct inspections and to enforce the provisions of this chapter.

(e) Posting.--A licensee shall post its license in a location clearly

visible to its customers.

(f) Expiration.--A license shall expire annually on the date specified on the license.

(g) Renewal.--A licensee must file an application for renewal on a form prescribed by the department prior to expiration of its current license.

(h) Nontransferability.--A license shall not be transferable from one legal entity or one tanning facility to another.

(I) Denial, suspension or revocation.--The following shall apply to the denial, suspension or revocation of a license:

(1) The department may deny, suspend or revoke licensure for any of the following reasons:

(i) Submission of false statements in application, reports, plans or specifications.

(ii) For conditions which violate this chapter.

(iii) Operation of the tanning facility in a manner that threatens public health or safety.

(iv) Failure to allow the department to enter the tanning facility at reasonable hours for inspection or investigation.

(v) Failure to pay license fees.

(2) Except in cases involving an immediate threat to public health and safety under section 511(b), the department shall, prior to suspension or revocation of a license, provide written notice to the licensee of the facts or conduct which may warrant suspension or revocation and shall provide the licensee with an opportunity to demonstrate or achieve compliance. The licensee may request an administrative hearing upon receipt of the written notice.

Section 505. Inspection.

(a) Access.--The department shall have access at reasonable times to any tanning facility, including its records, to inspect and determine whether the tanning facility is in compliance with this chapter.

(b) Certificate of registration.--A tanning facility that holds a certificate of registration is subject to inspections as follows:

(1) For purposes of a random sample on an announced or unannounced basis.

(2) At the request of an operator on an announced or unannounced basis.

(3) In response to a complaint on an unannounced basis.

(c) Licensure.--A tanning facility that applies for a license or holds a license is subject to inspections as follows:

(1) An initial inspection shall be conducted by the department after receipt of the application.

(2) For purposes of a random sample on an announced or unannounced basis.

(3) In response to a complaint on an unannounced basis.

(d) Scope.--Inspections conducted by the department under this section shall encompass all of the following matters:

(1) The operation of the tanning facility.

(2) Review of required records and training documentation.

(3) Operator understanding and competency.

(4) Any other area concerning a requirement of this chapter.

Section 506. Warning signs and statements.

(a) Warning signs and statements describing hazards.--A tanning facility shall post a warning sign in a place readily visible to persons entering the establishment. The sign shall have dimensions not less than 11 inches by 17 inches. Lettering must be clear, legible and at least 0.25 inches high, with all of the following provisions on the sign:

(1) The wording, "DANGER--ULTRAVIOLET RADIATION," in letters at least 0.5 inches high.

(2) Follow the manufacturer's instructions for use of this device.

(3) Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure to ultraviolet radiation may cause chronic sun damage characterized by wrinkling, dryness, fragility, bruising of the skin and skin cancer.

(4) Do not sunbathe before or after exposure to ultraviolet radiation from sunlamps.

(5) Wear protective eyewear. Failure to use protective eyewear may result in severe burns or permanent injury to the eyes.

(6) Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems or believe you are especially sensitive to sunlight. Women who are pregnant or are

taking oral contraceptives who use this product may develop discolored skin.

(7) Contact the Department of Health to report an alleged injury regarding this tanning facility.

(8) The wording, "IF YOU DO NOT TAN IN THE SUN, YOU ARE UNLIKELY TO TAN FROM USE OF AN ULTRAVIOLET LAMP OR SUNLAMP."

(b) Written warning statement.--Each customer shall be provided with a written warning statement requiring a signature prior to initial exposure. The warning statement shall include all of the following:

(1) Failure to use the eye protection provided to the customer by the tanning facility may result in damage to the eyes.

(2) Overexposure to ultraviolet light causes burns.

(3) Repeated exposure may result in premature aging of the skin and skin cancer.

(4) Abnormal skin sensitivity or burning may be caused by reactions of ultraviolet light to certain:

(i) foods;

(ii) cosmetics; or

(iii) medications, including:

(A) tranquilizers;

(B) diuretics;

(C) antibiotics;

(D) high blood pressure medicines; or

(E) birth control pills.

(5) Any person taking a prescription or over-the-counter drug should consult a physician before using a tanning device.

(6) A person with skin that always burns easily and never tans should avoid a tanning device.

(7) A person with a family or past medical history of skin cancer should avoid a tanning device.

(c) Liability.--The warning statement provided under subsection (b) shall not affect the liability of the owner, manager or operator of a tanning facility in the event that a customer fails to follow the warning statement and incurs damages.

Section 507. Tanning devices.

(a) Federal certification.--Only tanning devices manufactured and certified under 21 CFR 1040.20 (relating to sunlamp products and ultraviolet lamps intended for use in sunlamp products) may be used in tanning facilities.

(b) Condition.--All tanning devices shall do all of the following:

(1) Meet the National Fire Protection Association's National Electrical Code and any other State or local electrical codes.

(2) Have physical barriers to protect customers from injury due to touching or breaking lamps.

(3) Be maintained in good repair.

(c) Stand-up booths.--Stand-up booths shall meet all of the following conditions:

(1) Have physical barriers or other means to indicate proper exposure distance.

(2) Be constructed rigidly enough to withstand stress of use and impact of a falling person.

(3) Access shall be of rigid construction, doors must open outwardly and handrails and nonslip floors must be provided.

(d) Protective eyewear.--Operators shall require customers to wear protective eyewear in order to use a tanning device. When a tanning device is in use, no other person shall be allowed to remain in the area unless the person wears protective eyewear. Protective eyewear shall do all of the following:

(1) Be provided free of charge, along with instructions for use. Customers may also be given the option to purchase their own eyewear.

(2) Meet the requirements of 21 CFR 1040.20.

(3) Be properly sanitized before each use. Ultraviolet rays shall not be considered a sanitizing agent.

Section 508. Operation.

(a) Skin type.--Operators must be able to recognize the skin type of the customer based on the Fitzpatrick scale and advise the customer accordingly in regard to maximum time of exposure.

(b) Customer records.--A record shall be kept of each customer's total number of tanning visits, date, time and duration of each.

(c) Records.--All records or documentation required by this chapter shall be maintained in the tanning facility for a minimum of seven years. Records on computer must be backed up on storage media other than the hard drive at least monthly and must be retrievable as a printed

copy. Records shall be accessible by the department during an inspection.

(d) Duration and frequency.--Operators shall limit session duration and frequency to maximums recommended by the manufacturer. Section 509. Restrictions on use by minors.

(a) Accompaniment.--All minors shall be accompanied by their parent or legal guardian in order to use a tanning device for the first time at each facility.

(b) Identification.--Before the first use by a minor and every six months thereafter, the owner or operator shall witness the parent's or legal guardian's signing and dating of the warning statement required under section 506(b). The parent or legal guardian shall also sign a statement stating the relationship with a child who is under 14 years of age.

(c) Medical permission.--Persons under 14 years of age may not use a tanning device unless they present written permission by a properly licensed doctor of medicine or doctor of osteopathic medicine.

(d) Records.--Records of parental consent shall be maintained for all minor customers of the tanning facility for a period of at least three years.

Section 510. Training.

(a) Operator.--A tanning facility shall have an operator present in accordance with subsection (b) who is sufficiently knowledgeable in the operation of the tanning devices, including:

(1) Knowledge of the requirements of this section and of 21 CFR 1040.20 (relating to sunlamp products and ultraviolet lamps intended for use in sunlamp products).

(2) Proper use of the United States Food and Drug Administration's recommended exposure schedule.

(3) Procedures for correct operation of the tanning facility.

(4) Recognition of injuries and the facility's procedures of handling the injuries from overexposure to ultraviolet radiation.

(5) Manufacturer's procedures for operation and maintenance of the tanning device.

(6) Use of protective eyewear.

(7) Emergency procedures in case of injury.

(8) Effects of ultraviolet radiation, acute and chronic exposure and health risks.

(9) Photosensitizing agents.

(10) The six different skin types.

(b) Presence.--A trained operator shall be present at the tanning facility during all operating hours while tanning equipment is in operation and shall inform and assist each customer in the operation and use of the tanning device. No consumer may use the tanning equipment in the absence of a trained operator.

Section 511. Sanctions.

(a) Penalties.--

(1) A legal entity that operates a tanning facility in violation of this chapter commits a misdemeanor and shall be subject to suspension or revocation of the tanning facility's certificate of registration or license. A person who operates a tanning device in violation of this chapter commits a misdemeanor.

(2) A legal entity that is in violation of section 509 shall be subject to a civil penalty of not more than \$250 for the first violation, up to \$500 for the second violation and up to \$1,000 for each subsequent violation.

(b) Suspension or revocation.--If the department finds a violation of this chapter that creates an immediate threat to the health and safety of the public, the department may suspend or revoke the tanning facility's certificate of registration or license to operate.

(c) Enforcement.--

(1) The department may take the following steps in writing or use any other acts and regulations to enforce the provisions of this chapter:

(i) Cite each section of the chapter violated.

(ii) Specify the manner in which the owner, manager or operator failed to comply with this chapter.

(iii) Require a corrective action plan, including a reasonable time schedule for completion. The department shall review the corrective action plan and approve or require modification of the plan.

(2) If a tanning facility fails to comply with conditions of the written notice provided under paragraph (1), the department shall notify the owner, manager or operator, by certified mail, that unless action is taken within five days of receipt of the written notice, the tanning facility's certificate of registration or license shall be suspended or revoked.

Section 512. Fund established; disposition of fees, fines and penalties.

(a) Fund established.--There is hereby established a restricted account within the General Fund known as the Indoor Tanning Regulation Fund.

(b) Disposition of moneys.--All fees, fines and civil penalties imposed in accordance with this chapter shall be paid into the Indoor Tanning Regulation Fund and are hereby appropriated to the department for use in the performance of its duties under this chapter.

Section 513. Departmental duties.

The department shall administer the provisions of this chapter and promulgate and adopt such regulations as may be necessary to implement this chapter.

Section 514. Severability.

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

CHAPTER 21

MISCELLANEOUS PROVISIONS

Section 2101. Effective date.

This act shall take effect as follows:

(1) Section 503 shall take effect in 90 days.

(2) Section 504 shall take effect January 19, 2015.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

YEA-48

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

NAY-1

Ferlo

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2366 (Pr. No. 4085) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-2

Boscola Gordner

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 2369 (Pr. No. 3774) -- 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, further providing for general scope of supervision and exercise of discretion, for assessment of expenses of department upon institutions, for disclosure of information forbidden, penalty and exceptions, for examination of corporations or persons affiliated with institutions and for orders by department; and providing for implementation of the Consumer Financial Protection Act of 2010.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FERLO. Mr. President, the Senate and my colleagues are in receipt of a letter from the Pennsylvania Bankers Association on this bill, House Bill No. 2369, which as we are aware, would amend the Pennsylvania Banking Code to come into compliance with the Federal Dodd-Frank Act. I hate to disappoint the PBA, but I am not actually offering an amendment. The letter that was addressed was criticizing and asking for a "no" vote on the perception that I was going to offer an amendment. I wanted to offer an amendment, but in the interest of time and also recognizing that it was a longstanding bipartisan effort on both sides

of the aisle to try to appropriately amend the Banking Code, I believe the two respective chairs from the committee and other stakeholders worked for several months to try to resolve and update the code. So I do thank them, and I do not raise an objection to that.

I am very gravely concerned, and I know some other colleagues have spoken in the Committee on Appropriations and have refuted my perception, but it is also the perception and statement that has been addressed by the Pennsylvania Attorney General. I think, obviously, this is a nonpartisan, bipartisan matter, meaning that I do not think this is a left, right, Democratic, or Republican issue. In fact, the current interim-approved Attorney General has raised significant objections to the final passage of this bill, and I have to concur with her. I am very concerned that we maintain the strong independent role that is expressed constitutionally in both form and practice historically of both the Attorney General and the Auditor General in the independent duties and the obligations that they fulfill on a daily basis. The Pennsylvania Attorney General has raised a significant issue about this bill, objecting very strongly to which she characterizes as the undue limit or restriction of, in this case, her authority and power of the office of the AG to investigate and prosecute civil actions against financial institutions doing business within the Commonwealth.

I will not elaborate on all sections of the Code, but again, with all due respect to the Pennsylvania Bankers Association, they stick up and represent the power and influence that they have as a very important set of corporate representatives in this Commonwealth. Obviously, they, and probably a few other lobbying organizations in the Capitol, have always maintained strenuous and consistent support, their influence is obviously far-reaching. But notwithstanding that issue of influence, I do think it is time to step back and evaluate the legitimacy of the complaint by the Attorney General which was expressed in a letter, at least to one of the chairmen of the committee, dated October 3. Now, there is a legal memo refuting the letter of the Attorney General of October 3, I think in receipt of October 9, if I am not mistaken.

We are here today, the bill is going to be passed, I am not offering an amendment, I just want to state why I am voting "no" on the bill. I strongly identify with the criticism and concerns that have been raised by the Pennsylvania Attorney General on this bill limiting her prerogatives as it relates to civil proceedings. Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Vulakovich
Baker	Folmer	Rafferty	Ward
Blake	Fontana	Robbins	Washington
Boscola	Gordner	Scarnati	Waugh
Brewster	Greenleaf	Schwank	White, Donald
Browne	Hughes	Smucker	White, Mary Jo
Brubaker	Kasunic	Solobay	Williams
Corman	Kitchen	Stack	Wozniak
Costa	Leach	Tartaglione	Yaw

Dinniman	McIlhinney	Tomlinson	Yudichak
Eichelberger	Mensch	Vance	

NAY-2

Earl	Ferlo
------	-------

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

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

HB 2370 (Pr. No. 3763) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for residential mortgage interest rates and for effect on inconsistent acts.

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

NAY-0

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

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

HB 2371 (Pr. No. 4151) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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 Beaver, Senator Vogel.

Senator VOGEL. Mr. President, today I ask for support for both House Bill No. 2371 and House Bill No. 2372. Agricultural Vehicle Code updates have been before this legislature for some time, and I am pleased that we have this issue closer to the finish line. It is my hope we can get final passage on these bills. As we all know, farming equipment is getting bigger due to the fact that farmers have to travel farther and cover more acres to make a profit to make a living. So, the fact that they have to travel farther and use bigger equipment, it is imperative that we pass these pieces of legislation to make it easier for farmers to keep their equipment legal, to be able to run at night when they can with the safety precautions necessary to travel at night on the roads, as well as work to keep agriculture the Commonwealth's number-one industry. It provides opportunities for industry as well as agriculture while insuring that agricultural vehicles and implements are safe for both the farmers and the traveling public. I ask for your support on both House Bill No. 2371 and House Bill No. 2372.

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

Senator SCHWANK. Mr. President, most recently, the Senate Democrats held a hearing or a roundtable in Berks County at the Fleetwood Grange. We brought together leaders from agriculture to our community to talk about some of the challenges that our farmers and farm suppliers are facing. One of the items that one of the farmers specifically brought up were the real difficulties they face as farms get larger. Yes, we have many small farms, but we also have large farms that are far-flung among different townships and municipalities. The ability to get equipment from farm to farm is becoming increasingly difficult for them. They expressed great interest in having this kind of legislation passed so that it would make it much easier for them to be able to do the job that they need to do.

I would also like to remind everyone that it is very fortuitous that we are talking about this now because farmers are actually out there doing harvesting, and a lot of you will come upon equipment on the road, and a lot of us get impatient. Unfortunately, someone in Berks County did get impatient not too long ago, and we had a fatality as a result of passing farm equipment. So I would certainly urge all of my colleagues, as well as everyone who might be watching this, to keep in mind that this is the time that farmers are on the road trying to get something done, sometimes trying to beat the weather, as well. So I am very, very pleased, although I was not here when these were introduced, to be able to support them. I urge my colleagues to support them as well.

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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington

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

NAY-0

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

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

HB 2372 (Pr. No. 4219) -- The Senate proceeded to consideration of the bill, entitled:

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

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

NAY-0

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

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

HB 2400 (Pr. No. 4083) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions, for exceptions to prohibition of interception and disclosure of communications, for possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices, for issuance of order and effect; providing for target-specific orders; and further providing for emergency hostage and barricade situations, for investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence, for requirements for governmental access, for cost reimbursement, for mobile tracking devices, for application for an order for use of certain devices and for issuance of an order for use of certain devices.

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

NAY-0

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

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

HB 2407 (Pr. No. 3670) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in criminal history for employees, further providing for information relating to prospective facility personnel.

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

NAY-0

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

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

HB 2428 (Pr. No. 4076) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for issuance and content of driver's licenses.

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

NAY-0

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

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

BILL OVER IN ORDER

HB 2485 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2530 (Pr. No. 4056) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for administration and enforcement.

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

NAY-0

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

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

HB 2565 (Pr. No. 4058) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in food protection, further providing for required licenses and for registration of food establishments.

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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington
Blake	Folmer	Robbins	Waugh
Boscola	Fontana	Scarnati	White, Donald
Brewster	Gordner	Schwank	White, Mary Jo
Browne	Greenleaf	Smucker	Williams

Brubaker	Hughes	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Tomlinson	
Earl	McIlhinney	Vance	
Eichelberger	Mensch	Vogel	

NAY-0

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

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

HB 2626 (Pr. No. 4226) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Promoting Employment Across Pennsylvania Program; and providing for tax benefits to qualified companies in the form of withholding tax relief.

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 Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I rise to discuss the implications of House Bill No. 2626 and echo some comments that I had made on this bill in the Committee on Appropriations. It is difficult for me to be on the dissenting side of any bill that involves job growth or economic development, but I think this bill crosses a line and sets a new precedent in the application of State tax dollars for an economic incentive. If this bill becomes law, employers, businesses, and corporations will be permitted to retain, for their own use and purposes, the personal income tax withholdings otherwise due to the Commonwealth, when and if they create new jobs. I commended Senator Brubaker and Senator Corman on the amendment that they successfully advanced in the Senate Committee on Finance because the amendment to House Bill No. 2626 significantly timed it up, it limited the benefits to corporations to \$5 million annually, it strengthened the standards for eligibility by requiring 250 new jobs over 5 years, and it also involved a sunset provision in 2018, which are all good elements. But I still have a problem wrapping my head around this bill and model.

Let us consider a few things, Mr. President. We already have a job creation tax credit program administered by DCED. This program provides up to \$1,000 per job created for businesses that do so, up to \$2,500 if they hire someone who has been in long-term unemployment. I believe this incentive duplicates that provision and that bill. But it is further an issue for me regarding really the job creation tax credit and the inconsistency, if you will, of having a bill that does something similar to what this bill does at the discretion of the department under a proven and traditional model when we have seen in this past year the reduction of the job creation tax credit pronounced by the Governor and

approved by this General Assembly from \$22.5 million to \$10.1 million. So there seems to be a little bit of an inconsistency here. And I often hear arguments on the other side about how we have to have a comprehensive approach to economic development. We do not have combined reporting in Pennsylvania, which means that the taxpayers can get a double-whammy here. They could have a corporation that avoids the corporate net income tax, and who can blame them, because our corporate net income tax is too darn high at 9.99 percent, but the taxpayers would also feel the hit from the loss of employees' withholding and the PIT.

Mr. President, we are constantly touting economic growth as the means for an easier balanced budget; more jobs as the means for revenue growth to insure that we can make the appropriations we need about the essential services we provide - education, infrastructure investment for transportation, healthcare, public welfare for our vulnerable or disabled citizens. And I agree that job growth is the key. This Democratic Caucus has, on more than one occasion, put up proposals that would accomplish job growth, and these proposals have not gotten much of a hearing in committee nor in this Chamber. House Bill No. 2626 identifies a new beneficiary for job growth, not the Commonwealth of Pennsylvania, but instead a handful of private corporate interests. And I believe that this economic development model could also have an unintended consequence of pinning Pennsylvania corporations against one another in the pursuit of skilled labor, the unsubsidized firms losing out. It is essentially an employee paying their boss for the privilege of having a job. Mr. President, it is not a good model. I wish we would revisit it, and I encourage a "no" vote. Thank you.

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

Senator BOSCOLA. Mr. President, I rise to reluctantly vote in favor of House Bill No. 2626. I say reluctantly not because it is a bad bill, necessarily, but because this kind of piecemeal approach to job creation is a poor substitute for the kind of comprehensive jobs plan we should be discussing. So even though this bill is tailored for a specific business in a specific region, I will support it because I guess it will help create some jobs and spur some economic activity, but it does not do enough and it does not go far enough. Creating jobs and taking bold steps to spur economic activity should be our priority, not some tidy limited gesture in the waning hours of Session.

Just as I said when we approved the tax credits for the cracker plant in western Pennsylvania months ago, creating jobs and stoking economic activity and investment needs to be more than some isolated action aimed at helping one region. We need a comprehensive statewide approach. We stand here today ready to approve a \$5 million tax credit, yet in June we were passing a budget that cut nearly \$4 million out of vital economic development programs that work. It is crucial that we continue investing in proven programs, job creation programs such as Ben Franklin Technology Partners, our industrial resource centers, our small business development centers, and other small business incubator initiatives that are giving us such a big bang for our buck.

Mr. President, these are low-investment, big-return programs that have generated millions of dollars in economic activity, private investment, and expansion into new and promising business ventures and technology. For every dollar that the Ben

Franklin Partnership has invested in their portfolio companies, it has generated 24 additional dollars in follow-up financing. We should be investing more in these kinds of programs, not less. Mr. President, if you look at this year's budget, we largely abandoned these programs. When it came time to invest in jobs and our economy, many of us talked a big game, but we did not put our money where our mouths were. We cannot afford to pay lip service to this issue any longer, and we cannot afford to squander scarce tax dollars on pet initiatives and chancy investments. We cannot afford to put all our eggs in one basket.

Mr. President, I spent nearly 2 years holding Democratic policy hearings across this State from Pittsburgh to Philadelphia and even our own Lehigh Valley. We gathered extensive input from economic experts, business owners, labor leaders, and workers. In nearly every case, panelist after panelist implored us to invest in proven job programs and encourage business incentives aimed at churning new investments and expansion. These same participants asked that we make a greater effort to partner with businesses that try to get their footing in a stagnant economy. They asked us to be part of the solution, not part of the problem.

My Democratic colleagues and I introduced an extensive legislative package called Pennsylvania Works, which focused on job and economic investment, ranging from my School-to-Work tax credit to infrastructure projects, training programs, incentives in new and emerging alternative energy projects. We offered many, many great ideas that never saw the light of day. We introduced these bills in good faith, but they were quickly relegated to the bottom of some committee staffer's file cabinet, or maybe what some people call the circular file, so to speak. Fixing our economy and getting people back to work should rise above partisan gamesmanship. The people we represent expect us to put our heads together on these kinds of critical issues.

Mr. President, beginning next year when we reconvene, we must make sure, maybe our priority should be a comprehensive statewide approach to getting our people back to work, getting our economy going, and getting people the work that they want and deserve. It is time to get serious about job creation. It is time to work cooperatively to get this economy going. With House Bill No. 2626, this project is a plus, and I am pleased with the effort that will help get it going. As I said in the beginning, it is a step in the right direction. But in the year ahead, let us take the additional steps. Let us give economic development the kind of emphasis and energy it deserves. Instead of a piecemeal approach to job creation and retention, let us have a strong statewide comprehensive plan to create jobs in this Commonwealth.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, I want to be clear that I feel that the Republican Majority, my good friends on the aisle opposite, fear that they speaketh with forked tongue. They have consistently said that they are not in favor of picking winners and choosers when it comes to helping corporations and engaging in economic development, and yet here we have the microcosm of a very narrowly defined bill to help one company, in one county, in one area of economic development when other opportunities exist to assist that company, and in a more uniform way assist other like companies regardless of their locale or regardless of their size.

I am most upset, as somebody who has been involved with changing the face of employment and the skyline of the city of Pittsburgh over the last five mayors, being as creative as possible with the arsenal of economic development tools at our disposal in the city of Pittsburgh, as a board member of the Urban Redevelopment Authority, and I speak for a lot of municipalities and counties across the State who are somewhat devastated over the last couple of years, not just with the changing economic lack of vibrancy, but more importantly, the reduction of significant programs that we had at our disposal.

Big cities, smaller urban areas, third class cities, counties, local municipalities, we had more Main Street money, we had Business on Our Sites, we had Machinery Equipment Loan Fund. I could go on and on, and name a number of initiatives and programs that were very valuable to changing local economies and creating jobs, that either were greatly reduced, eliminated, or decimated over the last couple of years by the Corbett administration. And yet, now we pull the rabbit out of our hat to help one company, one county, one locale, one industry, to the tune of possibly \$5 million or more. It is just a nonsensical approach. It is special legislation, and I wish we would return to some serious discussion about our jobs plan. Senator Boscola spoke about some of those initiatives that we have outlined and spoken about for the last couple of years.

So again, I respectfully will be voting "no" on this, and I see no reason whatsoever--we have already authorized the use of TIFs, tax increment financing. We, under the Rendell administration, if our colleagues will recall, that in the bigger urban areas like Pittsburgh and Philadelphia, obviously it is easier to sustain and work out the economics of a TIF proposal. We created opportunity for multi-jurisdictional TIFs to happen at a smaller amount, at a smaller level. And again, that is deferred revenue that would be anticipated based on future property taxes that would be paid to the three taxing authorities: the county, the city, and the school district.

Here I guess, maybe because it might be on nonprofit tax-exempt land, I do not want to mention any universities, I guess the presumption is we have to take the wages of employees instead of proffering and collecting those wages and sending them to the State Revenue Department, which would seem to be the logical constitutional thing to do, all of a sudden we are way-laying those employees' wages almost akin to Jesse James robbing a bank and we are going to put it back in the pockets of one company, in one locale, in one county, and one job site. It is nonsensical, and makes no sense whatsoever. Thank you.

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

Senator CORMAN. Mr. President, I rise to ask for an affirmative vote. I know new things are hard, new things are difficult to accept sometimes. Innovation sometimes takes a little more convincing to try new approaches, but this is a new approach. As some of my colleagues have stated earlier, over the last few difficult budgets, we have had to reduce some of our line items in the Department of DCED, Community and Economic Development, because of the lack of revenue into the State. This has not been something that we all wanted to do, a lot of those programs we have supported in the past. But there lays the problem that we have, Mr. President, that we have had less revenue come into this

State than in years past. I do not think anyone here wants to raise taxes, or at least most of us here did not want to raise taxes to try to make up for that difference.

So, what do we do for economic development? What do we come up with if we do not have the revenue to sort of compete in the traditional manner, as was stated by one of my colleagues? Well, we try to be innovative and try to come up with new approaches. The beauty of this approach is that this is not revenue in the State currently, this is new revenue, this is revenue that only gets created if these companies create jobs, good jobs, at least 100 jobs in the first year, and 250 jobs over 3 years. Jobs that are good-paying jobs. They have to be at least median wage of the county in which they are creating these jobs. So if these jobs are not created, these revenues are not coming to the Commonwealth. They will not be here for us. So if these jobs are not created, and yes, we are taking revenue that would come through the withholding tax to help spur that development, but these people who are now employed, who are helping their community by being employed, who are buying things, paying sales tax, sales tax money they would not have to buy things if they did not have these jobs, which is creating revenue for the State. So this is a net plus for the Commonwealth. Again, we talked about winners and losers, this is just winners. These are just job creators, these are just people who are creating new jobs, jobs that do not exist in Pennsylvania today.

We have been struggling for the last 4 or 5 years to try to reduce our unemployment rate. Some of the traditional manners we used have been successful, and some of them have not. This is a new model, a model that does not cost the Commonwealth any money, a model that rewards only new jobs, and still raises revenue to the State through the sales tax and other areas, not only helping our community by creating jobs. We talked about withholding tax, and I think about my colleague, the former speaker, referred to Jesse James taking the employee's money. Well, that employee's money is coming into the State, and if it was going to go into economic development or education or agriculture or environmental protection, it was going to go somewhere within State government, maybe over to economic development hopefully to create jobs. So it is still staying in economic development, it is just going in a different way than ways before, and we are not losing revenue that was not here before.

So, as one of my colleagues talked earlier about the tradition of programs, sometimes you have to try new things. The traditional programs are nice and we wish we could fund them some more, but we do not have the revenue to fund them more, so this is a way to hopefully lower the unemployment rate. The gentleman comes from a county that has a fairly high unemployment rate, and he wants to get that unemployment rate down, just as much as the rest of us do. So let us not be afraid of new things. Let us try new approaches. This is a way to spur jobs. The biggest risk that I see that we have--and this is not one company, one place, this will be used all over the State--but the biggest risk I see that we have is we are going to have a lot of companies come in here and create 250 jobs or more and want to take advantage of this program. Would that not be a horrible problem to have to deal with, to have too many companies coming to Pennsylvania trying to create 250 jobs or more over a 3-year period? That would be tough. Mr. President, I have been the chairman of the Committee on Appropriations for 4 years, and it has been a difficult 4 years with the recession we are in. I would love to deal

with that problem. I would love to deal with the problem of too many companies wanting to come in and take advantage of this program. That is a problem for which I am ready to roll up my sleeves and try to help solve.

So we curtailed it because it is a new approach. We did not cap it so we did not get too much exposure. We did put a sunset on it so we could review it, as we should. But let us not be afraid of innovation or of trying something new. Traditional programs are great, but sometimes you have to be willing to jump out and try something new. I think House Bill No. 2626 does that, 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-33

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

NAY-16

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

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

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

BILL OVER IN ORDER

HB 2628 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2630 (Pr. No. 4235) -- The Senate proceeded to consideration of the bill, entitled:

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

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 Beaver, Senator Vogel.

Senator VOGEL. Mr. President, I rise to ask for an affirmative vote on House Bill No. 2630. This bill has been a work in progress, it has taken quite some time to get done. I would like to thank Senator Dinniman and his staff for all the hard work they put into this bill to get it done. House Bill No. 2630 prohibits euthanasia of dogs and cats by carbon monoxide and other inhumane methods. It also creates, authorizes, and licenses people wishing to be euthanasia technicians, while at the same time excluding agricultural operations from the provisions of the act. This is something supported by the Governor's Office, humane societies, the Pennsylvania Veterinary Association, the Farm Bureau, and other interest groups. We passed a similar bill back in the spring, Senate Bill No. 1329. I also ask for an affirmative vote on this bill.

Thank you very much, Mr. President.

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

Senator DINNIMAN. Mr. President, I join Senator Vogel in asking for an affirmative vote on this bill. I want to thank Senator Vogel and his staff member, Mike Rader, for their exceptionally good work on this bill. I also want to thank Martin Indars of my staff, and Senator Alloway here and his two twin daschunds that he has. They worked on this bill very hard. Am I right? So we want to thank Senator Alloway. Early on, Senator Argall and Senator Eichelberger were also very supportive of this effort. We also thank Representative Maher in the House.

When I think about the number of times that this bill has gone back and forth between the House and Senate, and the number of changes we made, it is probably more times than an average dog lifts his leg in an average day. But that is the legislative process and we need to accept it. But in all seriousness, it is a good day in Pennsylvania, is it not, when we can make a humane act and we can do so unanimously as a legislature.

This bill, as my colleague Senator Vogel has so articulately stated, does end the gassing of dogs in Pennsylvania. Gassing is a very inhumane process, it often takes 35 to 40 minutes, and we will be the 20th State in this Union to end this inhumane practice. It also ends the drowning of dogs in Pennsylvania. What I want to remind the Senate, if I can, is that under 1983 law, what you could do as an individual was put dogs in a bin, drive your car to that bin, attach the hose of your car to the bin, under the law--and this is the law we are eliminating through this bill--and do in those animals that are inside that bin, with the only restriction being that you could not have the carbon monoxide coming out of the car over 112 degrees. That is inhumane.

We are eliminating that law here in Pennsylvania. It is the right thing to do, and we want to thank all involved in this effort. We also need to thank the number of humane society groups that have worked on this, especially the Main Line Animal Rescue, Bill Smith and the others of that organization, vets and others who worked so hard on this. We also thank the SPCA in the Chester County area.

Finally, let me say this, if I may, Mr. President. What we know from every study that has been done by universities in the United States and the United Kingdom is this: the way we treat

animals is reflective of the way we treat each other. So when we treat animals in a humane way, we in essence are creating a more humane society, a less violent society, and a society of which we can all be proud in this Commonwealth. I urge an affirmative vote, and I 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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington
Blake	Folmer	Robbins	Waugh
Boscola	Fontana	Scarnati	White, Donald
Brewster	Gordner	Schwank	White, Mary Jo
Browne	Greenleaf	Smucker	Williams
Brubaker	Hughes	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Tomlinson	
Earl	McIlhinney	Vance	
Eichelberger	Mensch	Vogel	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 84, SB 782, SB 889, HB 1567, SB 1595, HB 1769, HB 2249, HB 2319 and HB 2331 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REPORTED FROM COMMITTEES

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

HB 2591 (Pr. No. 3980) (Rereported)

An Act amending Titles 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the calculation of military members' State Employees' Retirement System benefits.

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

SB 390 (Pr. No. 2490) (Rereported) (Concurrence)

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

SB 850 (Pr. No. 2475) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole), of the Pennsylvania Consolidated Statutes, in authorized disposition of offenders, further providing for sentence for murder, murder of unborn child and murder of law enforcement officer and providing for sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer; in criminal history record information, further providing for expungement and for juvenile records; and providing for crime victims; in juvenile matters, further providing for short title and purposes of chapter, for definitions, for scope, for inspection of court files and records and for conduct of hearings; in sentencing, providing for sentencing for certain murders of infant persons and for sentences for second and subsequent offenses; in Pennsylvania Board of Probation and Parole, further providing for parole procedure.

**COMMUNICATIONS FROM THE GOVERNOR
REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE BANKING AND
SECURITIES COMMISSION**

September 26, 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 Gerald J. Pappert, 411 Conlin Road, Plymouth Meeting 19462, Montgomery County, Seventh Senatorial District, for appointment as a member of the Banking and Securities Commission, serves at the pleasure of the Governor and until his successor is appointed and qualified, vice Robert L. Lam, Rydal, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE STATE CIVIL
SERVICE COMMISSION**

September 10, 2012

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Odelfa Smith Preston, 732 Dunmore Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve until April 9, 2018, or until her successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE STATE HORSE
RACING COMMISSION**

September 28, 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, Alan P. Novak, 1302 West Chester Road, Coatesville 19320, Chester County, Forty-fourth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice John B. Hannum, III, Kennett Square, resigned.

TOM CORBETT
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

September 20, 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, Peter R. Barsz, 1023 Bent Road, Media 19063, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve for a term of four years or until his successor is appointed and qualified, vice James Zurick, Paxinos, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

September 20, 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, Daniel G. Guydish, Rear 401 West Green Street, Hazleton 18202, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve for a term of four years or until his successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

September 20, 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, Anthony Pinizzotto, 368 Corinne Avenue, Johnstown 15906, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve for a term of four years or until his successor is appointed and qualified, vice The Honorable Joseph E. Gurzenda, McAdoo, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD

September 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, James A. Zurick, Esquire, 363 Blue Church Road, Paxinos 17860, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Robert McIntyre, Scranton, whose term expired.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE HORSE
RACING COMMISSION

September 28, 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, Alan P. Novak, 1302 West Chester Road, Coatesville 19320, Chester County, Forty-fourth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice John B. Hannum, III, Kennett Square, resigned.

TOM CORBETT
Governor

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

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

Senator EICHELBERGER. Mr. President, I rise to cast a "no" vote for Alan Novak for the State Horse Racing Commission. I do not have a problem with anyone else on the list.

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

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

YEA-48

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

NAY-1

Eichelberger

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE BANKING AND
SECURITIES COMMISSION

September 26, 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 Gerald J. Pappert, 411 Conlin Road, Plymouth Meeting 19462, Montgomery County, Seventh Senatorial District, for appointment as a member of the Banking and Securities Commission, serves at the pleasure of the Governor and until his successor is appointed and qualified, vice Robert L. Lam, Rydal, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE CIVIL
SERVICE COMMISSION

September 10, 2012

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Odelfa Smith Preston, 732 Dunmore Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve until April 9, 2018, or until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

September 20, 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, Peter R. Barsz, 1023 Bent Road, Media 19063, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve for a term of four years or until his successor is appointed and qualified, vice James Zurick, Paxinos, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

September 20, 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, Daniel G. Guydish, Rear 401 West Green Street, Hazleton 18202, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve for a term of four years or until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

September 20, 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, Anthony Pinizzotto, 368 Corinne Avenue, Johnstown 15906, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve for a term of four years or until his successor is appointed and qualified, vice The Honorable Joseph E. Gurzenda, McAdoo, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD

September 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, James A. Zurick, Esquire, 363 Blue Church Road, Paxinos 17860, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Robert McIntyre, Scranton, whose term expired.

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

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the 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
SUPPLEMENTAL CALENDAR No. 1**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 390 (Pr. No. 2490) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 390?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 390.

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

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

Senator BRUBAKER. Mr. President, this bill took years to develop. It ultimately included other bills that passed earlier when it went over to the House. The House divided it up and sent it back. I am delighted that Senate Bill No. 390 and the other agriculture bills are moving today. This brings agriculture into the 21st century and allows, as Senator Schwank said earlier, agriculture today to operate the way that it operates today in a legal manner. I would like to thank Senator Rafferty, Senator Schwank, Senator Vogel, Senator Waugh, and many other Members who worked very hard and very cooperatively in a bipartisan way to make sure that these series of bills came across the finish line.

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 850 (Pr. No. 2475) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole), of the Pennsylvania Consolidated Statutes, in authorized disposition of offenders, further providing for sentence for murder, murder of unborn child and murder of law enforcement officer and providing for sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer; in criminal history record information, further providing for expungement and for juvenile records; and providing for crime victims; in juvenile matters, further providing for short title and purposes of chapter, for definitions, for scope, for inspection of court files and records and for conduct of hearings; in sentencing, providing

for sentencing for certain murders of infant persons and for sentences for second and subsequent offenses; in Pennsylvania Board of Probation and Parole, further providing for parole procedure.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 850?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 850.

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

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

Senator M.J. WHITE. Mr. President, I am here for probably what will be one of the last votes of my career in the Senate. I am here to voice my extreme displeasure with Senate Bill No. 850, not only with the content of the bill but the manner in which this was presented to this body. Basically what happened was in the House, a March 2011 cyber bullying bill was taken, completely gutted, and reconstituted. It now contains a great many things, including some good, some bad. Expungement of juvenile court records is a good thing, but the process under this bill can take anywhere from 6 months to 5 years. They are taking certain summary offenses out of juvenile court and putting them in the minor judiciary. Is that a good place? I do not know. And the reason I do not know is because this bill never came through the Committee on Judiciary. I am vice chair of the Committee on Judiciary and I saw this bill for the first time today.

I think what is particularly egregious is that the House took advantage of this hodgepodge to take up a very serious matter, and that is the U.S. Supreme Court's determination that minors cannot be sentenced to life in prison without parole. I happen to agree with that process. But the way the bill has come over, they have in fact created mandatory minimums for minors convicted of very serious crimes based on the crime and the age of the minor at the time the offense was committed. Mandatory minimums, Mr. President.

One of the reasons I think this bill never came through the Senate Committee on Judiciary is that in recent Sessions that committee has expressed an extreme displeasure with mandatory minimum sentences. I have frequently told judges, if you do not legislate, I will not sentence. Judges need their discretion to sentence within the appropriate guidelines set by our Sentencing Commission. They can deviate from those guidelines if they put on the record their reasons for going upward or downward. We have now tied their hands, the mandatory minimums are the mandatory minimums.

I am very offended by a process that turns our policymaking over to stakeholders. Who elected stakeholders to make public policy for Pennsylvania? When we permit this kind of process to bypass our own standing committees in the Senate, we make this body irrelevant. And I think that is a very sad thing to happen. I guess what is even more unfortunate is that this same bill, and these people who did this were crafty, they put in many of the

very good recommendations of the Interbranch Commission on Juvenile Justice. So now it comes over here with all this stuff in there and we are told, take it or leave it. I am telling you, we should leave it until next Session. 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-37

Alloway	Dinniman	Mensch	Tomlinson
Argall	Eichelberger	Piccola	Vogel
Baker	Erickson	Pileggi	Vulakovich
Blake	Farnese	Rafferty	Waugh
Boscola	Fontana	Robbins	Wozniak
Brewster	Gordner	Scarnati	Yaw
Browne	Greenleaf	Schwank	Yudichak
Brubaker	Kasunic	Smucker	
Corman	Leach	Solobay	
Costa	McIlhinney	Stack	

NAY-12

Earll	Hughes	Vance	White, Donald
Ferlo	Kitchen	Ward	White, Mary Jo
Folmer	Tartaglione	Washington	Williams

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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2591 (Pr. No. 3980) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 51 (Military Affairs) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the calculation of military members' State Employees' Retirement System benefits.

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	Vulakovich
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Rafferty	Washington
Blake	Folmer	Robbins	Waugh
Boscola	Fontana	Scarnati	White, Donald
Brewster	Gordner	Schwank	White, Mary Jo
Browne	Greenleaf	Smucker	Williams
Brubaker	Hughes	Solobay	Wozniak

Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Tomlinson	
Earll	McIlhinney	Vance	
Eichelberger	Mensch	Vogel	

NAY-0

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1719 CALLED UP

HB 1719 (Pr. No. 3805) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1719 (Pr. No. 3805) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

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

NAY-0

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

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

HB 1991 CALLED UP

HB 1991 (Pr. No. 4174) -- 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 1991 (Pr. No. 4174) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, further providing for legislative findings and for definitions; providing for verification of eligibility, for fraud reporting to Inspector General and for conflict of interest policy; further providing for weatherization and energy conservation; providing for performance audits by the Auditor General; and making editorial changes.

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 gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I certainly support the administration's goals of eliminating fraud, waste, and abuse. In fact, several proposals have come before us here and I have been supportive. But, Mr. President, this particular proposal of when someone has been found eligible and a worker is in the home doing weatherization activities and weather conservation activities, then they can take--they can find upon observing the person's home or lifestyle, whichever, they can come back and say they think this person may not be eligible for the services they are receiving. This person came to do weather conservation activities, and I think to invade somebody's privacy like that or to accuse someone of something as serious as this nature, because fraud is a very serious charge, I think we are just stepping over, and I think it is overkill. I think if we proceed like that, we are going to get into trouble. So that is my reason. I stand to go on record that that is why I cannot support this bill.

Thank you, Mr. President.

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

Senator VANCE. Mr. President, I certainly enjoy working with the Minority chair of the Committee on Health and Welfare, but on this issue, we probably are going to have to differ a little bit in our opinion. This bill simply makes sure that people who are receiving LIHEAP and weatherization help are qualified to do so. Those who are receiving it fraudulently deprive the people who are on the list and who really need the help. This will not hurt anyone who deserves to receive the help. I thank you and ask for a "yes" vote. Thank you.

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-31

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

NAY-18

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

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.

ANNOUNCEMENT BY THE MAJORITY LEADER

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

Senator PILEGGI. Mr. President, I ask that the Senate be at ease for a moment and ask that the Republican Senators meet at the Leader's desk.

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Scarnati, and a legislative leave for Senator Gordner. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****HB 2032 CALLED UP**

HB 2032 (Pr. No. 4166) -- 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 OVER IN ORDER

HB 2032 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

HB 2224 CALLED UP

HB 2224 (Pr. No. 4186) -- 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 OVER IN ORDER

HB 2224 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2270 (Pr. No. 4242) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Alzheimer's Disease State Planning Committee within the Department of Health; providing for its powers and duties; providing for the regulation of indoor tanning facilities; establishing the Indoor Tanning Regulation Fund; and providing for penalties.

On the question,
Will the Senate agree to the bill on third consideration?

MOTION PURSUANT TO SENATE RULE XII

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

Senator PILEGGI. Mr. President, I move that the Senate proceed to consider House Bill No. 2270, notwithstanding the provisions of Senate Rule XII.16(b).

The PRESIDENT. Senator Pileggi moves that the Senate proceed to consider House Bill No. 2270, notwithstanding the provisions of Senate Rule XII.16(b).

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

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

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 Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, I want to be clear in my "no" vote. This is a very important piece of legislation. I applaud all the House Members who initially submitted this legislation to

create a response, a formal planning committee, an understanding of what the resources are now, what they need to be in the future as it relates to the crushing illness of Alzheimer's disease, something I think every family in this Commonwealth is either directly or indirectly affected by. So I applaud the initiative. The legislation appropriately, in the first four or five pages, outlines the duties and responsibilities and resources of this important committee that will be formed within the Department of Aging. However, starting on page 6, Chapter 5, and something that is completely unrelated, fundamentally unrelated, in my opinion unconstitutional, violative of the original purpose as well as the single subject matter, it, lo and behold, goes into indoor tanning salon regulations.

Now, it may be indeed something important that should be taken up. I do question, however, the big role of nanny government here is going to have to tell people a commonsense notion not to stay longer and come out looking like a piece of toast from a tanning salon, and setting up a whole series of regulations and costs. We keep talking about the small business community and their livelihood. We recognize that in the twilight years of the Bush administration, something that was, I assume, either signed or fostered on the Obama administration when he first came in the month of January, lo and behold, there is a special tax associated with tanning salons all across the United States of America. Now we have these burdensome regulations for what really should be common sense. Stay the heck out of a tanning booth if you do not want to get your behind burnt and you do not want to suffer the consequences of urgent need for primary and emergency medical care, or to see my good friend, the chief to my right here, have to pick you up in an ambulance down in Canonsburg.

So the point is, I want to say that I am very much embarrassed that I have to vote "no" on this bill because I am very proud to support the fundamental iteration of the bill, House Bill No. 2270, emanating from the House dealing with Alzheimer's disease. But it goes far afield, is constitutionally violative, and is totally inappropriate relative to the single subject matter. So I just want to enter that into the record and explain my "no" vote. Thank you very much.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

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

NAY-1

Ferlo

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

Ordered, That the Secretary of the Senate 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.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 941** and **SB 1225**, 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, these bills will be referred to the Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to hold an off-the-floor meeting today to consider Senate Bill No. 941 and Senate Bill No. 1225.

RECESS

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

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

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

AFTER RECESS

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 775**, 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, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS REPORTED FROM COMMITTEE

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

SB 941 (Pr. No. 2419) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for public drunkenness and

similar misconduct and for purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

SB 1225 (Pr. No. 2411) (Rereported) (Concurrence)

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

SENATE CONCURS IN HOUSE AMENDMENTS

SB 941 (Pr. No. 2419) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for public drunkenness and similar misconduct and for purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 941?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 941.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the motion?

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

YEA-46

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

NAY-2

Earll White, Mary Jo

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 1225 (Pr. No. 2411) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1225?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1225.

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	Vulakovich
Boscola	Folmer	Rafferty	Ward
Brewster	Fontana	Robbins	Washington
Browne	Gordner	Scarnati	Waugh
Brubaker	Greenleaf	Schwank	White, Donald
Corman	Hughes	Smucker	White, Mary Jo
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Yaw
Earll	Leach	Tartaglione	Yudichak

NAY-0

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to hold an off-the-floor meeting to consider Senate Bill No. 775.

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, without objection, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 140** and **HB 2460**.

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 341**.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 201** and **SB 1402**, with the information the House has passed the same without amendments.

BILLS SIGNED

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

SB 79, SB 201, SB 341, SB 390, SB 850, SB 941, SB 1225, SB 1402, HB 140, HB 898, HB 1718, HB 1794, HB 1840, HB 2116, HB 2369, HB 2370, HB 2407, HB 2428, HB 2460, HB 2530 and HB 2565.

BILL REPORTED FROM COMMITTEE

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

SB 775 (Pr. No. 2506) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis, providing for request for modified DNA search; and further providing for DNA data base exchange, for expungement and for mandatory cost.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

SENATE CONCURS IN HOUSE
AMENDMENTS AS AMENDED

SB 775 (Pr. No. 2506) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis, providing for request for modified DNA search; and further providing for DNA data base exchange, for expungement and for mandatory cost.

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 775?

MOTION PURSUANT TO RULE SENATE XII

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

Senator PILEGGI. Mr. President, I move that the Senate proceed to consider Senate Bill No. 775, notwithstanding the provisions of Senate Rule XII.12.

The PRESIDENT. Senator Pileggi moves that the Senate proceed to consider Senate Bill No. 775, notwithstanding the provisions of Senate Rule XII.12.

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

And the question recurring,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 775?

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

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. 775.

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

LEAVE CHANGED

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

Senator COSTA. Mr. President, I request that Senator Wozniak's leave be changed from personal leave to legislative leave.

The PRESIDENT. Senator Costa requests that Senator Wozniak's leave be changed from personal leave to legislative leave. Without objection, the leave will be changed.

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-44

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

NAY-5

Ferlo	Hughes	Kitchen	Williams
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.

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. Frank Rogers, Mr. and Mrs. Frank R. Zlock, Mr. and Mrs. Joseph Snyder, Mr. and Mrs. Frank Griechen and to Mr. and Mrs. George Kakalecik by Senator Argall.

Congratulations of the Senate were extended to Harry Forbes by Senator Baker.

Congratulations of the Senate were extended to the Reverend Gregory Edwards, Dr. Masayuki Kazahaya, Pamela Moschini, Peter Lewnes, William M. Sanders, Institute for Jewish-Christian Understanding of Muhlenberg College and to the Martin Luther and Coretta Scott King Memorial Project of the Lehigh Valley by Senator Browne.

Congratulations of the Senate were extended to Rosemarie Mullen by Senator Farnese.

Congratulations of the Senate were extended to Irene Sarah Beam and to Amos Z. Esh by Senator Folmer.

Congratulations of the Senate were extended to Craig Matthew Rinaldi, Andrew Robert Malhotra and to Dylan Price Buhl by Senator Gordner.

Congratulations of the Senate were extended to Joseph L. Reading, William Gottshall, Joseph Lutz, William Mohr and to Garbutt Aiman by Senator Greenleaf.

Congratulations of the Senate were extended to Apostle Ricci J. Hausley, Sr., and to Reverend Theresa Hausley by Senator Kitchen.

Congratulations of the Senate were extended to Pinemere Camp by Senator Leach.

Congratulations of the Senate were extended to Joe Parsons by Senators Mench and Boscola.

Congratulations of the Senate were extended to Elizabeth Robinson, Douglas Woodworth and to Claire Hofer by Senator Pileggi.

Congratulations of the Senate were extended to the Honorable Dante Santoni, Jr., by Senator Schwank.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Smith and to Mr. and Mrs. Keith Bricker by Senator Solobay.

Congratulations of the Senate were extended to Denise C. Dost by Senator Stack.

Congratulations of the Senate were extended to the Torresdale Manor Civic Association by Senator Tomlinson.

Congratulations of the Senate were extended to Local No. 269 of the International Brotherhood of Electrical Workers by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Brooks Christian Girman and to Nicholas Evan Mrksic by Senator Vance.

Congratulations of the Senate were extended to Elnora Delores Truitt by Senator Washington.

Congratulations of the Senate were extended to Dakota J. Buckingham by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Charles F. Yohn, Jr., Mr. and Mrs. John Bechtel, Mr. and Mrs. J. Milton Rogers, Mr. and Mrs. Richard L. Meek and to Mr. and Mrs. Stanley Swartz by Senator Yaw.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Elisabeth Ann Darling Belenski, to the family of the late Diane E. Fulkerson Rutledge and to the family of the late Martha Janet Nicol Elston by Senator Baker.

BILL ON FIRST CONSIDERATION

Senator PILEGGI. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

SB 1391.

And said bill having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

THURSDAY, OCTOBER 18, 2012

10:00 A.M.	LOCAL GOVERNMENT (public hearing on Senate Bill No. 1570 and related issues)	Hrg. Rm. 1 North Off.
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TUESDAY, OCTOBER 23, 2012

9:00 A.M.	TRANSPORTATION (public hearing on the Port of Pittsburgh Commission)	Piatt Bldg. Room 2019 301Fifth Ave. Pittsburgh, PA
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THURSDAY, OCTOBER 25, 2012

12:00 P.M.	URBAN AFFAIRS AND HOUSING (public hearing on the impacts of Marcellus Shale development on housing)	Nittany Lion Inn, Faculty Staff Club Rm., State College, PA
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MONDAY, OCTOBER 29, 2012

9:30 A.M.	LOCAL GOVERNMENT (second public hearing on debt of Harrisburg Authority and related matters)	Hrg. Rm. 1 North Off.
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RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, November 14, 2012, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 8:53 p.m., Eastern Daylight Saving Time.