

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JANUARY 28, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 4

**SENATE**

MONDAY, January 28, 2013

The Senate met at 1 p.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend DR. J. LOUIS FELTON, Pastor of Mount Airy Church of God in Christ, Philadelphia, offered the following prayer:

Let us pray together.

Eternal God, our Father, we acknowledge Your kingdom authority and all the universe as all legitimate authority emanates from You. It is to You that we are ultimately accountable as we must each stand before Your judgment seat to give an account of our stewardship of Your God-given authority. So each one of us pauses this afternoon to recommit ourselves to the calls of servant leadership. We are Your servants first, and the people's leaders second. Thus we seek first the kingdom of God in His righteousness, that the things You add to us will prominently include justice rolling down like waters and righteousness like a mighty stream.

Surely we esteem our form of government, a democratic union being perfected by the blood of thousands who have given their lives for the cause of freedom. Yet it is our fervent prayer that Your kingdom come and Your will be done on earth as it is in heaven. We give You thanks this afternoon for Your goodness to each one of us. We thank You for giving us the blessings and favor of life. We ask Your continued blessings upon each Member of the Senate and their families. We pray especially for our Senator, Senator Leanna Washington, a champion for those who suffer injustice and abuse. We pray, Father, that You will continue to give her grace, to be a shining light in these turbulent times. We pray, Father, that You will continue to teach us not only of our need for You but for one another. We all need one another: the rich need the poor; the powerful need the disenfranchised; Republicans need Democrats and Independents; the Senate needs the House of Representatives; the strong need the weak; our youth needs the wisdom of our seniors; and our seniors need the vitality and vigor of our youth.

We pray, Father, that Your divine favors will be upon each one of us as we seek Your guidance for every decision that will affect the lives of millions of others. We pray for the Commonwealth of Pennsylvania, we pray for America, we pray for each of our soldiers on foreign battlefields, for every law enforcement

agent, for every schoolteacher and student. Make us stronger in the midst of our tests, wiser in adversity, and gracious in our achievements. And most of all, Heavenly Father, give us sufficient grace to fulfill the great commandment to love one another as surely as You have loved us and given Yourself for us. We pray in the name of Him who loves us forevermore. Amen.

The PRESIDENT. The Chair thanks Dr. Felton, who is the guest today of Senator Washington.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATION FROM THE GOVERNOR**

**NOMINATION REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

January 25, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve *[data missing]* four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dr. James K. Matta, Pittsburgh, whose term expired.

TOM CORBETT  
Governor

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

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

January 25, 2013

**HB 81, 83 and 84** -- Committee on Agriculture and Rural Affairs.

**HB 82** -- Committee on Judiciary.

### BILLS INTRODUCED AND REFERRED

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

January 24, 2013

Senators GREENLEAF, ERICKSON, VULAKOVICH, SOLOBAY, BROWNE and YUDICHAK presented to the Chair **SB 157**, entitled:

An Act authorizing the establishment of land bank programs and affordable housing programs with the approval of the electorate; providing for funding by proceeds from tax on the transfer of real property; and specifying the purposes of such programs.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 24, 2013.

Senators D. WHITE, EICHELBERGER, MENSCH, WARD, GREENLEAF, VULAKOVICH, FOLMER, RAFFERTY, VANCE, YAW, VOGEL, ALLOWAY, SMUCKER, WAUGH and TOMLINSON presented to the Chair **SB 283**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for definitions, for mandatory and optional membership and for classes of service; and providing for State Legislators' Defined Contribution Program.

Which was committed to the Committee on FINANCE, January 24, 2013.

Senators ERICKSON, MENSCH, VULAKOVICH, WASHINGTON, RAFFERTY, FERLO, WAUGH, BRUBAKER, COSTA, McILHINNEY and DINNIMAN presented to the Chair **SB 284**, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, further providing for definitions, for written requests and for fee limitations.

Which was committed to the Committee on STATE GOVERNMENT, January 24, 2013.

Senators ERICKSON, BROWNE, D. WHITE, FOLMER, PILEGGI, BOSCOLA, BAKER and DINNIMAN presented to the Chair **SB 285**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for vacancies in election boards and for election boards in new districts.

Which was committed to the Committee on STATE GOVERNMENT, January 24, 2013.

Senators ERICKSON, YAW, MENSCH, VULAKOVICH, BROWNE, HUGHES, RAFFERTY, FARNESE, FOLMER, PILEGGI, WAUGH, ALLOWAY, BRUBAKER, BOSCOLA and BAKER presented to the Chair **SB 286**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for the definition of "income."

Which was committed to the Committee on FINANCE, January 24, 2013.

Senators ERICKSON, GREENLEAF, SOLOBAY, HUGHES, RAFFERTY, YUDICHAK, FERLO, PILEGGI and WOZNIAK presented to the Chair **SB 287**, entitled:

An Act updating and expanding the storm water planning requirements to be undertaken by counties; authorizing counties to regulate storm water within a watershed-based planning area; authorizing the formation of water resources management authorities; enabling counties, municipalities and water resources management authorities to develop integrated water resources management plans; imposing duties and conferring powers on the Department of Environmental Protection, the Environmental Quality Board, counties, municipalities and water resources management authorities; providing for financing and for waiver of use for certain grant or loan funds; and making related repeals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 24, 2013.

Senators ERICKSON, BREWSTER, KITCHEN, VULAKOVICH, WASHINGTON, TARTAGLIONE, FARNESE, BROWNE, RAFFERTY, COSTA, BAKER and DINNIMAN presented to the Chair **SB 288**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for drug-free zones.

Which was committed to the Committee on JUDICIARY, January 24, 2013.

Senators ERICKSON, GREENLEAF, KITCHEN, VULAKOVICH, WASHINGTON, TARTAGLIONE, YUDICHAK, BROWNE, SMITH, SOLOBAY, RAFFERTY, FARNESE, FERLO, WOZNIAK and WAUGH presented to the Chair **SB 289**, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for eligibility for benefits for members of certain ambulance services or rescue squads.

Which was committed to the Committee on LABOR AND INDUSTRY, January 24, 2013.

Senators ERICKSON, GREENLEAF, FARNESE, FONTANA, BROWNE, RAFFERTY, YAW, VANCE, WAUGH, ALLOWAY, COSTA, BAKER, BREWSTER and DINNIMAN presented to the Chair **SB 290**, entitled:

An Act establishing the Donated Dental Services Program; imposing duties on the Department of Health; providing for program administration and for contract requirements; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 24, 2013.

Senators ERICKSON, YUDICHAK, BROWNE, RAFFERTY, FARNESE, WOZNIAK and TOMLINSON presented to the Chair **SB 291**, entitled:

An Act establishing a program for the purchase of certain types of environmental liability insurance and for subsidies for the costs of

premiums; and providing for powers and duties of the Department of Environmental Protection.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 24, 2013.

Senators VANCE, SCARNATI, PILEGGI, BAKER, VOGEL, TOMLINSON, TARTAGLIONE, EICHELBERGER, YAW, WASHINGTON, VULAKOVICH, SOLOBAY, RAFFERTY, D. WHITE, FOLMER, WAUGH, COSTA, FERLO, BRUBAKER and BOSCOLA presented to the Chair **SB 297**, entitled:

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

Which was committed to the Committee on LABOR AND INDUSTRY, January 24, 2013.

Senators GREENLEAF, ALLOWAY, FERLO, BROWNE, PILEGGI and BREWSTER presented to the Chair **SB 304**, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, in Title 15, making extensive revisions, additions and deletions to preliminary material on general provisions; to corporation material on general provisions, on incorporation, on corporate powers, duties and safeguards, on officers, directors and shareholders, on fundamental changes, on registered corporations, on insurance corporations, on benefit corporations, on foreign business corporations, on incorporation and on foreign nonprofit corporations; to material on limited liability companies; to material on unincorporated associations; and to material on business trusts; in Title 54, further providing for general provisions and for corporate and other association names; and making related repeals.

Which was committed to the Committee on JUDICIARY, January 24, 2013.

#### January 25, 2013

Senators BAKER, MENSCH, ROBBINS, YUDICHAK, YAW, VULAKOVICH, ALLOWAY, RAFFERTY, BREWSTER, SOLOBAY, HUGHES and WAUGH presented to the Chair **SB 302**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for compilation of war records and the director of veterans' affairs.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 25, 2013.

Senators EICHELBERGER, GREENLEAF, VULAKOVICH, STACK, ALLOWAY, FOLMER, RAFFERTY, BAKER, PILEGGI and BREWSTER presented to the Chair **SB 305**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in other criminal provisions, further providing for supervisory relationship to offenders; and, in Pennsylvania Board of Probation and Parole, further providing for supervisory relationship to offenders.

Which was committed to the Committee on JUDICIARY, January 25, 2013.

Senators EICHELBERGER, VOGEL, FOLMER, RAFFERTY, HUTCHINSON, WAUGH and D. WHITE presented to the Chair **SB 306**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for super-majority votes relating to the imposition of taxes or license fees.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2013.

Senators EICHELBERGER, VULAKOVICH, WARD, ALLOWAY, VOGEL, WAUGH and FERLO presented to the Chair **SB 307**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for limits on the terms of members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2013.

Senators SCARNATI, SMUCKER, PILEGGI, BROWNE, WAUGH, GORDNER, ERICKSON, TOMLINSON, YAW, ARGALL, FOLMER, VULAKOVICH, MENSCH, WARD, RAFFERTY, VANCE, VOGEL, D. WHITE, ALLOWAY, BAKER, EICHELBERGER, McILHINNEY, TEPLITZ, KASUNIC, YUDICHAK, FERLO, FONTANA, SOLOBAY, WILLIAMS, FARNESE, TARTAGLIONE, BREWSTER, COSTA, BRUBAKER and BOSCOLA presented to the Chair **SB 308**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for registration fees, fund established, system and regulations.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2013.

Senators D. WHITE, TOMLINSON, VULAKOVICH, RAFFERTY, FARNESE, BREWSTER, ALLOWAY and CORMAN presented to the Chair **SB 309**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of carrying a false identification card.

Which was committed to the Committee on LAW AND JUSTICE, January 25, 2013.

Senators GREENLEAF, TARTAGLIONE, FERLO, VULAKOVICH, RAFFERTY and SOLOBAY presented to the Chair **SB 310**, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for presumption of a reasonable number of attempts.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 25, 2013.

Senators GREENLEAF and WASHINGTON presented to the Chair **SB 311**, entitled:

An Act establishing a pilot program to provide safe transportation home to persons suspected of having a prohibited blood alcohol concentration; and imposing powers and duties on the Pennsylvania Liquor Control Board.

Which was committed to the Committee on LAW AND JUSTICE, January 25, 2013.

Senators GREENLEAF, FARNESE, TARTAGLIONE, VULAKOVICH, RAFFERTY, SOLOBAY, BREWSTER, WAUGH, COSTA and BOSCOLA presented to the Chair **SB 312**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in operation of vehicles, further providing for drivers of emergency vehicles.

Which was committed to the Committee on TRANSPORTATION, January 25, 2013.

Senators GREENLEAF, WASHINGTON and TARTAGLIONE presented to the Chair **SB 313**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, further providing for kindergartens.

Which was committed to the Committee on EDUCATION, January 25, 2013.

Senators GREENLEAF, WASHINGTON, FARNESE, STACK, TARTAGLIONE, BROWNE, ERICKSON, FOLMER, VULAKOVICH, RAFFERTY, SOLOBAY, KITCHEN, D. WHITE, SCARNATI, BREWSTER, COSTA, FERLO and BOSCOLA presented to the Chair **SB 314**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in seller disclosures, further providing for real estate seller disclosure form.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 25, 2013.

Senators GREENLEAF, FARNESE, STACK, TARTAGLIONE, BROWNE, ERICKSON, FOLMER, VULAKOVICH, SOLOBAY, KITCHEN, D. WHITE, BREWSTER, COSTA, FERLO and BOSCOLA presented to the Chair **SB 315**, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, requiring the disclosure of flood history to lessees of residential real property.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, January 25, 2013.

Senators GREENLEAF, VULAKOVICH, FARNESE and BOSCOLA presented to the Chair **SB 316**, entitled:

An Act providing for the regulation of service contracts and for powers and duties of the Insurance Commissioner; and imposing a civil penalty.

Which was committed to the Committee on BANKING AND INSURANCE, January 25, 2013.

Senators GREENLEAF, WASHINGTON, FARNESE, SCHWANK, SOLOBAY and BREWSTER presented to the Chair **SB 317**, entitled:

An Act requiring health insurance policies to provide coverage for tobacco cessation programs and drugs.

Which was committed to the Committee on BANKING AND INSURANCE, January 25, 2013.

Senators FARNESE, FONTANA, WASHINGTON, ERICKSON, SCHWANK, TEPLITZ, BREWSTER, WILLIAMS, GREENLEAF, BROWNE, YUDICHAK, COSTA and WAUGH presented to the Chair **SB 318**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in source selection and contract formation, providing for limitations on political contributions by contractors.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2013.

Senators FARNESE, VULAKOVICH, WILLIAMS, KASUNIC, STACK, WASHINGTON, TARTAGLIONE, FONTANA, BROWNE, EICHELBERGER, FERLO, SOLOBAY, BOSCOLA, DINNIMAN and BLAKE presented to the Chair **SB 319**, entitled:

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, extending the coverage of the act.

Which was committed to the Committee on FINANCE, January 25, 2013.

Senators FARNESE, STACK, ERICKSON, RAFFERTY, HUGHES, TEPLITZ, BREWSTER, BOSCOLA, SOLOBAY, COSTA, WARD and SMITH presented to the Chair **SB 320**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, providing for the offenses of failure to comply with animal abuse registration requirements and of illegal use of animal abuse registry information; and, in sentencing, providing for animal abuse registry; and establishing the Animal Abuse Registry Fund.

Which was committed to the Committee on JUDICIARY, January 25, 2013.

Senators FARNESE, WASHINGTON, FONTANA, KASUNIC, SCHWANK, TARTAGLIONE, KITCHEN, TEPLITZ, BREWSTER, WILLIAMS, HUGHES, FERLO, SMITH, SOLOBAY, RAFFERTY, COSTA and BOSCOLA presented to the Chair **SB 321**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for pregnancy as a preexisting condition and for coverage for maternity care; and, in health care insurance individual accessibility, further providing for policy choice for eligible individuals.

Which was committed to the Committee on BANKING AND INSURANCE, January 25, 2013.

Senators FOLMER, VOGEL, HUTCHINSON, EICHELBERGER, D. WHITE and ALLOWAY presented to the Chair **SB 322**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in special funds, establishing the Revenue Enhancement Fund.

Which was committed to the Committee on FINANCE, January 25, 2013.

Senators D. WHITE, ROBBINS, YAW, ALLOWAY, HUTCHINSON, BAKER, WAUGH, EICHELBERGER and SCARNATI presented to the Chair **SB 323**, entitled:

An Act providing for funding to certain hospitals in sixth, seventh and eighth class counties; and imposing powers and duties on the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 25, 2013.

Senators VOGEL, KASUNIC, ERICKSON, TOMLINSON, VULAKOVICH, BROWNE, D. WHITE, FERLO, SOLOBAY, YUDICHAK, WAUGH, BOSCOLA, ALLOWAY, BRUBAKER and TEPLITZ presented to the Chair **SB 324**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 2013.

Senators VOGEL, FARNESE, TEPLITZ, KASUNIC, ERICKSON, BREWSTER, EICHELBERGER, MENSCH, TOMLINSON, VULAKOVICH, BROWNE, SMITH, D. WHITE, WARD, ROBBINS, SOLOBAY, WOZNIAK, WAUGH, BOSCOLA, RAFFERTY, ALLOWAY, COSTA, BAKER and DINNIMAN presented to the Chair **SB 325**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in special powers and duties of counties, further providing for flags to decorate graves.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 25, 2013.

January 28, 2013

Senators TARTAGLIONE, STACK, KASUNIC, FARNESE, WASHINGTON, KITCHEN, HUGHES, FONTANA, SOLOBAY, COSTA, BREWSTER and FERLO presented to the Chair **SB 326**, entitled:

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

Which was committed to the Committee on LABOR AND INDUSTRY, January 28, 2013.

### RESOLUTIONS INTRODUCED AND REFERRED

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

January 25, 2013

Senators GREENLEAF, TEPLITZ, FARNESE, YUDICHAK, ERICKSON, YAW, HUGHES, FERLO, VULAKOVICH, PILEGGI, RAFFERTY, STACK, BREWSTER and BOSCOLA presented to the Chair **SR 13**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's program of providing funding for drinking water, wastewater and storm water projects authorized under the Pennsylvania Infrastructure Investment Authority Act.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 25, 2013.

January 28, 2013

Senators SCARNATI, KASUNIC, BROWNE, VULAKOVICH, TOMLINSON, ARGALL, ROBBINS, MENSCH, WARD, EICHELBERGER, RAFFERTY, GORDNER, VANCE, YAW, VOGEL, ALLOWAY, SOLOBAY, D. WHITE, ERICKSON, TARTAGLIONE, BAKER, WAUGH, COSTA, BRUBAKER and CORMAN presented to the Chair **SR 14**, entitled:

A Resolution urging the Congress of the United States to pass an amendment to the Constitution of the United States to ban the burning or desecration of the United States flag.

Which was committed to the Committee on STATE GOVERNMENT, January 28, 2013.

### APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Senator Jim Brewster as a member of the Legislative Budget and Finance Committee.

Senator Richard Kasunic to serve in the Minority Leader's stead as a member of the Board of Directors of the Pennsylvania Infrastructure Investment Authority.

Senator Christine M. Tartaglione as a member of the Legislative Budget and Finance Committee.

Senator John Wozniak to serve in the Minority Leader's stead as a member of the Legislative Budget and Finance Committee.

Senator E. Eugene Yaw as a member of the Environmental Quality Board.

### LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Brubaker and Senator Ward.

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

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

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Brubaker and Senator Ward.

Senator Costa requests a legislative leave for Senator Williams.

Without objection, the leaves will be granted.

### LEAVE OF ABSENCE

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

CALENDAR

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 66 (Pr. No. 197) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

Senator PILEGGI. Mr. President, I move that Senate Bill No. 66 be rereferred to the Committee on Appropriations.

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, today I would like to introduce Mrs. Kimberly McLendon, who is the reigning Mrs. Pennsylvania International. She is here today with her husband, Gary, and her two children, Madison and Gary, Jr. Her mother, Marlene Beleski, is also accompanying her for her visit to the Capitol. The family resides in Shickshinny, Luzerne County.

Kimberly was named Mrs. Pennsylvania on March 25, 2012. Her platform as a contestant was to promote the Blessings in a Backpack program, which helps to provide nutritious food during the weekend to elementary school-aged children whose families are in need. She is also working to teach families on how to prepare low-cost meals and writing a cookbook to further that goal. She is a weekly column writer for the Citizens Voice and the Standard Speaker, offering tips on healthy living and cooking. So I ask all of you to please join me in welcoming Mrs. Pennsylvania, Kimberly McLendon, and her family to the Senate of Pennsylvania.

Thank you, Mr. President.

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

(Applause.)

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

CONSIDERATION OF CALENDAR RESUMED SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 164, SB 196 and SB 259 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

RECESS

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

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

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

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

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

AFTER RECESS

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

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

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

SB 66 (Pr. No. 197) (Rereported)

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, codifying the State Tax Equalization Board into the act; further providing for creation of board, for membership, for general powers

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

**SB 187 (Pr. No. 238) (Amended)**

An Act requiring certain institutions of higher education that enter into agreements with governing bodies which impose monetary penalties to pay the monetary penalties into endowments under certain circumstances; and providing for duties of the Pennsylvania Commission on Crime and Delinquency.

**SENATE RESOLUTION ADOPTED**

Senator SCHWANK, by unanimous consent, offered **Senate Resolution No. 15**, entitled:

A Resolution recognizing the month of January 2013 as "Cervical Cancer Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, just some brief remarks. This is January, of course, and it is also the official month that we recognize cervical cancer. Most of us probably do not believe that it is possible within our lifetime for a cancer to be cured, but this is one that could be. However, we are not there yet. Currently, 12,000 women in the United States are diagnosed with cervical cancer annually, and more than 4,000 die as a result. It is even worse globally, approximately 80 percent of deaths from cervical cancer occur in the developing world.

This is a cancer that is curable in our generation, one through education, through medical advances, the vaccine for HPV viruses is one cure which has shown great promise, as well as annual Pap smears for women. This is an issue where education could make a huge difference and we would be able to, at least, if not wipe out this cancer in the United States, insure that no more women die on an annual basis. I appreciate the support of my colleagues on this resolution.

Thank you, Mr. President.

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

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

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Elliott Michael Beaver by Senator Argall.

Congratulations of the Senate were extended to Andrew J. Squires, Daniel P. Deignan and to Brendan K. Lambert by Senator Baker.

Congratulations of the Senate were extended to Tobyhanna Army Depot by Senator Blake.

Congratulations of the Senate were extended to Nathaniel C. Hawk by Senator Boscola.

Congratulations of the Senate were extended to Moravian Hall Square by Senators Boscola and Browne.

Congratulations of the Senate were extended to Helen Ribaldo, Dorothy Mills and to Gerald C. Towe by Senator Pileggi.

Congratulations of the Senate were extended to Justin Davis by Senators Pileggi and Dinniman.

Congratulations of the Senate were extended to Chilean and American Chamber of Commerce of Greater Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Captain Joseph Loncosky IV, Captain Ryan Cummings, Joseph Loncosky III, Kathleen Huber, Catherine Scherch, Jennifer Labor, Jessica Huber, Dawn Downs, Kimberly Muth, Michael Schmidt, George Mulherin, Deborah Forrest, Mary Ann Matuszewski and to Lisa Milburn by Senator Tomlinson.

Congratulations of the Senate were extended to Andrew Parker Rowley by Senator Vance.

Congratulations of the Senate were extended to Jack Sproat and to Paul Dzendzel by Senator Ward.

**CONDOLENCE RESOLUTION**

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

Condolences of the Senate were extended to the family of the late Bernadette Mary Frisbie by Senator Baker.

**BILL ON FIRST CONSIDERATION**

Senator SMITH. 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 187.**

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 announcement were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JANUARY 28, 2013

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 66 and 187)	Rules Cmte. Conf. Rm.
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TUESDAY, JANUARY 29, 2013

10:00 A.M.	LABOR AND INDUSTRY and House Labor and Industry Committee (hearing on the unemployment compensation call center issue)	Hrg. Rm. 1 North Off.
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11:30 A.M.	JUDICIARY (to consider Senate Bills No. 75, 150 and 304)	Room 8E-B East Wing
<u>WEDNESDAY, FEBRUARY 13, 2013</u>		
9:00 A.M.	EDUCATION and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint hearing on School Emergency Plans and Security Measures)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 19, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Governor's Office/Governor's Budget Office/Executive Offices)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Independent Fiscal Office - Economic Outlook & Revenue Overview)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 20, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Treasury Department)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Hrg. Rm. 1 North Off.
1:30 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Hrg. Rm. 1 North Off.
<u>THURSDAY, FEBRUARY 21, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - State Police/Homeland Security)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Hrg. Rm. 1 North Off.
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Insurance)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.
<u>MONDAY, FEBRUARY 25, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Military & Veterans Affairs)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 26, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Drug & Alcohol Programs)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Hrg. Rm. 1 North Off.

<u>WEDNESDAY, FEBRUARY 27, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - SERS/PSERS)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Aging)	Hrg. Rm. 1 North Off.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Department of Environmental Protection)	Hrg. Rm. 1 North Off.
<u>THURSDAY, FEBRUARY 28, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Penn State University)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Hrg. Rm. 1 North Off.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Hrg. Rm. 1 North Off.
<u>MONDAY, MARCH 4, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections/Office of Probation and Parole)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Community & Economic Development)	Hrg. Rm. 1 North Off.
<u>TUESDAY, MARCH 5, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - PASSHE)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, MARCH 6, 2013</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Labor & Industry)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Banking & Securities)	Hrg. Rm. 1 North Off.

**PETITIONS AND REMONSTRANCES**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, I find it amazing how fast this Governor has moved on his attempt to privatize the Lottery. In fact, he has moved at such great light speed, faster than infrastructure, which he has not moved at all on, and it has been over 18 months since he demanded a report with recommendations on his desk. He has postponed his announcement on how to fund transportation time and time again. In



fact, he promised to unveil his plan last Thursday, but we still have not heard what he wants to do, and I hope we hear later this week. On Marcellus Shale, it took a while to move on that. I do not think he has gone far enough as far as revenue on that big giveaway.

Let us stay focused on the Lottery, Mr. President. The Lottery program has really been one of our shining stars in Pennsylvania. The Lottery program brings property tax relief to many Pennsylvanians, it is a profitable program that helps seniors with their prescription drug costs, and provides them with a free ride on the bus. It is a system that just last year generated more than \$1 billion in programs benefitting older Pennsylvanians. The Pennsylvania Lottery is among the country's largest with \$3.5 billion in sales last year, and most importantly, Mr. President, I know you understand this, it is one that uses revenue solely for older citizens here in Pennsylvania. It works, and yet the Governor cannot wait to privatize it. He has pulled this maneuver behind closed doors with no scrutiny or transparency whatsoever, and we may never get a chance here in the State Senate or the State House to scrutinize what he has done. I do not understand what the big secret is if it is such a good plan. When Governor Corbett was candidate Corbett, he ran on a promise of transparency in government. So much for that promise.

Now, we know our aging population is growing, Lottery revenues will need to keep growing for demands over the next decade, but if the Governor is so concerned about the future of our Lottery and how it will benefit our growing aging population, we have other ways to expand the program. We can add games, change the current games, and add kiosks at more locations. Instead, we are placing our successful Lottery system into the hands of, get this, ladies and gentlemen, a foreign company that will take money out of our program, period. And it puts our seniors and the senior programs at risk. In fact, here is some late-breaking news, ladies and gentlemen: it has been reported out of the United Kingdom that the head honchos at Camelot, their parent company, Premiere Lotteries, have earmarked £5 million in bonuses related to this privatization deal, that is \$7.9 million for executive bonuses. Meanwhile, the price of lottery tickets in the UK is doubling, and that is according to the newspaper, the Daily Mail. So more bonuses and higher-priced tickets, Mr. President, that is what we have to look forward to from privatization and Camelot.

This is happening against the backdrop of falling sales for their main game in Great Britain. Let me repeat that, ticket sales for the main game are dropping, according to news reports in the United Kingdom. So this is what Pennsylvanians have to look forward to, increased costs to pay the daily number in order to line the pockets of foreign fat cats.

Mr. President, the Pennsylvania Lottery has a sterling reputation. Our Lottery, the Pennsylvania Lottery, is a national model of efficiency, and we are the only lottery that dedicates our program funds to helping seniors. The effort to privatize is a risky move, Mr. President, especially since the contract to Camelot is a 20-year service contract.

Let us look at what some other States have done with privatization, specifically Illinois. The Chicago Tribune reported that North Star Lottery group could now owe Illinois taxpayers between \$28 million and \$36 million in penalties for underperformance, Mr. President, underperformance. And we

have a Lottery program here that is performing super well. I do not understand why they take the risks, and I do not understand the profit margin being significantly offered by Camelot, a foreign company.

The Governor's plan is no solid bet, Mr. President. Far from it. If this goes through and we are dealt a bad hand, the people who lose are our seniors, and our Commonwealth loses, Mr. President. We have an infrastructure crisis that needs to be solved. It should be way ahead in line, rather than privatization of our successful Lottery Fund.

My biggest concern, Mr. President, is why we have not had this out in the open? What is the rush? Why cannot we have all our questions answered and have this process carefully vetted? If it is such a good deal, why do we not have a chance to vote for it, Mr. President? As it is now, unfortunately, we in the legislature will not have the right to vote on it, and if we did, I would vote against it.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I rise to discuss a couple of issues, some of which were raised by my friend and colleague from Philadelphia regarding the privatization of our very positive, very noteworthy Lottery program here in Pennsylvania.

But first, Mr. President, I want to discuss an issue about transportation funding. As you well know, Mr. President, that has been an issue that we should have dealt with many, many months ago. But we find ourselves now dealing with that issue hopefully as part of the budget discussion, and with your leadership and Senator Wozniak's on the Committee on Transportation, we expect to have that conversation, I hope, very soon.

But what we do not want to happen, Mr. President, is what we heard over the course of the last couple of days where our fellow colleagues from the other side of this building have made reference about coupling the privatization of our Wine & Spirits shops to the discussion of our transportation funding program that we are talking about. Mr. President, that is something that we should not do, and it makes no sense to me. I think it makes no sense to our colleagues that we combine these two issues, although both of them have been languishing here in the General Assembly for many, many months, maybe a couple of years now. It is imperative that we focus on something where I think there could be a consensus developed along the lines of what direction we go relative to transportation funding, and I think it is something we need to look at.

Senate Democrats have long made this a priority about how we need to address our crumbling infrastructure, and our crumbling roads and bridges. We believe that it is an approach that is twofold: one, it provides public safety. It takes those bridges that have been decaying and those on a list of unsuitable bridges, quite frankly, for normal trafficking. We take those into consideration and we make revisions to fix those bridges. Our roads as well need to be repaired in the like, but also mass transit. The crumbling infrastructure we have with our mass transit also extends to the inability to properly have the operating resources necessary to make sure we properly fund our mass transit agencies.

And finally, Mr. President, when you look to things like the expanding Marcellus Shale industry, and how valuable the role that our rails now plays along those lines, these are all compo-

nents of what needs to be discussed as we go forward with a comprehensive transportation funding plan that provides for meaningful involvement from both sides of the aisle, Democrats and Republicans, who are able to participate and discuss about specifics in their area as we go forward. But it should not be, Mr. President, as I stated earlier, coupled with a conversation about Wine & Spirits privatization. Transportation needs to stand on its own. It is a very important conversation that we must have, and we are now waiting for the Governor to take the very important step of leading us in that effort.

Mr. President, as it relates to the privatization of the Lottery program, as my friend and colleague from Philadelphia mentioned, the Camelot entity that has been, at this point in time, tentatively awarded this contract, until final signoff by our Attorney General, Mr. President, has demonstrated how we believe they might act and will likely act when we go forward, if in fact they are successful in securing this contract and this contract is played out to fruition.

Mr. President, we heard my colleague mention the amount of bonuses paid to the executives that are part of this company. But what was not discussed in detail was the fact that while sales of lottery tickets and the like are down, they are not achieving the success that they would have liked to have achieved, that there are conversations about increasing the price for lottery programs, tickets, and the like, but more importantly, the workforce, the number of jobs that will be eliminated in the UK because of this fact. Mr. President, that, to me, is something that I think we need to be cognizant of. We need to take steps if this process moves forward as the Governor intends it—we do not, but the Governor intends it—there are a number of issues that have been raised. We heard the issue raised about whether or not this is an expansion of gaming and how that issue needs to be raised. We have also heard about a number of other issues about whether or not this whole conversation violates Federal case law. Those are some of the things that we need to continue to look at.

My colleagues on the other side of the aisle have raised issues with respect to the Internet gaming concept where these monitors will be located in our bars and taverns over the next several years, and what impact that is going to have on the gaming opportunities in this Commonwealth. Those are very, very important questions. There was a suggestion that we incorporate language into this contract that might be able to address those concerns. Well, Mr. President, I would suggest that at that point in time, if there is going to be additional language added to a particular contract, that first and foremost, given what we have seen with this company and the steps they have taken when they have run into some tough times, what they did with their workforce, but yet kept their bonuses, we need to make sure that we provide protections for our workforce in this country and this Commonwealth so that our employees are protected to the same degree that we are going to protect the gaming industry and to the same degree that we are going to protect the interests of our seniors, whom we very, very much think these programs would likely impact.

Senate Democrats, over the past 5 or 6 months, have been raising issues with this very, very troublesome approach that the administration has taken. We believe that it is something that needs to be addressed through our court system with the openness and transparency that was lacking, I think ultimately

it will come through fruition as we move forward. But at the end of the day, Mr. President, what we saw from the foreign company that this Governor and administration chose to run this Lottery program for the next 20 years, that locks us in for the next 20 years and beyond, we saw what they did. They gave bonuses to their executives, and when things got tough, they laid off their employees. That is not what we want in Pennsylvania, and that is not what we want in this country. We need to have further discussions as we move forward along those lines. I encourage my colleagues on both sides of the aisle to continue to speak out against this contract and continue to speak out about something that is not necessary, a solution in search of a problem that we have heard a lot about over the last couple of years. This is another example of that.

Thank you, Mr. President.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Ward has returned, and her legislative leave is cancelled.

### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I move that the Senate do now recess until Tuesday, January 29, 2013, 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 4:15 p.m., Eastern Standard Time.