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Legislative Journal

TUESDAY, JUNE 4, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 35

SENATE

TUESDAY, June 4, 2013

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend JIM ARCIERI, Pastor of Community Bible Fellowship Church, Red Hill, offered the following prayer:

Let us pray.

Our most gracious heavenly Father, we come before You today in humble recognition of You as our creator, sustainer, redeemer, and judge. We acknowledge Your supreme governance in the affairs of the world, from the turning of the hearts of the greatest leaders, to the falling of one small sparrow to the ground. Knowing this, Father, I ask You to give these leaders the ability to hear You when You are speaking to their hearts, and the willingness to follow through. Grant also, Father, that they would legislate according to Your wisdom and knowledge. Give them understanding and good judgment based on righteousness. Do this, Lord, for finite human wisdom and perspective is so often inadequate for the weightiness of what comes before the responsibility of this Senate.

So, be merciful to these legislative servants of Yours, whom Your word says You have placed here. Enable them to build the Commonwealth according to Your eternal values of truth and justice, integrity and honesty. Without these values and without You, they will build in vain. Please provide strong personal resistance to the temptations to seek their own interests above that which benefits all. May they all have the godly courage to consistently take the high ground of Your intentions for the nature and purpose of government. We offer this petition, Lord, in grateful anticipation of Your answer, because we know as the prophet Isaiah said, that "The Lord is our judge, the Lord is our lawgiver, the Lord is our king; it is He who will save us." For the peace and prosperity of the Commonwealth of Pennsylvania, we ask all these things in the name of Your son, Jesus. Amen.

The PRESIDENT pro tempore. The Chair thanks Pastor Arcieri, who is the guest today of Senator Mensch.

PLEDGE OF ALLEGIANCE

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

BILLS INTRODUCED AND REFERRED

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

June 4, 2013

Senators WAUGH, BROWNE, RAFFERTY, BAKER, ALLOWAY, FONTANA, ERICKSON, SCHWANK, WOZNAK, COSTA, PILEGGI and SOLOBAY presented to the Chair **SB 987**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for discontinuation of volunteer emergency services.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 4, 2013.

Senators WAUGH, RAFFERTY, BAKER, SCHWANK, PILEGGI and BRUBAKER presented to the Chair **SB 988**, entitled:

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for definitions, for proof of financial responsibility and for duties of owners.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 4, 2013.

Senators WAUGH, RAFFERTY, ALLOWAY, SCHWANK, WOZNAK, PILEGGI, BRUBAKER, SOLOBAY and TARTAGLIONE presented to the Chair **SB 989**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility.

Which was committed to the Committee on BANKING AND INSURANCE, June 4, 2013.

BILLS REPORTED FROM COMMITTEES

Senator VANCE, from the Committee Public Health and Welfare, reported the following bill:

SB 977 (Pr. No. 1114)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in general powers and duties of the department of public welfare, further providing for county human services consolidated planning and reporting; in human services block grant pilot program, further providing for definitions, for establishment of human services block grant pilot program, for powers and duties of the department, for powers and duties of counties, for allocation and for use of block grant funds.

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

SB 622 (Pr. No. 598)

An Act providing for the licensure of persons providing debt settlement services, for powers and duties of the Department of Banking and for enforcement; imposing civil penalties; and making a related repeal.

SB 969 (Pr. No. 1154) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for electronic delivery of information and posting of policies and endorsements and for risk management and own risk solvency assessment.

SB 975 (Pr. No. 1126)

An Act amending Titles 7 (Banks and Banking) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for micro loan reform and imposing penalties; further providing for deceptive or fraudulent business practices; and providing for unlicensed short-term lending.

HB 1124 (Pr. No. 1936) (Amended)

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for mortgage loan business prohibitions, for requirements as to open-end loans, for application for license, for prelicensing and continuing education, for licensee requirements, for licensee limitations, for surrender of license, for authority of department, for suspension, revocation or refusal, for penalties, for applicability and for procedure for determination on noncompliance with Federal law.

HB 1128 (Pr. No. 1377)

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying the provisions of the Motor Vehicle Sales Finance Act and the Goods and Services Installment Sales Act; making conforming amendments to Titles 7 and 42; and making related repeals.

Senator RAFFERTY, from the Committee on Transportation, reported the following bills

SB 546 (Pr. No. 510)

An Act designating the bridge carrying State Route 88 over the Ten Mile Creek connecting Jefferson Township, Greene County, and East Bethlehem Township, Washington County, as the Lieutenant General William M. Keys Bridge.

SB 700 (Pr. No. 1135)

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for membership of the authority; and providing for Department of Transportation Regionalization and Privatization Study.

HB 770 (Pr. No. 1536)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates generally and for personal registration plates; providing for personal organization

registration plates and for Appalachian Trail organization registration plates; and making editorial changes.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Alloway, Senator Erickson, Senator McIlhinney, and Senator Yaw, and legislative leaves for Senator Tomlinson and Senator Smucker.

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

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

The PRESIDENT pro tempore. Senator Pileggi requests temporary Capitol leaves for Senator Alloway, Senator Erickson, Senator McIlhinney, and Senator Yaw, and legislative leaves for Senator Tomlinson and Senator Smucker.

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

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT pro tempore. The Journal of the Session of April 17, 2013, is now in print.

The Clerk proceeded to read the Journal of the Session of April 17, 2013.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal 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-50

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

NAY-0

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

The PRESIDENT pro tempore. The Journal is approved.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. Senator Yaw, Senator Erickson, Senator Smucker, and Senator Ferlo have returned, and their respective leaves are cancelled.

GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE

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

Senator BRUBAKER. Mr. President, it is a distinct honor and privilege for me today to introduce a very, very special group of constituents in the gallery. They are the Hempfield High School Girls' Volleyball Team, known as the Black Knights. This is Hempfield, Lancaster County. There is also Hempfield, Westmoreland County. These young ladies captured the 2012 PIAA State Class AAA Girls' Volleyball Championship. They won by scores of 25-21, 18-25, 25-16, and finally 25-23. That is, Mr. President, two State titles in the last 3 years, and it is the fourth State girls' volleyball championship in their school's history. It is just outstanding. The Black Knights were led under the direction of head coach Tom Hunt; junior varsity coach Matt Shawaryn; and assistant coaches Mike Elliott, Gary Dimm, and Casey Baum. The team, consisting of 16 players, along with their coaches, are in the Senate gallery today, Mr. President, and they are very deserving of our warmest Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Brubaker please rise to be welcomed by the Senate.

(Applause.)

GUESTS OF SENATOR ANTHONY WILLIAMS PRESENTED TO THE SENATE

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

Senator WILLIAMS. Mr. President, it is indeed an honor to welcome to the hall of the Senate some of the greatest Americans, Pennsylvanians, and Philadelphians that we have, educators and students of Philadelphia's charter school community who are with us here today. They are in the Capitol lobbying on behalf of their district to make sure all children get the benefit of a public education at a high-quality standard. But, clearly, these are the pioneers who are leading in an industry, a category, and an area that was historically challenged and undefined. Clearly, they defined it with excellence. I ask my guests to rise and the Members of the Senate to greet them with a warm round of applause.

The PRESIDENT pro tempore. Would the guests of Senator Williams please rise to be welcomed by the Senate.

(Applause.)

GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, it is my pleasure today to host the guest Chaplain for the State Senate of Pennsylvania. Dr. James Arcieri has been a pastor since 1986. He graduated from Bible Seminary in 1985, and Providence Seminary as well. He is a former church planter with the PCA, and former Headmaster of StoneBridge School in Chesapeake, Virginia. He is currently pastor of the Community Bible Fellowship Church in Red Hill, Pennsylvania. He is married to his lovely wife, Vicki, who is

seated in the gallery, and they have three grown children - Elyce Arcieri Haller, as well as sons James and Joel. Mr. President, please join me in giving a warm Senate welcome to Pastor and Mrs. Arcieri.

The PRESIDENT pro tempore. Would the guests of Senator Mensch please rise to be welcomed by the Senate.

(Applause.)

GUEST OF SENATOR PATICK M. BROWNE PRESENTED TO THE SENATE

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

Senator BROWNE. Mr. President, it is a pleasure for me to introduce to the Senate today an outstanding intern who works in my Allentown district office. Matt Szuchyt is currently attending Kutztown University with a major in political science and business administration/management. Please give him a warm Senate welcome.

The PRESIDENT pro tempore. Would the guest of Senator Browne please rise to be welcomed by the Senate.

(Applause.)

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 beginning immediately.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, 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 PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 1 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED
THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 150, HB 293, SB 303 and SB 406 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 441 (Pr. No. 380) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; creating the Plumbing Contractors Licensure Account; and making an appropriation.

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 Costa.

Senator COSTA. Mr. President, will the prime sponsor of the bill consent to brief interrogation?

The PRESIDENT. Senator Erickson indicates he will. Senator Costa, you may continue.

Senator COSTA. Mr. President, the bill allows first and second class counties, but not other municipalities, to impose licensing requirements beyond those contained in the bill on plumbers working in those counties. Mr. President, my specific question is whether or not the gentleman intends the bill to give second class A counties the authority to impose additional licensing requirements on plumbers working in those counties?

Senator ERICKSON. Mr. President, no, that is not the intent of the bill.

Senator COSTA. Mr. President, just so I am clear, it is my understanding that the gentleman does not intend to give second class A counties the authority to impose additional licensing requirements on plumbers working in those counties. Is that correct?

Senator ERICKSON. Mr. President, yes, it is not the intent to give second class A counties the authority to impose additional licensing requirements on plumbers working in those counties.

Senator COSTA. Mr. President, I would like to thank the maker of the legislation. Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tomlinson has returned, and his legislative 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-47

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

NAY-3

Folmer	Hutchinson	Smucker
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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 present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

SB 571 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 586 (Pr. No. 560) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in ownership of property and legal title and equitable estate, further providing for right to dispose of a decedent's remains.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington

Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

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

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

PERMISSION TO ADDRESS

The PRESIDENT. Without objection, on Senate Bill No. 586, the Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, the unanimous vote that was just taken on Senate Bill No. 586 is an important one. This bill is a very simple, straightforward way for us to recognize the people in our military who make the ultimate sacrifice, and we all know what that means. That means they give their lives to protect our country and the freedoms that we all respect. Senate Bill No. 586 brings Pennsylvania law into compliance with other Federal laws, and this compliance process is immensely important. Pennsylvania will now join 40 other States that have an agreement in which the State and Federal governments have direct alignment on how the remains of our fallen heroes are taken care of.

Thank you, Mr. President.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 681 (Pr. No. 1150) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the protection of victims of sexual violence, for duties of law enforcement agencies, for procedure and for penalties; and, in juvenile matters, further providing for definitions.

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-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward

Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

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

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

BILL OVER IN ORDER

SB 731 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 732 (Pr. No. 764) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for reimbursement for parts and service and for unlawful acts by manufacturers or distributors.

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-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 738 and **SB 739** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 763 (Pr. No. 782) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for roster of parties hunting big game.

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-50

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 987, HB 1112 and **HB 1119** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 928 (Pr. No. 1068) -- The Senate proceeded to consideration of the bill, 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, further providing for contributions by employees; establishing the Service and Infrastructure Improvement Fund; and further providing for the Unemployment Compensation Fund.

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 40 (Pr. No. 538) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for certificate requirements, for equivalency practice for individuals and for equivalency practice for firms and entities.

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

BILLS OVER IN ORDER

HB 46, SB 81 and **SB 137** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 492 (Pr. No. 1424) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for petitions to deny parole upon expiration of minimum sentence.

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

BILLS OVER IN ORDER

SB 699, SB 706 and **SB 707** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED
SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

SB 797 (Pr. No. 1148) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the calculation of military members' Public School Employees Retirement System benefits.

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

SB 798 (Pr. No. 818) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for rights preserved during leave of absence.

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

SB 802 (Pr. No. 1149) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1998 (P.L.655, No.85), known as the Boiler and Unfired Pressure Vessel Law, further providing for definitions, for design and construction, for construction of act, for registration of boilers and unfired pressure vessels, for shop inspection, for repairs and alterations and for field inspection; repealing provisions relating to issuance of certificates of operation, inspector commissions and fees for examination, enforcement, placement of equipment out of service, regulatory authority, right of entry, accident report, fees, procedure in prosecutions and penalties; and providing for field inspection frequency, for certificates of operation, for inspector commissions and for authorized private inspection agencies, for powers of department, for department investigation, for accident report, for fees, for department enforcement and for administrative penalties.

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

HB 818 (Pr. No. 928) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

On the question,
Will the Senate agree to the bill on second consideration?
Senator SCHWANK offered the following amendment No. A1829:

Amend Bill, page 2, by inserting between lines 16 and 17:
"Medical emergency." The term shall have the same meaning given to it in 18 Pa.C.S. § 3203 (relating to definitions).
Amend Bill, page 2, line 21, by inserting after "prohibit":
, except for medical emergencies.

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

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

Senator SCHWANK. Mr. President, my amendment is a simple but important one. It allows insurance exchange policies to cover situations based on a physician's good-faith clinical judgment, where a woman faces a serious risk of substantial and irreversible damage to an important bodily function. That is exactly what the term "medical emergency" means in the Pennsylvania Abortion Control Act, and it is the precise meaning it has under this amendment. It is language with a meaning that has been well-established in our law for a quarter of a century.

When a woman faces serious health risks, the Affordable Care Act, the law that establishes the requirements for these exchanges and authorizes the restriction of abortion by States in exchange policies, should be our guide. Members should be aware that the ACA permits Federal funding for abortions when a woman's health is at risk. Our exchange will be Federally operated and there will be no State revenue involved, and the exchange should permit coverage in these limited situations. Let me repeat that, for an abortion to be covered under my amendment, a woman must have an important bodily function, maybe a kidney, maybe a lung, maybe even the possibility of future pregnancies at risk. But not just any risk. The risk has to be a serious one determined by a physician, one that is likely to occur without the abortion, and the harm cannot be just something trivial. It has to be substantial and irreversible. Let us be clear, passage of this amendment only permits a woman to have coverage for such a serious risk to her health. She will still be partly or entirely responsible for the cost. And she should be able to make the decision, it is not one we should make by prohibiting it to her.

Mr. President, we should trust the ability of a woman to make prudent medical decisions on her own behalf. If you believe that the legislature of Pennsylvania is better able to foresee, understand, and appreciate all the possible medical and economic implications for women and their families more than the woman, her family, and doctor can, then we are willingly trampling on the legally recognized rights of women. This is legislation that will not only affect all of us here, but it affects our constituents as well. This amendment is common sense and will facilitate the health of women in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

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

YEA-24

Baker	Farnese	McIlhinney	Vance
Blake	Ferlo	Schwank	Washington
Boscola	Fontana	Smith	Wiley
Brewster	Hughes	Stack	Williams
Costa	Kitchen	Tartaglione	Wozniak
Dinniman	Leach	Teplitz	Yudichak

NAY-26

Alloway	Folmer	Rafferty	Vulakovich
Argall	Gordner	Robbins	Ward
Browne	Greenleaf	Scarnati	Waugh
Brubaker	Hutchinson	Smucker	White
Corman	Kasunic	Solobay	Yaw
Eichelberger	Mensch	Tomlinson	
Erickson	Pileggi	Vogel	

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 second consideration?

Senator VANCE offered the following amendment No. A1423:

Amend Bill, page 2, line 24, by striking out "Included" and inserting :

Publicly subsidized

Amend Bill, page 2, line 26, by inserting after "exchange":
, which is purchased and paid for in whole or in part with the use of a public subsidy,

Amend Bill, page 2, by inserting after line 30:

(c) Privately purchased coverage.--A qualified health plan offered in this Commonwealth through the health insurance exchange, which is purchased and paid for solely with the use of private funds, may include coverage for the performance of an abortion. The department shall determine and charge any administrative costs incurred for the purchase of this type of policy on the health insurance exchange.

Amend Bill, page 3, line 1, by striking out "(c)" and inserting :
(d)

Amend Bill, page 3, line 7, by striking out "(d)" and inserting :

(e)

Amend Bill, page 3, line 8, by inserting after "individual":
obtaining coverage under subsection (b)

On the question,

Will the Senate agree to the amendment?

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

Senator VANCE. Mr. President, this amendment is about private insurance companies under the insurance exchange. I want to make it very clear that there will be no State funds used for an abortion in Pennsylvania in any way, or Federal funds, since we are in the Federal exchange. Presently, there are about 80 private insurance companies that offer--private insurance companies that people pay for with their own money--that provide abortion coverage. They say there is no change, this is a dramatic change that takes away those 80 companies that would offer this, and says they no longer can offer it.

There have been some assumptions made that I would like to address. First of all, some people believe that everything through the exchange would be subsidized. Not true. My amendment only affects those private insurance companies that people pay for. I have also heard the rationale that there are lots of opportunities outside the exchange to buy private insurance. To date, there may be one, but let us think about this, that one may not even be in your area. You may have absolutely no opportunity.

The exchange was conceived, and some people like what they call Obamacare and some people do not like it, but this exchange was conceived to be a marketplace that people could go in and select the insurance that was best for them. We are only talking

about private insurance, no taxpayer funds. I believe we should not be using taxpayer funds. There is adequate protection for segregation of these funds. The Affordable Care Act is very clear about how this can be done. I do not think we want to, and big government should be not be stepping in to penalize private insurers and people who buy that private insurance. I ask for a positive vote on this amendment. Thank you.

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

Senator BOSCOLA. Mr. President, the Vance amendment should actually be an easy vote. It should actually be an agreed-to amendment by all standards, but unfortunately, and unnecessarily, it is not. All the Vance amendment does is reconcile the existing Federal carve-out with our State's law. It assures, by the strictest of standards, that no public dollars can be used toward abortion coverage. Period. How strict? Let me give you an example. Not only the cost of the coverage, but even the administrative costs would be factored in and carved out of this coverage and would require a separate payment.

Mr. President, I will inform the Members of a critical deadline that just passed yesterday. Yesterday was the last day a health insurer could submit or make changes to a plan to be included in the health exchange. Mr. President, we know of at least one of our health insurer carriers in the Commonwealth that included a plan with abortion coverage as a rider. Now, without the Vance amendment, any proposal that included an abortion health coverage option is imperiled and could be disqualified in its entirety from the exchange. So keep this in mind, because if we fail to pass the Vance amendment, House Bill No. 818 could disqualify some of our insurers from participating in the exchange, further limiting access to healthcare for all Pennsylvanians, men and women alike.

There is no good or logical reason to oppose the Vance amendment unless you are a part of a bigger measure here, which I will talk about on final passage tomorrow. Mr. President, I sincerely hope Members will join me in supporting the reasoned amendment that adheres to both Federal and State law while preserving a woman's right to use her private money to make her own private healthcare choices.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I rise to echo some of the remarks formerly made, but I also rise to support Senator Vance's amendment for several reasons. First, she is an authority on healthcare issues with her background in nursing, and I have often looked to her for leadership on women's health issues. Secondly, what she has stated, that no State or Federal dollars are going to be used to purchase abortion coverage on the health insurance exchange, is absolutely accurate. I do not agree with many of the things that the Obama administration does. I do agree with a number of them, and I happen to think that on this particular issue toward healthcare, the administration and those in the U.S. Senate and Congress showed remarkable sensitivity on the issue of abortion. Under the Federal Nelson amendment, clearly abortion coverage must be paid for with a separate check and kept in a separate fund from other health insurance moneys. Federal and State subsidies cannot and will not be used for insurance that covers abortion services.

The issue we are talking about is a solution searching for a problem. The Vance amendment, nonetheless, takes a step further and makes the language of the Federal statute even stronger. The Vance amendment requires a person buying insurance coverage that covers abortions to write a separate check to cover the administration costs of selling abortion coverage on the health insurance exchange.

Now, another thing is that 80 percent of the insurance policies already sold in the Commonwealth cover abortions. If people do not want that kind of coverage, they should not choose that insurance company, and it is something that people have a right to choose with regard to healthcare decisions. It is really an issue that women have to decide with their healthcare provider what kind of coverage that they want to buy.

Finally, from an administrative level, Mr. President, we really are too late to change what benefits are offered on the health insurance exchange. Insurance companies had until May 3 to send the health insurance policies they plan to sell on the health insurance exchange to the Department of Insurance for approval. From May 3, they had 30 days to modify the plans. I believe that even if House Bill No. 818 is passed, abortion coverage will be part of the insurance policy sold on the exchange. So, we should adopt the Vance amendment, Mr. President, because it will keep us in compliance with the Federal law. For this and many other reasons, I urge passage of the Vance amendment.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Teplitz.

Senator TEPLITZ. Mr. President, I imagine that every Member in this Chamber has struggled with this issue, the broader issue of abortion; struggled with it as a policy matter, as a religious matter, and let us face it, as a political matter as well. I respect the fact that it is such a complicated and challenging issue for all of us. I think it is unfortunate, though, that the discussion is now moving from what women can do with their own bodies, to what women can do with their own money. And that is where the Vance amendment tries to be constructive.

I completely respect the concern about the use of tax dollars to cover a procedure that many of those in this Chamber have concerns about from a variety of perspectives, and I would not try to persuade you to change your mind on the issue of life in general. The narrow issue of the use of tax dollars to cover abortions has already been addressed multiple times in State and Federal law through the Nelson amendment to the Affordable Care Act, through President Obama's executive order signed at the same time, through the Hyde amendment, and in State law through the Abortion Control Act. So, the issue has been addressed and resolved, but I commend Senator Vance for going several steps further and trying to further address those concerns to make it absolutely clear that tax dollars would not be used for abortion. By segregating the funds, by keeping the tax element of this from the payment for coverage, from the administrative fee that the Department of Insurance needs to charge to administer the program, so that at the end of the day the Vance amendment succeeds in insuring that this comes down to spending private money for private insurance. That is really what we should focus on.

So, I will end where I began, we have two parties represented in this Chamber. One that generally talks about keeping government out of the bedroom, and another that talks about keeping

government out of our wallets. I would like to do both, keep government out of both, and that is what the Vance amendment attempts to do by addressing the core concern of State funding. Thank you very much.

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

Senator LEACH. Mr. President, I may actually surprise some people, because I rise to indicate that I will be voting "no" on the Vance amendment. I will not be voting "no" for what I consider to be the irrational reasons of some of the people who are voting "no" for other reasons. I am voting "no" because this bill codifies in law the idea, which is already part of other laws, that taxpayer funds should not be used for abortion services. I disagree with that premise. I believe the taxpayer dollars should be used for abortion services. Abortion is a legal, constitutionally protected right, and it is healthcare that not only do women want and have a demand for, as we see by 40,000 abortions in Pennsylvania last year, but very often need; need in order to protect their life and need in order to protect their health.

When we say that no taxpayer money, no Medicaid, no Medicare, no taxpayer money of any kind will go to pay for abortion services, what we are saying is, we are going to make abortion services unaffordable for poor women. What do we gain by making abortion services unaffordable for poor women? What happens if we do that, is that women still need the services. Women still wind up in tragic situations, women still wind up in desperate situations, women still wind up in health and life-threatening situations. But without the coverage for the abortion services, they are forced to go to places where they can afford to get abortions that they cannot afford to get out of their own pocket, and abortions they cannot afford to pay coverage for. What happens? Well, we have seen, Mr. President, what happens in those cases. We saw recently in the Gosnell case, which gained national notoriety for the horrible conditions women were forced to go to to get services from Mr. Gosnell.

Now, why would a woman choose to go to someone like Gosnell? Or even worse, why would a woman choose to go to a back alley person? Why would a woman choose to go to someone who is unscrupulous? They choose to do that, Mr. President, because they had no choice. If they had the choice to go to a safe, legal facility and have their services covered, and have it done in a way that was affordable to them, obviously every woman would do that, especially, when a woman's health is at risk. What is she supposed to do if she cannot get coverage that covers this? That was what was defeated in the Schwank amendment. If she cannot get coverage that covers her abortion, even if her health is at risk, what is she supposed to do? This is a horrible dilemma that we have put women into. If you do not want more Gosnells, if you have spent a good deal of time in your districts, on television, or in newspapers condemning the butchery of Gosnell, which I condemn as well, then you cannot be for making it so that women have no choice. You have to make it so women can get safe, legal abortions in this country, and if that requires them to be covered, that requires them to be covered. If they get their health insurance from the government, as hundreds of thousands of women do in Pennsylvania, that is what they have to get. This is healthcare, again, that women need.

Now, Mr. President, some will say, well, I do not believe in abortion, why should I have to pay my tax dollars for that? The fact is that we all have to pay tax dollars for things we do not

support. I was opposed to the Iraq war, I still had to pay for it. I am opposed to the death penalty. My tax dollars still go to pay for executions and the protocol, the hundreds of millions of dollars we spend every year on our machinery of capital punishment. I have been publicly opposed to some of the more insane manifestations of the war on drugs, but we are still spending \$350 million a year of tax dollars, including my tax dollars, for that. I understand that, I do not complain about that. I oppose the policies, but once we make a democratic decision to have a policy, we all have to pay for that policy. So the idea that we do not have to pay for things because we do not like them is just not consistent with any other area of the law. Mr. President, this policy, and I am not speaking to the maker of the amendment, I know what her intentions are and I respect them, but the broader policy of saying that we are just going to do everything we can to deny women, mostly poor women, access to this procedure which they need in many cases, is killing women, Mr. President. This is something that I do not know how we can have on our conscience.

So, I will oppose the Vance amendment to make a statement that when everyone gets up and says, well, of course, God knows, we are not going to have taxpayer dollars pay for abortion, someone needs to question that underlying policy. That is what I intend to do with my "no" vote.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, it is sometimes difficult to follow my good friend and colleague, Senator Leach, but I will attempt to do so and make some very salient points. The problem is, Mr. President, we are going down a path of having a conversation about an issue that, in many respects, is a settled reality across the country. The Federal government is prohibited from covering an abortion unless the pregnancy has resulted from rape, incest, or danger to the life of the mother, through the Hyde amendment, 1977 and 1993. The Affordable Care Act specifically does not permit any Federal money to be used to support abortions, which public and State funds could not legally cover. The Affordable Care Act and the White House executive order maintains the Hyde amendment restrictions and specifically extend those restrictions to the newly created health insurance exchanges which become active in 2014. The Affordable Care Act maintains Federal conscience protections for healthcare providers who object to performing abortions or sterilization procedures that conflict with their beliefs. The Affordable Care Act provides protection for healthcare facilities unwilling to provide, pay for, or refer women for abortions. The Affordable Care Act requires that if insurance coverage for abortion is included in the plan in the exchange, that a separate premium is required for the coverage, and it must be paid for by the policyholder. The Vance amendment reinforces all of these provisions.

This is a settled reality which the Vance amendment reinforces. What must be clear, Mr. President, in the broader conversation is that this is a continued step toward a path to restrict quality reproductive healthcare services for all women, and especially low-income women. I support the Vance amendment. It is a settled reality. However, we need to be, Mr. President, making sure that no matter what your economic condition is, no matter what your class, no matter what your circumstances, that you

have access to the highest quality of reproductive healthcare services.

Mr. President, it is a sorry day and it is a sorry period that we are having this kind of conversation given the other realities that exist in the Commonwealth of Pennsylvania. Most people in this Commonwealth support a woman's right to make the choice about what to do with the reproductive healthcare reality of their situation, and especially in the conversation around abortion. Yet, we still come back to this conversation, we are still back to dividing people, we are still back to creating an environment where low-income women do not have the access necessary. We see what happens when that occurs. Mr. President, I support the Vance amendment. I am sorry to say, however, that we are having this kind of conversation in an environment where it has been settled that women should have the best access to the best quality of healthcare services no matter what their circumstances are, and we are retreating from that position.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, just very briefly, I am going to support the Vance amendment. Like I have said over and over again, not only this term but last term as well, I have been trying to understand the logic behind the former Senate bill and, of course, this House Bill No. 818. The only point I really want to make about the Vance amendment is this: the only thing that could possibly make this amendment any better would have been if this Chamber would have shown the political strength to support the Schwank amendment, which was right before this, that was the only thing that could have made this amendment better. Quite frankly, the fact that we are even debating this type of bill, House Bill No. 818, and the amendment to it, given where we are on this date, June 4, says a lot about our priorities and this administration's priorities.

Again, I rise to support the Vance amendment. I think that this body should have recognized the importance of the amendment prior to this, and that would have made what we do here today at least passable and given us some kind of solace to think that what we are doing here really does matter. Because at the end of the day, as previous speakers have said, the fact that we are taking up the people's time, not our time, the people's time, and that this administration sees this legislation--because quite frankly, this is the language that this administration has been pushing now for 3 years. One of the very first bills that this administration pushed was this language when they took office. The fact that they believe that this is the way we should be spending the last 27 days in June says a lot about priorities.

So, again, I rise to commend Senator Vance for her leadership on this issue. I think it is also important that we recognize the leadership of the Senate Democratic women - Senator Schwank, Senator Kitchen, Senator Boscola, Senator Washington, and Senator Tartaglione - who have advocated for this issue and who have been leaders in this Chamber on this issue. I thank them for their past and continued leadership.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator White.

Senator WHITE. Mr. President, I want to apologize to this body for this issue being so potentially divisive. I understand the sensitivities. I have to say, though, we have lived with a law that

is currently on the books since 1992. If it were not for the national healthcare reform, this would not be an issue. As a result, I think we also know that if this amendment passes, and it goes to the House, we know that it would be in one way or another kicked back to us after the amendment was stripped and referred to a prior printer's number. I am sorry and I apologize that this has to be done. I am trying to uphold the law as it stands on the books today and going forward. We have until January 1, 2014, to comply. I think that the arguments here are passionate, I think they are articulate, but I very much want to say that I would appreciate getting this issue out of this Chamber, and would appreciate a "no" vote on this amendment. Thank you.

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

Senator WILLIAMS. Mr. President, for the benefit of the record, I recognize that the gentleman truly believes that this relates to what is described as Obamacare. The truth is, on the comment that the divisiveness just occurred, this issue has been here for a long time. That is the truth in this Chamber, that is the truth in the House of Representatives, and it is certainly true for people who run for Governor. This issue of whether a woman has a right goes as far back as to when the Supreme Court had to weigh in on *Roe v. Wade*, and the law of the land now is that a woman does have a right to protect her health, does have a right to make that decision, and she should be protected by this country. Fortunately, we have decided to whittle away at that.

This activity that we take upon today, this amendment of which I am supportive, attempts to provide some level of limited dignity to women who have been, unfortunately, affected by the activities of this body. I am sure there will be a fuller debate and discussion tomorrow when we actually consider the bill, but I did want to take exception to the words and the characterization that this is a new phenomenon based upon the national health insurance debate. It is not. Unfortunately, like a lot of activities around here, this is a veiled and cloaked activity directed in a very specific area of ideology about which people have a difference of opinion. While I respect those opinions, I do not buy into the fact that this is a particularly new event.

Again, for the record, the divisiveness was not caused by the national debate. It is one that people hold in their hearts, their conscience, their minds, and their own character. I am sure they will vote their conscience today and tomorrow.

Thank you, Mr. President.

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

Senator EICHELBERGER. Mr. President, I would like to clarify a few things about the amendment. It is a simple process to think through when we have this amendment before us today. We do not really, in my opinion, and I think in the court's opinion, as this would end up if we pass this amendment today, would tell us that we do not have a choice in this matter. We already have a law on the books, the Pennsylvania Abortion Control Act. That law tells us, it was voted on many years ago, that we do not permit the use of government funds to pay for an abortion in Pennsylvania, with three exceptions - rape, incest, and the life of the mother. That is already history. If we wanted to debate that today, we can start a new process for that. But we are here today to talk about the Affordable Care Act, Federal law. The policies purchased through the exchange program of the Affordable Care Act are Federally subsidized. There is no debate

about that. People can say they are not, but they are. They are subsidized because the Federal government is administering the program, helping with the program, promoting the program, handling claims for the program, and doing all sorts of things for the program, so the carrier's policies are Federally subsidized.

The Federal government gave us one choice to make in regard to the coverages that are provided through the exchange, not multiple choices, not customizing policies. They dictate to the insurance carriers what coverages are presented in their policies. They give us the option as a State to say whether we will allow elective abortion services to be provided through the exchange policies. We already have a law on the books that says, we do not allow that to happen. So, knowing that we do not have the choice to customize, knowing that we are prohibited from allowing money that is coming through the Federal government to pay for abortions, we do not have a choice in this matter. I think this amendment is not legal, and I think that we are confusing it in some respects with a Federal amendment, that was the Nelson amendment, which is an entirely different matter that should not be confused with current Pennsylvania law. That is what we are here to talk about, and the current Pennsylvania law is clear. So I ask people today, for that reason and many others, to not support this amendment.

Thank you, Mr. President.

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

Senator VANCE. Mr. President, for the second time and very briefly, we are talking about the exchange, we are talking about private insurers on the exchange. The ACA does allow for allocation of payments to private companies to be able to offer what they wish. I think it is a very dangerous precedent when we as a government should decide what to tell private insurers what they can and cannot do, and all of us what we can and cannot do with our own money. So, I respectfully ask for a positive vote on this amendment.

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

Senator WILLIAMS. Mr. President, I ask the gentleman who was describing the Federal law to stand for a brief period of interrogation.

The PRESIDENT. Senator Eichelberger indicates that he will. Senator Williams, you may continue.

Senator WILLIAMS. Mr. President, I thank the gentleman for standing. For clarity, the gentleman explained that the current amendment is illegal in the context of Federal law. So I want to make sure, because the gentleman was not quite clear, the gentleman mentioned the Nelson amendment and then the gentleman talked about this law. So, can the gentleman, for the benefit of the record, explain to me that portion the gentleman was trying to describe?

Senator EICHELBERGER. Mr. President, I am not quite sure of the question. But I am simply explaining that--

Senator WILLIAMS. Mr. President, I will make it more clear.

Senator EICHELBERGER. Okay.

Senator WILLIAMS. We do not have an exchange here--

The PRESIDENT. Gentlemen, through the Chair, please.

Senator WILLIAMS. My apologies.

The PRESIDENT. Senator Williams, if you could clarify your question.

Senator WILLIAMS. Mr. President, we have chosen, apparently, or the Governor is deciding whether or not we are going to have an exchange. In lieu of that, the Federal government will be the entity. And if that is the case, then why would we be intervening in that process through a State process?

Senator EICHELBERGER. Mr. President, the Federal government just gave us one question. They did not give us the ability to customize these exchange programs. They gave us one question. We are not changing anything for private carriers. We are going back and telling the Federal government that we are not going to allow, because of our State law, the operation of abortions to come through Federally-subsidized insurance policies. That is the question before us, and that is why confusing it with other Federal issues does not apply in this case. Thank you.

Senator WILLIAMS. Mr. President, again, the issue still resounds to that. But further, where is it that Federal dollars are subsidizing these abortions? It is very clear, as it is explained through the Federal process, that premiums of the insurer who pays for it privately would support. That is why you buy the insurance, just in case you have the need to use the insurance.

So, explain to me at what point—and I heard the Federal government is administering. Administration is not the delivery or execution of anything. And by the way, that standard has been established in several agencies across the country, prior to this conversation. So, administration is one portion of it. But the truth is, the premiums are supporting it through private dollars. So if the gentleman can explain to me where the Federal portion is in this conversation, I think we would all be happy to retreat, but there has been no other evidence other than this general comment about administration.

Senator EICHELBERGER. Mr. President, certainly administration is a cost involved with delivering services from an insurance product. Administration is a great portion of the cost. If any part of that is provided by somebody else, they are subsidizing that program. So that, I do not think, is difficult to understand. You might not think it is glamorous, but administrative costs are very high, and that is certainly a portion of subsidization for the program.

The other thing is, people are paying into this in a common fashion. We would have people paying into the exchange policies -- if we included elective abortion, other people in Pennsylvania, everybody buying into that product would pay a certain tax or fee into the system for the allowance of elective abortion in that exchange. That would be additional money that would be included in the exchange. That would be coming from ratepayers from across the Commonwealth, folks that are single men, young children, et cetera. So that is the second way that people get into this system and get subsidized coverage.

Senator WILLIAMS. Mr. President, I think the more the gentleman speaks, the more confounding the answers become. Maybe Senator White might want to chime in, he is an expert on insurance. But let me understand this. The gentleman says that the administration process is, in fact, a part of the insurance process. That means that a doctor who receives the payment from the insurance, one that is fraudulently involved in activity, I think Senator White would confirm that, because there is not a check written by any governmental entity. It will come from the insurance company, of which they have to pay fees. And by the way, I believe, the insurance companies have to report and itemize the expenses associated with expenditures as it relates to any proce-

cedure, and they do not account to the administration of our government as a part of that.

As a matter of fact, in this State, we have a department that relates to insurance, I do believe, and that department has the responsibility of oversight to make insurance companies operate appropriately in Pennsylvania. Appropriately, saying that if you are in a car accident, something collapsed on your home, your roof collapses, or you personally have to use it for your own healthcare, that, in fact, they deliver the payment for the insurance you pay. There is a department which insures that. What this gentleman is now saying is that that department is a part of the private sector and is associated with those expenses. Which means that either the insurance company is breaking the law or we have not administered the law.

So, if the gentleman can explain to me that dilemma that we have in the Commonwealth, I would be happy to convey it to the Federal government, but that is what was basically said. The gentleman said an oversight entity is now associated with the private sector. Which, by all standards, I have never heard that before. But if the gentleman can explain to me how I am wrong about that, I would be satisfied to hear it.

Senator EICHELBERGER. Mr. President, I am a bit confused about where the gentleman went with the question. But let me explain again. Simply, the insurance products that are offered in the exchange are Federally subsidized. The private carriers involved will perform functions as typical insurance carriers do, but their product will be subsidized by Federal tax dollars. That is prohibitive under the Abortion Control Act of Pennsylvania.

Thank you, Mr. President.

Senator WILLIAMS. Mr. President, maybe the gentleman does not understand. So, if I could ask Senator White, who is an expert on insurance. This concept which the other gentleman keeps suggesting, and the gentleman keeps saying as a matter of fact, that this process of administration is what is supporting the fees is absolutely wrong.

The PRESIDENT. The gentleman will yield so I can inquire as to whether or not Senator White is willing to stand for interrogation.

He has indicated so. Senator Williams, you may continue.

Senator WILLIAMS. Mr. President, the question abounds, as described to me and the other Members of the Senate, the administration of the exchange by the Federal government is now attributed to the premiums in which an insurance carrier would now be reimbursing a doctor. If you can explain to me how that works differently than in the State of Pennsylvania, where there is an administrative entity that oversees an insurance company, I would be happy to hear that.

Senator WHITE. Mr. President, I am not sure, my distinguished colleague, that I totally understand the question, but there is--

Senator WILLIAMS. Mr. President, it is for the record, one is either going to agree or disagree, which I understand. It has been alleged, since we have had discussions about this, that the reason and the motivation behind this is because we do not want Federal dollars associated with the execution of an abortion.

Senator WHITE. Mr. President, correct.

Senator WILLIAMS. Mr. President, the previous gentleman said that the Federal government will be subsidizing these abortions.

Senator WHITE. Mr. President, correct, we did not--

Senator WILLIAMS. Mr. President, we are alleging and saying that insurance is paying for the procedure. If it is insurance that is paying for the procedure, then the Federal government, by law, is not allowed to subsidize it because the premium is paying for it, for which you pay. So which point do they cross lines? I am confused by that.

Senator WHITE. Mr. President, I would like the gentleman to readdress that in the form of a question that I can -- he has lost me.

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

Senator WILLIAMS. Mr. President, I think that we have worked out the language. The question is for the individual who probably knows the most about insurance in the Senate. If the gentleman could describe publicly how he understands this exchange process to work with the premiums in and with the execution of the administration of the entity.

Senator WHITE. Mr. President, to the best of my knowledge, and the gentleman has to forgive me, none of these rules and regulations have all been necessarily transpired and written in stone anywhere. So the flexibility is somewhere out there. It is still out in cyberspace. But the way I understand it, if, for example, Joe Smith decides to buy, let us say, a \$1,000 healthcare policy from a company within the exchange, an insurance company that is doing business within the exchange, that particular product, the insurance company turns around, pays 3.5 percent to the entity, whoever is regulating these exchanges. In our case, it is not Pennsylvania because we opted out. In this case, it would be to the Federal government.

Senator WILLIAMS. Mr. President, so, as I understand it, the entity that has the responsibility of running this may have other expenses in addition to the one that you are describing. Would that be correct?

Senator WHITE. Mr. President, yes, I believe so.

Senator WILLIAMS. Mr. President, so the commingling -- you write your check for \$1,000 - Jane, Joe, Jamal, Johnny, whoever - writes all their money to the insurance. The entity that is overseeing this has the responsibility to maintain light bulbs, employees, pay out a variety of other things.

Senator WHITE. Mr. President, correct.

Senator WILLIAMS. Mr. President, at no point does the person who is writing the check make a decision about those expenses, nor by the way, to my knowledge, when you write that \$1,000 check is in the reporting process by the company that is taking the \$1,000 attributed to. Now, the expense part I understand, but they attribute your premium to you and you get the benefit of that premium. Is that correct?

Senator WHITE. Mr. President, that is correct.

Senator WILLIAMS. Mr. President, that concludes my questioning, and I will close with my comments.

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

Senator WILLIAMS. So as it was described earlier, clearly, I write a check for \$1,000, the responsibility is to me and my coverage. At no point in time is the person writing that check associating their private activity with the Federal responsibility, as described by the previous speaker. I think all of the comments made earlier to the attribution that suggests that I am writing a check to subsidize someone else's abortion, unless it is mine

solely, is actually fraudulent and, in fact, wrong by the previous comments of the gentleman. And I think, even though you may want to vote whatever way you choose to vote, the facts are what the facts are. This is not a federally subsidized activity, even though there is an entity that has to administer it and take out expenses. But it has nothing to do, ultimately, with an individual who is paying for the insurance. So, if you choose to, because you do not believe in a woman's right to choose, that is your affair. But it has nothing to do with the substantive argument about it having anything do with intermingling Federal dollars or the exchange process.

Thank you, Mr. President.

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

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

YEA-23

Baker	Ferlo	Schwank	Washington
Boscola	Fontana	Smith	Wiley
Brewster	Hughes	Stack	Williams
Costa	Kitchen	Tartaglione	Wozniak
Dinniman	McIlhinney	Teplitz	Yaw
Farnese	Mensch	Vance	

NAY-27

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Blake	Gordner	Robbins	Ward
Browne	Greenleaf	Scarnati	Waugh
Brubaker	Hutchinson	Smucker	White
Corman	Kasunic	Solobay	Yudichak
Eichelberger	Leach	Tomlinson	

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 second consideration?
It was agreed to.

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

BILLS OVER IN ORDER

SB 869, SB 886 and SB 914 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 118, ADOPTED

Senator PILEGGI, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 118**, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2013, including any amendments offered to or for supplemental appropriations for prior fiscal years.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate adopt the resolution?

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

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 Game and Fisheries to be held in the Rules room immediately, to be followed by a short Republican caucus to be held in the Rules room.

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

Senator COSTA. Mr. President, at conclusion of the meeting of the Committee on Game and Fisheries, the Senate Democrats will meet in the rear of the Chamber for a caucus as well.

The PRESIDENT. For purposes of a meeting of the Committee Game and Fisheries, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator Patricia H. Vance) in the Chair.

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 1 CALLED UP

SB 1 (Pr. No. 1145) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

SB 1 (Pr. No. 1145) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 20 (Decedents, Estates and Fiduciaries), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in anatomical gifts, further providing for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions; in sustainable mobility options, further providing for definitions, for the Public Transportation Trust Fund, for application and approval process, for executive and legislative reports, for coordination, for asset improvement program, for Statewide programs and for capital improvements program; providing for Alternative Energy Capital Investment Program and for multimodal transportation funding; in the Pennsylvania Turnpike, further providing for definitions, for commission and for electronic toll collection; in public-private transportation partnerships, further providing for agreement; providing for traffic signals and for the Bridge Bundling Program; in registration of vehicles,

further providing for certain special plates and providing for suspension of registration upon unpaid tolls; in licensing of drivers, further providing for expiration and renewal of drivers' licenses, for occupational limited license and for probationary license; in commercial drivers, further providing for fees; in financial responsibility, further providing for required financial responsibility; in fees, further providing for collection and disposition of fees and money, for passenger cars, for motor homes, for motorcycles, for motor-driven cycles, for trucks and truck tractors, for motor buses and limousines, for school buses and school vehicles, for trailers, for special mobile equipment, for implements of husbandry, for antique, classic and collectible vehicles, for farm vehicles, for ambulances, taxis and hearses, for dealers and miscellaneous motor vehicle business, for farm equipment vehicle dealers, for transfer of registration, for temporary and electronically issued registration plates, for replacement registration plates, for certain registration plates, for duplicate registration cards, for commercial implements of husbandry, for special hauling permits as to weight and size, for annual hauling permits, for mobile homes, modular housing units and modular housing undercarriages, for books of permits, for refund of certain fees, for driver's license and learner's permit, for certificate of title, for security interest, for information concerning drivers and vehicles, for certified copies of records, for uncollectible checks, for certificate of inspection, for messenger service, for reinstatement of operating privilege or vehicle registration and for secure power of attorney; in motor carriers road tax identification markers, further providing for identification markers and license or road tax registration card required; in general provisions, further providing for obedience to traffic-control devices; in State and local powers, further providing for regulation of traffic on Pennsylvania Turnpike; in penalties and disposition of fines, further providing for surcharge; in snowmobiles and all-terrain vehicles, further providing for fees; in Pennsylvania Turnpike, further providing for definitions and for deposit and distribution of funds; in liquid fuels and fuels tax, further providing for definitions and for imposition, tax, exemptions and deductions; in State highway maintenance, further providing for dirt and gravel road maintenance; in taxes for highway maintenance and construction, further providing for imposition and for allocation of proceeds; and directing the Joint State Government Commission to study replacement funds.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RAFFERTY offered the following amendment No. A1955:

Amend Bill, page 1, line 5, by inserting after "contributions;":
in administrative practice and procedure, further providing for minority and women-owned business participation;

Amend Bill, page 1, line 10, by inserting after "for" where it occurs the second time:

Alternative Energy Capital Investment Program and for

Amend Bill, page 1, line 11, by inserting after "funding;":

in airport operation and zoning, further providing for the imposition of a rental car customer facility charge by a city of the first class, for the collection of the customer facility charge on behalf of the city by rental car companies leasing space or obtaining customers at an international airport, for use of the proceeds of the rental car customer facility charge for the development, maintenance and operation of a consolidated rental car facility to improve services to the public at the airport; for an agreement between a city of the first class and rental car companies relating to the development and use of the consolidated car rental facility and for the administration and enforcement of the rental car customer facility charge;

Amend Bill, page 4, by inserting between lines 8 and 9:

(12) In furtherance of the Commonwealth's energy policy, which includes becoming independent from overreliance on foreign energy sources, programs must be established to promote reliance on or conversion to alternative energy sources, including the vast natural gas supply of this Commonwealth.

Amend Bill, page 4, line 9, by striking out "(12)" and inserting:

(13)

Amend Bill, page 6, by inserting between lines 3 and 4:

Section 1.1. Section 303 of Title 74 is amended to read:

§ 303. [Minority and women-owned] Diverse business participation.

(a) General rule.--In [administering] bidding and awarding contracts for transportation projects funded pursuant to the provisions of this title or Title 75 (relating to vehicles), the department, the commission and any local transportation organization shall:

(1) Be responsible for ensuring that all competitive contract opportunities issued by the department, the commission or local transportation organization seek to maximize participation by [minority-owned and women-owned businesses and other disadvantaged] diverse businesses.

(1.1) Include in information and bid documents released for bidding or solicitation on all competitive contracting opportunities notice to the bidder that:

(i) A prime contractor is required to document and submit all good faith efforts to solicit subcontractors from diverse businesses during the prebid and bidding process, which shall be evaluated by contracting entities.

(ii) The prime contractor must include in the bid the name and business address of each subcontractor certified as a diverse business that will perform work or labor, or render services to the prime contractor in connection with the performance of the contract.

(2) [Give] Encourage contractors to utilize and give consideration[, when possible and cost effective,] to contractors offering to utilize [minority-owned and women-owned businesses and disadvantaged] diverse businesses in the selection and award of contracts.

(3) Ensure that the department's, the commission's and local transportation organizations' commitment to [the minority-owned and women-owned business program] participation by diverse businesses is clearly understood and appropriately implemented and enforced by all applicable department, commission and local transportation organization employees.

(4) Designate a responsible official to supervise the department, the commission and local transportation organization [minority-owned and women-owned] diverse business program and ensure compliance within the department, the commission or local transportation organization.

(5) [Furnish the Department of General Services, upon request, all requested information or assistance.] (Reserved).

(6) [Recommend sanctions to the Secretary of General Services,] Impose sanctions as may be appropriate under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code), against businesses that fail to comply with this section or the policies of the Commonwealth [minority-owned and women-owned] diverse business [program] programs. This paragraph shall not apply to a local transportation organization.

(a.1) Additional duties of department.--The department, with the assistance of the Disadvantage Business Enterprise Supportive Services Center, shall have the following duties:

(1) Conduct the necessary and appropriate outreach, including using the database available on the Internet website of the Department of General Services, for purposes of identifying diverse businesses in general construction capable of performing contracts subject to this section.

(2) By October 1, 2014, and each October 1 thereafter, submit a report to the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives summarizing the participation level of diverse businesses in all competitive contract opportunities issued by the department, the commission or local transportation organization. The commission or local transportation organization shall cooperate with the department to complete the report. The report shall include:

(i) The percentage of participation by diverse businesses.

(ii) The total value of all contracts or subcontracts or other procurement contracts executed by diverse businesses pursuant to this section in the prior year.

(iii) The number of businesses penalized for violating this section.

(3) Transmit the report under paragraph (2) to the Minority Business Development Authority, established under the act of July 22, 1974 (P.L.598, No.206), known as the "Pennsylvania Minority Business Development Authority Act." The authority shall review the report to assess the effectiveness in advancing this section and to make any recommendations for changes in this section deemed necessary or desir-

able to the secretary and the chairman and minority chairman of the Transportation Committee of the Senate and the chairman and minority chairman of the Transportation Committee of the House of Representatives.

(a.2) Applicability.--The following shall apply to contractors and contracts subject to subsection (a):

(1) The provisions of 62 Pa.C.S. § 2108 (relating to compliance with Federal requirements).

(2) Prompt payment policies between a contractor and subcontractor adopted by the Department of General Services pursuant to 62 Pa.C.S. Pt. I.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Commission." As defined in section 8102 (relating to definitions).

"Disadvantaged business." A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias.

"Diverse business." A disadvantaged business, minority-owned or women-owned business or service-disabled veteran-owned or veteran-owned small business.

"Local transportation organization." Any of the following:

(1) A political subdivision or a public transportation authority, port authority or redevelopment authority organized under the laws of this Commonwealth or pursuant to an interstate compact or otherwise empowered to render, contract for the rendering of or assist in the rendering of transportation service in a limited area in this Commonwealth, even though it may also render or assist in rendering transportation service in adjacent states.

(2) A nonprofit association that directly or indirectly provides public transportation service.

(3) A nonprofit association of public transportation providers operating within this Commonwealth.

"Minority-owned business." A business owned and controlled by a majority of individuals who are African Americans, Hispanic Americans, Native Americans, Asian Americans, Alaskans or Pacific Islanders.

"Service-disabled veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

"Veteran-owned small business." As defined in 51 Pa.C.S. § 9601 (relating to definitions).

"Women-owned business." A business owned and controlled by a majority of individuals who are women.

Amend Bill, page 6, line 17, by inserting after "assistance":

, including the funds received under section 1517.1 (relating to Alternative Energy Capital Investment Program)

Amend Bill, page 8, by inserting between lines 20 and 21:

(5.1) If, by July 1, 2021, legislation is not enacted to replace the revenue deposited in the fund under subsection (b)(1), in fiscal year 2021-2022 and in each fiscal year thereafter, the following shall apply:

(i) An amount equal to that revenue shall be deposited in the fund.

(ii) Notwithstanding any other provision of law, the source of the revenue deposited in the fund under this paragraph shall be the receipts from the tax collected under section 238 of the Tax Reform Code on motor vehicles, trailers and semi-trailers.

Amend Bill, page 11, by inserting between lines 29 and 30:

(5) For the program established under section 1517.1 (relating to Alternative Energy Capital Investments Program), no more than \$60 million of the revenues deposited in the fund under subsection (c) may be allocated from the fund.

Amend Bill, page 21, by inserting between lines 3 and 4:

Section 8.1. Title 74 is amended by adding a section to read:
§ 1517.1. Alternative Energy Capital Investment Program.

(a) Establishment.--The department is authorized to establish a competitive grant program to implement capital improvements deemed necessary to support conversion of a local transportation organization's fleet to an alternative energy source, including compressed natural gas.

(b) Criteria.--The department shall establish criteria for awarding grants under this section. Criteria shall, at a minimum, include feasibility, cost/benefit analysis and project readiness.

(c) Additional authorization.--Notwithstanding any other provisions of this section or other law, the department may use funds designated for the program established under subsection (a) to supplement a local transit organization's base operating allocation under section 1513

(relating to operating program) if necessary to stabilize an operating budget and ensure that efficient services may be sustained to support economic development and job creation and retention.

Amend Bill, page 21, line 29, by striking out "\$20,000,000" and inserting:

the amount allocated

Amend Bill, page 22, line 7, by striking out "Money" and inserting:

Upon agreement of a majority among the chairman and minority chairman of the Transportation Committee of the Senate and of the chairman and minority chairman of the Transportation Committee of the House of Representatives, money

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

Ten

Amend Bill, page 22, line 24, by striking out "Four" and inserting :

Five and one-half

Amend Bill, page 22, line 26, by striking out "Four" and inserting :

Eight

Amend Bill, page 22, by inserting between lines 27 and 28:

(5) Two million dollars for programs related to bicycle and pedestrian facilities.

(6) The department may provide grants from money available under paragraph (7) for the following:

(i) Projects which coordinate local land use with transportation assets to enhance existing communities.

(ii) Streetscape, lighting, sidewalk enhancement, pedestrian safety and related projects.

(iii) Projects improving connectivity or utilization of existing transportation assets.

Amend Bill, page 22, line 28, by striking out "(5)" and inserting :

(7)

Amend Bill, page 23, by inserting between lines 13 and 14:

Section 9.1. Chapter 59 of Title 74 is amended by adding a subchapter to read:

SUBCHAPTER C

FIRST CLASS CITY CONSOLIDATED CAR RENTAL FACILITY Sec.

5931. Scope of subchapter.

5932. Definitions.

5933. Customer facility charge.

§ 5931. Scope of subchapter.

This subchapter relates to first class city consolidated rental car facilities.

§ 5932. 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:

"Airport." A public international airport located partially in a city of the first class and partially in an adjacent municipality.

"Airport owner." Any of the following:

(1) A city which owns and operates an airport.

(2) An authority created by a city of the first class to own and operate an airport or any portion or activities of the airport.

"Airport property." Property owned and operated by an airport owner, including property that is leased, licensed or available for use by the airport owner.

"City." A city of the first class.

"Concession agreement." A regulation, contract, permit, license or other agreement entered into between an airport owner and a vehicle rental company which includes the terms and conditions under which the company may transact its rental vehicle business at the airport or on airport property.

"Customer facility charge." A fee assessed on each motor vehicle rental fee under this subchapter for the purpose of funding all or part of the cost of:

(1) A rental facility.

(2) A rental facility improvement.

(3) The proportionate cost of a transportation system.

(4) A rental facility operation and maintenance expense.

"Motor vehicle." A private passenger motor vehicle that meets all of the following:

(1) Is designed to transport not more than 15 passengers.

(2) Is rented for not more than 30 days without a driver.

(3) Is part of a fleet of at least five passenger vehicles used for the purpose under paragraph (2).

(4) Is owned or leased by a vehicle rental company.

"Rental facility." A consolidated facility for the use of a vehicle rental company to conduct business on airport property.

"Rental facility agreement." An agreement entered into between an airport owner and a vehicle rental company which includes the following:

(1) Location, scope of operations and general design of the rental facility, rental facility improvements and a transportation system which connects to a terminal or related structure.

(2) The manner in which the proceeds of the customer facility charge are to be used for the development, operation, maintenance and funding of a rental facility, a rental facility improvement, the proportionate cost of a transportation system and the cost of operations and maintenance.

(3) A procedure and requirement for a consultation regarding the implementation of this subchapter and the disclosure to vehicle rental companies of information relating to the collection and use of the customer facility charge.

(4) A methodology and procedure by which the amount of the customer facility charge will be calculated and adjusted.

"Rental facility improvement." A facility or structure on airport property that is for the common use of vehicle rental companies. The term shall include planning, finance, design, construction, equipping or furnishing of the facility or structure.

"Rental facility operations and maintenance." The cost of operating and maintaining a rental facility, including the day-to-day cost.

"Transportation system." A system which transports an arriving or departing vehicle rental customer between a terminal and related structure and the rental facility.

"Vehicle rental company." A business entity which meets all of the following:

(1) Is engaged in the business of renting a motor vehicle in this Commonwealth to a customer using airport property.

(2) Operates from an on-airport or an off-airport facility.

§ 5933. Customer facility charge.

(a) Imposition.--A city may impose a customer facility charge of not more than \$8 per rental day on a customer renting a motor vehicle from a vehicle rental company doing business at an airport. A customer facility charge may:

(1) be imposed notwithstanding the absence of authority in a regulation, on-airport concession agreement or off-airport concession agreement or permit; and

(2) not affect the validity or enforceability of a concession agreement or permit.

(b) Amendment.--The following shall apply:

(1) After executing a rental facility agreement with each vehicle rental company, the following shall apply:

(i) A city may increase or decrease the customer facility charge in an amount necessary to fund the costs as authorized under the rental facility agreement.

(ii) The terms of the rental facility agreement may be amended upon agreement by the airport owner and each vehicle rental company no more than once per calendar year.

(2) An amended rental facility agreement may authorize the increase or decrease of the amount of the customer facility charge to fund the current costs authorized under the rental facility agreement.

(c) Enforcement.--The terms of a rental facility agreement may be interpreted and enforced by a court of competent jurisdiction through the imposition of a mandatory or prohibitive injunction. Monetary damages may not be awarded to a vehicle rental company or to a person required to pay the customer facility charge for a violation of the terms and conditions of the rental facility agreement.

(d) Time limitation.--If a rental facility agreement is not executed within two years of the effective date of the implementation of the customer facility charge, a city may continue to impose and collect the customer facility charge authorized under subsection (a) or proceed, in consultation with the vehicle rental companies, to plan, design, finance and construct a facility to be used for the provision of vehicle rental service on airport property. The cost to a rental vehicle company of the facility and the proportionate cost of a transportation system under this subsection may not exceed the customer facility charge.

(e) Additional cost.--A customer facility charge shall be in addition

to other motor vehicle rental fees and taxes imposed under law, except that the customer facility charge may not constitute part of the purchase price of a motor vehicle rental imposed under any of the following:

(1) Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(2) The act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class.

(3) A law similar to the statutes under paragraphs (1) and (2).

(f) Collection.--The following shall apply:

(1) A customer facility charge shall be:

(i) collected from a customer by a vehicle rental company and held in a segregated trust fund for the benefit of the airport owner; and
(ii) paid to an airport owner on or before the last day of the month following the month in which the customer facility charges are collected.

(2) A customer facility charge may not constitute gross receipts or income of a vehicle rental company for the purpose of tax imposed by the Commonwealth, the city or a municipality.

(3) Funds in a segregated trust fund under subsection (a) may not be pledged, subjected to a lien or encumbered by a vehicle rental company.

(g) Use.--Proceeds of the customer facility charge shall be deposited by the airport owner into a segregated account to be used solely for:

(1) The planning, development, financing, construction and operation of a rental facility.

(2) A rental facility improvement.

(3) The proportionate cost of a transportation system.

(4) A rental facility operation and maintenance.

(h) Pledge.--An airport owner may pledge customer facility charge revenues for any of the following:

(1) The planning and design of a rental facility.

(2) The creation and maintenance of reasonable reserves and for the payment of debt service for the planning and design of a rental facility.

(i) Administration.--An airport owner may do any of the following:

(1) Require a vehicle rental company to provide periodic statements of account, file returns, authorize payments and maintain records, in accordance with the vehicle rental company's obligations under this subchapter.

(2) Conduct an examination to ensure a vehicle rental company's compliance with its obligations under this subchapter and may do the following:

(i) Collect an amount due.

(ii) Impose a lien and file a suit to recover an amount due.

(iii) Grant a refund.

(iv) Require the payment of an authorized addition to a customer facility charge, interest and penalty.

(v) Adopt rules and regulations to implement this section.

(vi) Seek criminal penalties, as provided for a city of the first class for the collection of taxes, for failure to comply with the requirements of this subchapter.

Amend Bill, page 87, line 17, by striking out "In" and inserting: Notwithstanding 42 Pa.C.S. § 3733(a) (relating to deposits into account), in

Amend Bill, page 91, by inserting between lines 3 and 4:

(5) If, by July 1, 2021, legislation is not enacted to replace the revenue distributed from the fund under subsection (b)(2) and (3), in fiscal year 2021-2022 and in each fiscal year thereafter, the following shall apply:

(i) An amount equal to that revenue shall be deposited in the fund.

(ii) Notwithstanding any other provision of law, the source of the revenue deposited in the fund under this paragraph shall be the receipts from the tax collected under section 238 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, on motor vehicles, trailers and semi-trailers.

Amend Bill, page 92, lines 5 and 6, by striking out ", 9502(a) and 9511(b) and (g)" and inserting:

and 9502(a)

Amend Bill, page 92, line 24, by striking out "\$3,000,000" and inserting:

\$7,000,000

Amend Bill, page 92, line 27, by striking out "\$12,000,000" and

inserting:

\$28,000,000

Amend Bill, page 93, line 17, by striking out "\$20,000,000" and inserting:

at the discretion of the secretary, a minimum of \$20,000,000 and a maximum of \$35,000,000

Amend Bill, page 97, by inserting between lines 9 and 10:

Section 29.1. Section 9511(b) and (g) of Title 75 are amended and the section is amended by adding a subsection to read:

Amend Bill, page 99, by inserting between lines 27 and 28:

(i) Refund to Pennsylvania Fish and Boat Commission.--

(1) When the tax imposed by this chapter has been paid and the fuel on which the tax has been imposed has been consumed in the operation of motorboats or watercraft upon the waters of this Commonwealth, including waterways bordering on this Commonwealth, the full amount of the tax shall be refunded to the Boat Fund on petition to the board in accordance with prescribed procedures.

(2) In accordance with such procedures, the Pennsylvania Fish and Boat Commission shall biannually calculate the amount of liquid fuels consumed by the motorcraft and furnish the information relating to its calculations and data as required by the board. The board shall review the petition and motorboat fuel consumption calculations of the commission, determine the amount of liquid fuels tax paid and certify to the State Treasurer to refund annually to the Boat Fund the amount so determined. The department shall be accorded the right to appear at the proceedings and make its views known.

(3) For the fiscal years commencing July 1, 2013, July 1, 2014, July 1, 2015, July 1, 2016, and July 1, 2017, the money under paragraph (2) shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of hazardous dams impounding waters of this Commonwealth on which boating is permitted, including the development and construction of boating areas and the dredging and clearing of water areas where boats can be used. For the fiscal year commencing July 1, 2018, and for each fiscal year thereafter, this money shall be used by the commission acting by itself or by agreement with other Federal and State agencies only for the improvement of the waters of this Commonwealth on which motorboats are permitted to operate and may be used for the development and construction of motorboat areas; the dredging and clearing of water areas where motorboats can be used; the placement and replacement of navigational aids; the purchase, development and maintenance of public access sites and facilities to and on waters where motorboating is permitted; the patrolling of motorboating waters; the publishing of nautical charts in those areas of this Commonwealth not covered by nautical charts published by the United States Coast and Geodetic Survey or the United States Army Corps of Engineers and the administrative expenses arising out of such activities; and other similar purposes.

Amend Bill, page 100, line 25, by striking out "in 60 days." and inserting:

as follows:

(1) The addition of 74 Pa.C.S. Ch. 59 Subch. C shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Madam President, as part of my agreement, I will be brief. I want to thank both sides of the aisle for working on this amendment. We worked hard on it over the past few days. I want to particularly thank my friend and colleague, Senator Wozniak, and Cheryl from his staff working with Nathan Spade from my staff on this amendment to try to hammer out our differences. We even had input from the House on some of the ideas for this amendment. I thank them for their guidance as well. Senator Pileggi and his staff, and Senator Scarnati's office

were very helpful in putting together the amendment, Kathy Eakin and Kelly Phenicie as well. Senator Costa and his staff and Senator Hughes and his staff offered suggestions for the amendment in trying to work on some wordsmithing, as we were able to cobble together this amendment.

Madam President, we took some ideas from a number of people here in this Chamber. Senator Corman offered the amendment for the Fish and Boat Commission. Representative Pyle from the House of Representatives suggested that we up the money for the gravel and dirt roads, which we did in this amendment. So, Madam President, I think it is an effort by both bodies on both sides of the aisle to make sure that we have an amendment compatible for Senate Bill No. 1 to start moving the Commonwealth forward.

Thank you, Madam President. I ask you to recognize my friend and colleague, Senator Wozniak.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, tomorrow will be our discussion on the bill and what we are doing to it. But, I want to say a special thank you to the Governor of the Commonwealth of Pennsylvania. We would not be here today if Governor Corbett did not stand up and do something for the greater good of the Commonwealth of Pennsylvania. I thank the leadership of the Republican Party, Senator Pileggi and Senator Scarnati; I thank Senator Costa and Senator Hughes; and a list of the staff people, both D's and R's - Randy Albright, Mark Mekilo, Ron Jumper, Josh Myers, Greg Thall, Casey Policastro, Cheryl Hicks, Charles Duncan, Nate Spade, Ryan Boop, Kathleen Eakin, Kelly Phenicie, Bill Witmer, and Casey Long. This was a long, laborious, difficult journey, but one that will pay many dividends for Pennsylvania for decades to come.

I want to say a very special thanks to a gentleman with whom I had the opportunity to go to the University of Pittsburgh - Johnstown, we were in the same fraternity, and now we are both Republican and Democratic chairmen of the Senate Committee on Transportation, Senator Rafferty. Thank you very much for a job well done. Now we begin our negotiations with the House, and if we are fortunate, and if fate will be with us, we will be able to propel Pennsylvania well into the next century or the middle of this century with an integrated transportation system that bodes well for all. Thank you very much.

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

The PRESIDING OFFICER. All those in favor will signify by saying "aye"; those opposed, "no."

In the opinion of the Chair, the "ayes" have it, and the amendment is adopted.

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

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator ALLOWAY, from the Committee on Game and Fisheries, reported the following bills:

HB 126 (Pr. No. 745)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for eligibility for license.

HB 891 (Pr. No. 1945) (Amended)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for violations.

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 Mr. and Mrs. Thomas Parker by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. John Stover by Senator Brubaker.

Congratulations of the Senate were extended to Margaret Irvine Weir and to Hunter Truck Sales and Service by Senator Hutchinson.

Congratulations of the Senate were extended to Saint Peter's Church of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Katherine Theresa Notoro Check by Senator McIlhinney.

Congratulations of the Senate were extended to Mariann Venuti, Theresa M. Fitzpatrick, John Harrigan, John K. Greenland, Brenda Viola, Carmella LaSpada and to Sebastian Weinmann by Senator Pileggi.

Congratulations of the Senate were extended to Jeremy Jancso, Sebastian Grasso, Clay Allen, Luke Patten and to West Middlesex High School Boys' Track and Field Team by Senator Robbins.

Congratulations of the Senate were extended to Edward John Cunningham and to DuBois Volunteer Fire Department by Senator Scarnati.

Congratulations of the Senate were extended to Technical Sergeant Warren Jones by Senator Schwank.

Congratulations of the Senate were extended to Thadeus Abramowich and to Mt. Lebanon High School Boys' Lacrosse Team by Senator Smith.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Marshbanks, Dr. Joseph P. Iannetti, Natalie Cummings, Wyatt Hunter Goehring and to Rodney L. Piatt by Senator Solobay.

Congratulations of the Senate were extended to Master Sergeant Michael Sears and to New Castle Rotary Club by Senator Vogel.

Congratulations of the Senate were extended to Center in the Park of Philadelphia by Senator Washington.

Congratulations of the Senate were extended to EmergeCare, Inc., and to Warren Company by Senator Wiley.

Congratulations of the Senate were extended to Jessica Hoffman, Monika Missal, Denise Maiatico, Anthony Podczasy and to Vanessa Richeson by Senator Yudichak.

CONDOLENCE RESOLUTIONS

The PRESIDING OFFICER 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 Mulgrew Miller by Senators Mensch and Hughes.

Condolences of the Senate were extended to the family of the late Robert E. Kerper, Jr., by Senator Schwank.

Condolences of the Senate were extended to the family of the late Victor J. Brova by Senator Solobay.

Condolences of the Senate were extended to the family of the late Kathleen Ann Stickler Martin by Senator Vance.

POSTHUMOUS CITATIONS

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

Posthumous citations honoring the late Chief Petty Officer Nicolas D. Checque and to the late Lieutenant Colonel Christopher K. Raible were extended to the family by Senator Ward.

BILLS ON FIRST CONSIDERATION

Senator ALLOWAY. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 546, SB 622, SB 700, SB 969, SB 975, SB 977, HB 126 HB 770, HB 891, HB 1124 and HB 1128.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 5, 2013

9:00 A.M.	AGING AND YOUTH (public hearing on Senate Bill No. 20 and its proposed changes to the definition of "child abuse" within the Child Protective Services Law)	Hrg. Rm. 1 North Off.
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9:30 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 326, 488, 515 and 784)	Room 461 Main Capitol
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THURSDAY, JUNE 13, 2013

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on the Future of PA's Cities, Large and Small)	York College of PA, Alumni Hall, West Campus, Cmty. Ctr., 441 Country Club Rd., York, PA
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PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, I rise today to honor the life of a great actress and a wonderful human being, Jean

Stapleton. The Senate of Pennsylvania mourns the loss of Jean Stapleton, who passed away on May 31, 2013, at the age of 90. Born as Jeanne Murray on January 19, 1923, in Manhattan, New York, Ms. Stapleton was the daughter of Joseph E. and Marie Stapleton Murray. She graduated from Wadleigh High School in New York City in 1939. Ms. Stapleton followed her older brother, Jack Murray, in becoming a stage actress when she began working in summer stock theater in 1941. Her New York debut in the off-Broadway play "American Gothic" led to several roles in major Broadway classics. Ms. Stapleton was best known for her portrayal as Edith in the 1970s sitcom, "All in the Family." During her acting career, she won three Emmy Awards, two Golden Globe Awards, two Comedy Awards, an NAACP Image award, an Obie Award, the Crystal Award from Women in Film, and the Alice Award from the National Commission of Working Women.

Ms. Stapleton enjoyed a 26-year marriage to William H. Putch, who passed away in 1983. With Mr. Putch at the helm of the Totem Pole Playhouse in Caledonia State Park in Fayetteville, Adams County, Ms. Stapleton performed in more than 81 summer productions during a 25-year period. With her son directing "The Sunshine Boys" in July of 2013, the Totem Pole Playhouse has dedicated its 63rd summer season in remembrance of her continuing legacy.

The Senate of the Commonwealth of Pennsylvania notes with great sadness the passing of Jean Stapleton and extends heartfelt condolences to her son, John Putch; daughter, Pamela Putch; and many other family members and friends. Although she was from New York, we in Adams and Franklin Counties consider her part of our family.

Thank you, Mr. President.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of JEAN STAPLETON.)

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 333**, with the information the House has passed the same without amendments.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President (Lieutenant Governor Jim Cawley) in the presence of the Senate:

SB 333 and HB 1029.

RECESS

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

Senator VULAKOVICH. Mr. President, I move that the Senate do now recess until Wednesday, June 5, 2013, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6:55 p.m., Eastern Daylight Saving Time.