

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JANUARY 28, 2014

SESSION OF 2014 198TH OF THE GENERAL ASSEMBLY

No. 6

SENATE

TUESDAY, January 28, 2014

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

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

PRAYER

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

Let us pray.

Dear Father in Heaven, giver of all good gifts, the sole Creator of all being by whom, through whom, and to whom everything exists, whose knowledge is infinite and not dependent upon any created being, I thank You for this State Senate of Pennsylvania. Thank You for establishing civil governments for the better ordering of society and for the diligent protection of law-abiding people. Thank You for revealing in Your creation as well as in Your written word all that we need to know about You, and how You have called for us to live in light of Your almighty authority as our Creator, our righteous judge, and the giver of new life. At the end of the day, let us always be ready to give a good account to You of all we have thought, said, and done.

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

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

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 437** and **SB 1081**, with the information the House has passed the same without amendments.

**ANNOUNCEMENT OF
MAJORITY LEADERSHIP**

The PRESIDENT. The Chair has been informed by the Majority Caucus that they have elected as Majority Caucus Chairman, Senator Gordner.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER**

January 28, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gloria C. Eberhart, 1427 Third Street, Cresson 16630, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER**

January 28, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Tim Houser, 739 N. Spruce Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2017, and until his successor is appointed and qualified, vice Alice Zemba, Black Lick, resigned.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER

January 28, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Darlene Ann Lutch, 113 St. Benedict Street, PO Box 675, Carrolltown 15722, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER

January 28, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles Moyer, 301 N. Beech Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2017, and until his successor is appointed and qualified, vice Timothy Layton, Windber, resigned.

TOM CORBETT
Governor

BILLS SIGNED

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

SB 437, SB 1081 and HB 1056.

BILLS REPORTED FROM COMMITTEES

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

HB 408 (Pr. No. 418)

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for nonapplicability.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 1016 (Pr. No. 1730) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for State income tax intercept.

SB 1017 (Pr. No. 1731) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for lottery winnings intercept.

HB 21 (Pr. No. 114)

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, in criminal justice determinations, further providing for incompetence and for procedure.

LEGISLATIVE LEAVES

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

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

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Hughes and Senator Tartaglione.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Scarnati.

Senator Costa requests legislative leaves for Senator Hughes and Senator Tartaglione.

Without objection, the leaves will be granted.

SENATE CONCURRENT RESOLUTION

JOINT SESSION

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

In the Senate, January 28, 2014

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 4, 2014 at 11:00 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Tom Corbett; and be it further

RESOLVED, That a committee of three on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

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

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

NAY-0

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

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

GUESTS OF SENATOR PATRICIA H. VANCE PRESENTED TO THE SENATE

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

Senator VANCE. Mr. President, I am very, very pleased to introduce the Northern High School Girls' Soccer Team, who captured the 2013 PIAA District III Championship in November. They defeated Trinity High School in overtime for the victory. They compiled a record of 21 wins and 2 losses for the season. This is the first district title in the girls' soccer team history. They were also the Mid Penn Conference Capital Division Champions this season. They are coached by Mindy Smith and assisted by Keri Walton, Kaitlin Bonner, Doug Miller, and Ashley Walker. They are led by captains Sara Yunez and Alexis Munshower. The team and coaches are in the gallery, and I ask that we give them a very warm Senate welcome.

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

(Applause.)

LEGISLATIVE LEAVE CANCELLED

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

GUESTS OF SENATOR SHIRLEY M. KITCHEN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, it is with great honor that I rise to introduce Saint Joseph's Preparatory School, Pennsylvania's best Class AAAA high school football team for 2013. The Saint Joe's Prep season ended perfectly on December 15, when the team and its legion of fans packed Hersheypark Stadium and beat Pittsburgh Central Catholic 35 to 10. Along the way, Prep claimed the PIAA Class AAAA Championship with its 30 to 20 victory over Plymouth Whitmarsh. The Prep also won the District 12 Championship with its 12 to 7 victory over Northeast. Led by head coach Gabe Infante, Saint Joseph's Preparatory featured record-setting quarterback Chris Martin and varsity captains Thomas Johnson, Jawan McAllister, Vince Moffett, and John Reid. I ask the Senate, Mr. President, to give the Saint Joseph's Preparatory State Champion Football Team a pep rally welcome.

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

(Applause.)

GUESTS OF SENATOR MICHAEL J. FOLMER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I am very pleased and honored today to introduce two really special guests of mine to the Senate. I rise to introduce my pastor, Ron Zeigler, who was the guest Chaplain today. Pastor Ron, as I refer to him, is not only my teaching elder, but a dear brother in Christ. I respect him tremendously, we talk at all times, he is a great mentor of mine, and I am very honored. I would also like to introduce his daughter, Naomi Zeigler, who is the daughter of Ron and his lovely wife, Kathy. Naomi is currently a senior at Palmyra High School in Lebanon County, where she serves as president of the Youth and Government delegation and the mock trial team. Naomi intends on double majoring in political science and English, with an interest in attending law school. Naomi hopes to become a criminal prosecutor specializing in crimes against women and children. She eventually hopes to do this at an international level to speak for women who do not have a voice. And by the way, she is also my shadow for the day. So, would the Senate please give a very warm welcome to my dear friend, Pastor Ron, and his lovely daughter, Naomi Zeigler.

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

(Applause.)

GUESTS OF SENATOR JAMES R. BREWSTER PRESENTED TO THE SENATE

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

Senator BREWSTER. Mr. President, I am honored to address the Senate today to talk about congenital heart defects. Congenital heart defects are the most common type of birth defect in the United States. I was asked to propose a resolution by Katie Guzzo and her 13-year-old son, Gregory, making February 7 through 14, 2014, as "Congenital Heart Defect Awareness Week" in Pennsylvania. Katie and Gregory are from Arnold in Westmoreland County. This past December, Gregory had open heart surgery for atrioventricular septal defect, a congenital heart defect that accounts for 5 percent of all the congenital heart diseases in America. Katie and Gregory Guzzo have created Gregory's Heart Warrior Foundation. This foundation promotes awareness about congenital heart defects and helps children and families who suffer from CHDs. I would also like to mention Senator Leach's bill, Senate Bill No. 545. This bill would require healthcare providers who have birthing and newborn care services to perform a pulse oximetry screening on every newborn within 24 hours of birth to detect CHDs in newborns. I am a proud cosponsor of the bill.

I want to thank Katie and Gregory, Gregory's dad, Greg, Sr.; Gregory's stepfather, Jeremy Enciso; Gregory's sisters, Gillian and Madison, for being with us today. Mr. President, I would

like to have a warm Senate welcome for the Guzzo family, who are seated in the balcony.

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

(Applause.)

GUESTS OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

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

Senator SCHWANK. Mr. President, I have the honor and pleasure today of introducing a young lady I only recently met, but have come to admire greatly for her bravery. I am introducing Allyson Pereira and her parents, who are here with her, Norie and Bill. Allyson reached out to me in regards to the intimate partner harassment legislation that I have recently introduced. By some really rare coincidence, today was the day that they planned on visiting, and I am hopeful that the Senate will be running that bill today. Allyson is a sexting-awareness advocate, as well as a victim of intimate partner harassment. We all have heard the news stories of young women who have been victims of this harassment and have felt so ashamed and scared that they have taken their own lives to escape the embarrassment of what their partner had done to them. Allyson was not going to let that happen to her. At 16 years old, school can be tough enough with studies and peer pressure. However, Allyson was being taunted and called harsh words daily after an ex-boyfriend betrayed her trust and shared a personal picture with everyone that she knew. Allyson was bullied, but instead of backing down, she has bravely decided to speak out about the dangers of sexting and the repercussions of bullying. Her story has been featured on MTV, Good Morning America, CNN, Dr. Drew, The View, and Lifetime television, as well as numerous radio shows. She has worked with girls and parents all over the country who are dealing with this same issue. She travels to high schools, is a peer advocate, and she can speak the language that our teens really need to hear. She has used her experience as a victim to have a voice and help others understand the dangers and consequences of this behavior.

I want to personally thank her for taking the time to meet with me and for having the courage to speak out about her experience. And just to let you know, she is doing well. She works as an ultrasound technician, she has a career ahead of her, and a very, very bright future. Would you join me, Mr. President and colleagues, in welcoming Allyson Pereira to the Pennsylvania Senate.

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

(Applause.)

RECESS

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

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

Aging and Youth also to be held in the Rules room, to be followed by a meeting of the Committee on Labor and Industry, also to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the respective meetings announced, Senate Democrats will meet in the rear of the Chamber for a caucus.

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

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 89 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL AMENDED

SB 901 (Pr. No. 1512) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in indebtedness and borrowing, further providing for definitions, for classification and authority to issue bonds and notes, for cost of project, for exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt and for preliminary authorizations as to financing; providing for preliminary approval by the department of the issuance of certain debt; further providing for small borrowing for capital purposes, for debt statement, for submission to department, for fees for filing, for certificate of approval of transcript, for effect of failure of timely action by department and for records of department; providing for duties of participants in Local Government Unit Debt Act transactions; and making a related repeal.

On the question,

Will the Senate agree to the bill on third consideration?

Senator EICHELBERGER offered the following amendment No. A5366:

Amend Bill, page 1, lines 1 through 21, by striking out all of said lines and inserting :

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in indebtedness and borrowing, further providing for definitions, for classification and authority to issue bonds and notes, for cost of project and for exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt; providing for preliminary approval by the department of the issuance of certain debt; further providing for small borrowing for capital purposes, for debt statement, for submission to department, for fees for filing, for certificate of approval of transcript, for effect of failure of timely action by department and for records of department; providing for duties of

participants in Local Government Unit Debt Act transactions; and making a related repeal.

Amend Bill, page 1, lines 24 through 27; pages 2 through 22, lines 1 through 30, by striking out all of said lines on said pages and inserting :

Section 1. The definition of "self-liquidating debt" in subsection (b) of section 8002 of Title 53 of the Pennsylvania Consolidated Statutes is amended and subsection (c) is amended by adding definitions to read:

§ 8002. Definitions.

(b) Exclusions from debt.--With respect to exclusions from any particular category of debt and subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Self-liquidating debt." Debt payable solely from rents, rates or other charges to the ultimate users of the project, to be financed in whole or in part by that debt, or payable solely from special levies or assessments of benefits lawfully earmarked exclusively for that purpose. The term also includes debt or any portion thereof at the time qualified as self-liquidating pursuant to this subpart, whether or not solely payable from those sources. The term "ultimate users" includes the local government unit itself only where its use of the project is incidental to the use of the project by other users. A debt with respect to which debt service payments have been made under a guaranty of the debt shall not be considered self-liquidating.

(c) Other definitions.--Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Financial advisor." A person who for compensation engages in the business of advising a local government unit, either directly or in writing, as to the value of securities, bonds or notes or as to the advisability of investing in, purchasing or selling securities, bonds or notes. The term does not include an attorney, accountant or engineer whose performance of such services is solely incidental to the practice of his profession. The term does not include a lender, underwriter or other entity purchasing the bonds or notes of a local government unit.

"Working capital." An amount which constitutes, under generally accepted accounting principles, the cost of the day-to-day operations of the project as well as a proper allowance for contingencies. Reimbursements under a guaranty or amounts to be used to address budgetary deficits of a local government unit or for other purposes not related to the construction or operation of the project do not constitute reasonable working capital in connection with the incurring of debt under this subpart.

Section 2. Sections 8005(c) and (d), 8007 and 8026(a)(5) of Title 53 are amended to read:

§ 8005. Classification and authority to issue bonds and notes.

(c) Authority to issue bonds and notes and lease rental debt.--Notwithstanding any other law to the contrary, every local government unit shall have full power and authority to issue bonds or notes, and make guaranties, leases, subsidy contracts or other agreements evidencing the acquisition of capital assets payable out of taxes and other general revenues, to provide funds for and towards the cost of or the cost of completing any project or combination of projects which the local government unit is authorized to own, acquire, subsidize, operate or lease or to participate in owning, acquiring, subsidizing, operating or leasing with others, to issue tax anticipation notes and funding bonds or notes as provided in this subpart and to contract for insurance covering the risks of nonpayment of principal, interest and premium of bonds, notes, tax anticipation notes and guaranties.

(d) Nature of guaranty procedure for issuance and prohibitions.--The following shall apply to a guaranty:

(1) For the purpose of this subpart, unless debt evidenced by a guaranty has been approved as electoral debt in accordance with Subchapter C (relating to procedure for securing approval of electors),

the guaranty shall be deemed to be nonelectoral debt if the local government unit guaranties its own bonds or notes and shall be deemed to be lease rental debt if it guaranties the bonds or notes of an authority or another local government unit. For the purpose of all other statutes, the guaranty shall be deemed to create debt or indebtedness of the local government unit making the guaranty.

(2) A local government unit may only issue a guaranty of debt of another local government unit or an authority after the initial local government unit has conducted its own due diligence to determine the risks involved in the transaction, including the impact of the guaranty on the future financial condition of the local government unit, the financial condition of the entity seeking the guaranty, the sources and reliability of revenue to cover the underlying obligation and the likelihood of default of the entity seeking the guaranty. A guaranty may only be made by vote of the governing body after a public meeting at which the initial local government unit demonstrates the foregoing due diligence. A local government unit may only issue a guaranty to an authority or other local government unit for projects which are expressly authorized by statute, including projects under section 5607 (relating to purposes and powers). Notwithstanding the foregoing, a local government unit may not issue a guaranty to an authority or other local government unit for sums due under a qualified interest rate management agreement, nor may guaranties be issued for projects which involve untested technology or experimentation.

(3) A local government unit is prohibited from collecting a fee to guaranty the debt of an authority or another local government unit. § 8007. Cost of project.

The cost of a project includes the amount of all payments to contractors or for the acquisition of a project or for lands, easements, rights and other appurtenances deemed necessary for the project, fees of architects, engineers, appraisers, consultants, financial advisors and attorneys incurred in connection with the project financing costs, costs of necessary printing and advertising, costs of preliminary feasibility studies and tests, cost estimates and interest on money borrowed to finance the project, if capitalized, to the date of completion of construction and, if deemed necessary, for one year thereafter, amounts to be placed in reserve funds, if any, a reasonable initial working capital for operating the project and a proper allowance for contingencies and any amount which constitutes, under generally accepted accounting principles, a cost of, and which has been determined by an independent actuary or other expert to be required for the purposes of, a reserve or a contribution toward a combined reserve, pool or other arrangement for losses or liabilities covered by a self-insurance arrangement established by one or more local government units. Costs paid, from sources other than the debt that is to be refunded, more than two years before an issuance of new debt to finance the costs may not be included in the costs of a project financed by the new debt. Reimbursements under a guaranty or amounts to be used by a local government unit to address budgetary deficits or other purposes not related to the project do not constitute a cost of a project in connection with the incurring of debt under this subpart. Costs that qualify for funding of unfunded debt under section 8130 (relating to approval by court to fund unfunded debt) may only constitute a cost of a project if the local government unit complies with the requirements of section 8130.

§ 8026. Exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt.

(a) Filings with department.--Self-liquidating debt shall not be excluded in determining net nonelectoral debt or net lease rental debt for the purpose of establishing net debt of either category where the debt is evidenced by general obligation bonds or notes, by bonds, notes or other obligations of an authority or of another local government unit or by a guaranty until there has been filed with and approved by the department a report to the local government unit from qualified registered engineers or architects or other persons qualified by experience appropriate to the project, setting forth:

(5) The estimated net revenues of the project for each year of the remaining life of the bonds, notes or obligations with a justification for any assumed increase and a computation showing, in reasonable detail, that the net revenues, together with other available funds to be received in respect of the project, will be sufficient in each year to pay the annual debt service, other than capitalized debt service, on the bonds, notes or obligations or a specified aggregate principal amount thereof.

* * *

Section 3. Title 53 is amended by adding a section to read:
§ 8102.1. Preliminary approval by the department of the issuance of certain debt.

(a) General rule.--Prior to the enactment of an ordinance authorizing the sale or issuance of any general obligation bonds or notes or guaranteed revenue bonds or notes constituting nonelectoral debt or any agreement evidencing lease rental debt, a local government unit shall obtain a preliminary authorization to incur debt from the department. The following debt transactions shall be exempt from the requirement to obtain preliminary approval under this section:

(1) Small borrowing for capital purposes as provided in section 8109 (relating to small borrowing for capital purposes).

(2) Transactions under Subchapter C of Chapter 82 (relating to refunding of debt) which consist exclusively of the issuance and sale of obligations, the proceeds of which are to be used solely for the payment or redemption of outstanding obligations upon or prior to maturity and the costs of issuing the obligations. A refunding transaction which includes a qualified interest rate management agreement shall not be exempt from the requirements of this section.

(b) Authorization.--Authorization shall be obtained by filing a notice with the department in the form of a certificate signed by two officers of the local government unit. The department shall prescribe the form of the certificate which shall include a basic description of the intended financing and, as applicable, the following:

(1) Evidence that the local government unit is current in the filing of its annual financial statements with Commonwealth agencies under applicable State law.

(2) A description of the intended type and amount of payment or performance bond, letter or credit or other financial security proposed to insure the completion of the project.

(3) Information that the local government unit is up to date on all of its municipal securities disclosures required under 17 CFR § 240.15c2-12 (relating to municipal securities disclosure).

(4) If the local government unit intends for the proposed debt to be self-liquidating or subsidized, information satisfactory to the department that the debt will qualify as self-liquidating or subsidized debt, including filings required under section 8024 (relating to exclusion of subsidized debt from net nonelectoral debt or net lease rental debt), 8025 (relating to exclusion of self-liquidating debt evidenced by revenue bonds or notes to determine net nonelectoral debt) or 8026 (relating to exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt), as applicable.

(5) If the local government unit has existing debt which was previously approved by the department as subsidized or self-liquidating, information satisfactory to the department that the debt continues to be treated as subsidized or self-liquidating and that no decrease in the amount to be excluded is required by any change in circumstances, other than resulting from the payments of the debt, or, if there has been a change in circumstances, information demonstrating to the satisfaction of the department the amount of debt that should continue to be treated as subsidized or self-liquidating.

(6) Schedules demonstrating the estimated net debt service impact of the transaction and a certification that the local government adopted or approved a plan to provide the tax or other revenues necessary to pay the debt service on the debt.

(7) The debt statement required by section 8110 (relating to debt statement).

(8) A statement of the intended manner of sale of the bonds or notes.

(9) A project cost statement detailing the intended uses of debt proceeds.

(c) Additional information.--As part of the department's review of a filing by a local government unit under subsection (b), the department may request and the local government unit shall provide additional information regarding any of the following:

(1) justification for costs of issuance exceeding 2% of the principal amount of the proposed debt;

(2) justification for the use of more than 10% of the proceeds of the debt for working capital; and

(3) if bonds or notes are to be sold at private sale by negotiation, the basis for the local government unit's finding that the bonds or notes are in the best financial interests of the local government unit.

(d) Action by department.--If the department, upon review of the

filing made by the local government unit under subsection (b) and any additional information provided under subsection (c), if applicable, finds that:

(1) The requirements are satisfied in connection with the proposed debt, the department shall issue a preliminary approval of the debt.

(2) The requirements are not satisfied in connection with the proposed debt, the department shall issue a preliminary disapproval of the debt and the local government may not proceed to incur the debt until the requirements are satisfied.

(e) Timely action required.--The department shall have 30 days after receipt of the filing required under subsection (b) to issue a preliminary approval or disapproval of the debt. If the local government unit has submitted a certificate for preliminary approval to the department by certified mail, return receipt requested or otherwise has an official receipt from the department and the local government unit has not, within 30 days of the date of receipt of the filing by the department, received the certificate of preliminary approval, disapproval or notification of correctable error, the filing shall be deemed to have been preliminarily approved for all purposes unless the local government unit has extended the time within which the department may act by written communication to the department or by failure to object to a written communication from the department requesting the extension. No extension shall exceed 15 days.

(f) Incurrence of debt.--Upon issuance of preliminary approval of the department, the local government unit shall have one year to incur the debt under this subpart. The bonds or notes shall be sold, or instruments evidencing lease rental debt delivered, not more than two years following the date of the preliminary approval.

(g) Review.--All determinations by the department under this section are reviewable as provided under 2 Pa.C.S. Ch. 7 (relating to judicial review).

Section 4. Sections 8109(a)(1) and 8110(b) of Title 53 are amended to read:

§ 8109. Small borrowing for capital purposes.

(a) General rule.--Any local government unit may incur debt by resolution rather than by ordinance to be evidenced by notes to provide funds for a project as defined in this subpart without complying with the requirements of Subchapter A of Chapter 82 (relating to Department of Community and Economic Development) if:

(1) The aggregate amount of the debt outstanding at any one time shall not exceed the lesser of [\$125,000] \$250,000 or 30% of the nonelectoral debt limit as authorized in section 8022(a) (relating to limitations on incurring of other debt).

* * *

§ 8110. Debt statement.

* * *

(b) Previously excluded self-liquidating or subsidized debt.--Where debt has previously been excluded as self-liquidating or subsidized debt, the debt statement shall be accompanied by a certification that indicates one of the following:

(1) no decrease in the amounts to be excluded is required by any change of circumstances [or, if there has been a change, other than decreases resulting from the payments of bonds or notes, so that less debt is to be excluded. If it has become possible to exclude a greater amount of debt and the local government unit desires to do so, the debt statement shall be accompanied by appropriate certificates supporting the revised amount to be excluded, and a revised approval shall be obtained from the department.];

(2) a decrease in the amounts to be excluded is required due to a change in circumstances, in which case:

(i) The change in circumstance must be described. If it has become possible to exclude a greater amount of debt and the local government unit wants to do so, the debt statement shall be accompanied by appropriate certifications supporting the revised amount to be excluded and a revised approval shall be obtained from the department.

(ii) No debt service payments have been made under a guaranty of debt previously established as self-liquidating. Debt service payments that have been made under a guarantee of the local government unit shall no longer be considered self-liquidating unless and until the local government unit files with the department a new report satisfying the requirements of section 8025 (relating to exclusion of self-liquidating debt evidenced by revenue bonds or notes to determine net nonelectoral debt) or 8026 (relating to exclusion of other self-

liquidating debt to determine net nonelectoral debt or net lease rental debt), as the case may be.

Section 5. Section 8111(a) of Title 53 is amended by adding paragraphs to read:

§ 8111. Submission to department.

(a) General rule.--Before delivering any bonds or notes other than notes representing small borrowings issued under section 8109 (relating to small borrowing for capital purposes), the local government unit shall apply for and receive or be deemed to have received the approval of the department under section 8204 (relating to certificate of approval of transcript) or 8206 (relating to effect of failure of timely action by department). The application, in such form as the department prescribes, shall be accompanied by a transcript of the proceedings consisting of certified copies of any of the following, not previously filed, which are applicable:

* * *

(8) A written statement with regard to the manner of compliance or intended compliance with the requirements of the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967.

(9) An itemized statement of all estimated disbursements for costs to be made from the proceeds of the borrowing.

* * *

Section 6. Sections 8203, 8204, 8206 and 8207(a) and (c) of Title 53 are amended to read:

§ 8203. Fees for filing.

Every filing under this subpart with the department shall be accompanied by a filing fee [as determined in section 605-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.] of \$250. In addition, the filing shall be accompanied by an additional fee of 1/32 mill on each dollar of the aggregate principal amount of the debt relating to the filing. No submission shall constitute a filing until the proper fee is paid. All fees received under this section shall be [paid by the department into the State Treasury through the Department of Revenue.] deposited into the Local Government Unit Debt Act Administrative Account, established as follows:

(1) There is hereby established a restricted receipt account within the General Fund of the State Treasury which shall be known as the Local Government Unit Debt Act Administrative Account.

(2) All moneys in the Local Government Unit Debt Act Administrative Account shall be held in trust solely for the purpose of defraying the costs of the administration of this subpart and shall be earmarked for the use of and annually appropriated to the department for disbursement solely for that purpose. The account shall be subject to audit by the Auditor General.

(3) The fee shall be waived for borrowings in connection with a plan or recovery plan under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act.

(4) Fees paid in connection with a filing under section 8102.1 (relating to preliminary approval by the department on the issuance of certain debt) shall constitute payment of fees due under section 8204 (relating to certificate of fiscal approval).

§ 8204. Certificate of final approval [of transcript].

The department shall, upon receipt of a submission under section 8111 (relating to submission to department) containing an application for final approval and any bond or note transcripts or other filings, carefully examine them to determine whether the debt outstanding and to be outstanding is within the applicable limitations imposed by this subpart and whether the proceedings for incurring the debt, for issuing and selling the bonds or notes and for excluding self-liquidating and subsidized debt have been taken in conformity with the Constitution of Pennsylvania and this subpart. If, upon completion of its examination, a transcript or other filing is found by the department to be in conformity with the Constitution of Pennsylvania and this subpart, the department shall certify its approval to the local government unit if required under other provisions of this subpart. If the debt requires preliminary approval under section 8102.1 (relating to preliminary approval by the department of the issuance of certain debt), the certificates and filings related to preliminary approval shall be part of the transcript and a requirement for final approval under this section. If the debt has received preliminary approval under section 8102.1, the department shall provide for a procedure to expedite the processing of final approval.

§ 8206. Effect of failure of timely action by department.

If the local government unit has submitted [a filing] an application for final approval to the department by certified mail, return receipt requested, or otherwise has an official receipt from the department, and the local government unit has not, within 20 days of the date of receipt of the filing by the department, received the certificate of final approval or disapproval or notification of correctable error, the filing shall be deemed to have been approved for all purposes unless the local government unit has extended the time within which the department may act by written communication to the department or by failure to object to a written communication from the department requesting the extension. Extensions shall not exceed one additional period of 20 days. § 8207. Records of department.

(a) Retention period.--The department shall keep all proceedings including all applications and statements by a local government unit under sections 8102.1 (relating to preliminary approval by the department of the issuance of certain debt), 8111 (relating to submission to department) and 8201 (relating to certification to department of bond or note transcript or lease, guaranty, subsidy contract or other agreement) on file for a period of not less than [four months after issuance of its certificate of approval or disapproval and thereafter as long as any appeal respecting the proceedings is pending and not finally determined.] five years after the debt issuance has been paid off by the local government unit. The department shall also keep copies of all documents filed with the department relating to a qualified interest rate management agreement for as long as the qualified interest rate management agreement is in effect.

* * *

(c) Records open for inspection.--[The records of the department shall be public records available for examination by any citizen of this Commonwealth or any bondholders or noteholders.] All submissions, determinations and records of the department under this subpart, including those related to qualified interest rate management agreements and including correspondence with the interested parties to any debt proceeding, shall be public records available for examination by any citizen of this Commonwealth, any interested parties or any bondholder or noteholder, including holders of tax anticipation notes, of the local government unit.

Section 7. Chapter 82 of Title 53 is amended by adding a subchapter to read:

SUBCHAPTER G MISCELLANEOUS PROVISIONS

Sec.

8291. Duties of participants in Local Government Unit Debt Act transactions.

§ 8291. Duties of participants in Local Government Unit Debt Act transactions.

(a) Declaration of representation.--With regard to each transaction under this subchapter, each attorney or financial advisor involved in the transaction shall provide a written declaration to the local government unit as to which party is being represented by the attorney or financial advisor, the source from which the attorney or financial advisor will receive compensation for services related to the transaction and whether the compensation is dependent upon the issuance of debt by the local government unit. A full time employee of the local government unit shall not be required to file a declaration under this subsection.

(b) Fiduciary duty.--An attorney or financial advisor retained by or who in subsection (a) purports to represent a local government unit with regard to a transaction under this subpart shall stand in a fiduciary relationship to the local government unit and shall perform loyally, in good faith and in a manner the attorney or financial advisor reasonably believes to be in the best interests of the local government unit. The attorney or financial advisor shall act with such care, including reasonable inquiry, skill and diligence that a person of ordinary prudence would use under similar circumstances and provide opinion both as to positive and negative possible impacts of the transaction. An attorney or financial advisor in the course of the representation is entitled to rely on reasonable representations and certifications made to the attorney or financial advisor by architects, engineers and other persons retained by and the officers and employees of the local government unit in connection with the transaction. For attorneys licensed to practice law in this Commonwealth, this duty shall be interpreted to be consistent with Supreme Court rule of professional conduct pertaining to attorney fiduciary relationships.

For financial advisors retained by a local government unit, this duty shall be in addition to any fiduciary duty which may be imposed by Federal law.

(c) Ultra vires acts.--An officer or member of the governing body of a local government unit or a financial advisor or attorney may not knowingly participate in an ultra vires act. For purposes of this subsection, an act is ultra vires when:

(1) the local government unit is without authority to perform the act; or

(2) the act is in excess of the authority granted to the local government unit.

(d) Materially false or misleading certifications.--An officer or member of the governing body of a local government unit or an attorney or financial advisor may not knowingly file a materially false or misleading certification or statement with the department under this act.

(e) Penalties.--

(1) An officer or member of the governing body of a local government unit or an attorney or financial advisor who aids or participates in the commission of an act prohibited in subsection (c) or (d) commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than two years, or both.

(2) Notwithstanding paragraph (1), a local government may seek civil judicial redress for a violation of this section that results in damages to the local government unit not caused by the local government unit or its agents. A local government unit shall prohibit or restrict the future participation in transactions under this subpart of an individual attorney or financial advisor who violates this section and may also prohibit or restrict participation of a firm that employs the attorney or financial advisor for a period not to exceed two years.

Section 8. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of 53 Pa.C.S. § 8203.

(2) Section 605-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

(3) All acts and parts of acts are repealed insofar as they are inconsistent with the amendment or addition of 53 Pa.C.S. §§ 8002(b) and (c), 8005(c) and (d), 8007, 8026(a) (5), 8102.1, 8111(a), 8203, 8204, 8206, 8207(a) and (c) and 8291.

Section 9. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

SB 902 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL AMENDED

SB 903 (Pr. No. 1513) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, providing for interest rate risk and interest cost management, for the offense of knowingly participating in an ultra vires act of an authority and for the offense of knowingly filing materially false or misleading reports or certifications for an authority; and, in indebtedness and borrowing, further providing for definitions; and expanding the scope of provisions relating to interest rate risk and interest cost management to include first class counties and cities and authorities.

On the question,

Will the Senate agree to the bill on third consideration?

Senator EICHELBERGER offered the following amendment No. A5320:

Amend Bill, page 1, lines 16 through 20, by striking out ", FOR THE" in line 16, all of lines 17 through 19 and "AN AUTHORITY" in line 20

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

a section

Amend Bill, page 2, lines 18 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages

Amend Bill, page 3, lines 7 through 30, by striking out all of said lines

Amend Bill, page 4, lines 10 through 21, by striking out "(B)" in line 10 and all of lines 11 through 21

Amend Bill, page 23, line 16, by striking out "8281(B)(2)" and inserting:

8281(a)(1), (b)(2)

Amend Bill, page 23, by inserting between lines 21 and 22:

(1) Except as set forth in paragraph (4), notwithstanding any other law to the contrary, a local government unit may negotiate and enter into qualified interest rate management agreements consistent with the provisions of this subchapter. A local government unit may only authorize a qualified interest rate management agreement under this subchapter.

Amend Bill, page 23, lines 28 and 29, by striking out "THREE" in line 28 and all of line 29 and inserting:

one year after the effective date of the

Amend Bill, page 24, lines 4 through 6, by striking out all of said lines and inserting:

a fixed or variable rate of interest determined using either an index published by the Securities Industry and Financial Markets Association or an index that references the London Interbank Offered Rate.

Amend Bill, page 24, lines 9 and 10, by striking out ", TAKING INTO ACCOUNT ANY NETTING OF OFFSETTING TRANSACTIONS."

Amend Bill, page 24, line 14, by striking out "CAPACITY"

Amend Bill, page 24, lines 15 through 17, by striking out "THIS PARAGRAPH SHALL NOT APPLY TO A" in line 15 and all of lines 16 and 17

Amend Bill, page 26, lines 13 through 24, by striking out all of said lines and inserting:

(iv) Certifies that the information provided to the local government unit, whether in solicitations or in response to requests for information from the local government unit as to potential positive or negative impacts of entering into the qualified interest rate management agreement, is mathematically correct and conforms to Title VII of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act (Public Law 111-203, 124 Stat. 1641).

(v) Certifies that it acted in good faith and made full and fair disclosure of the material facts and any conflicts of interest regarding the qualified interest management agreement.

(vi) Believes that the interest rate management agreement is consistent with the policy of the Commonwealth that a local government unit not enter into the agreement if it involves unreasonable speculation.

Amend Bill, page 26, lines 28 through 30; page 27, lines 1 and 2, by striking out all of said lines on said pages and inserting:

(viii) (Reserved).

Amend Bill, page 27, lines 12 and 13, by striking out "A CITY OR COUNTY OF THE FIRST CLASS AND"

Amend Bill, page 27, lines 21 and 22, by striking out "A CITY OR COUNTY OF THE FIRST CLASS AND"

Amend Bill, page 27, lines 27 and 28, by striking out "A CITY OR COUNTY OF THE FIRST CLASS AND"

Amend Bill, page 28, lines 3 and 4, by striking out "A CITY OR COUNTY OF THE FIRST CLASS AND"

Amend Bill, page 28, by inserting between lines 13 and 14:

(b) Quarterly report.--A local government unit that authorizes a qualified interest rate management agreement shall report on the

performance of the qualified interest rate management agreement quarterly at a public meeting. At a minimum, the reporting shall include a current mark to market valuation of the agreement.

Amend Bill, page 28, line 14, by striking out "(b)" and inserting: (c)

Amend Bill, page 28, lines 16 and 17, by striking out "A CITY OR COUNTY OF THE FIRST CLASS AND"

Amend Bill, page 28, lines 18 through 21, by striking out all of said lines and inserting:

Section 6. Applicability.

The following shall apply:

(1) This act shall apply to all interest rate management agreements entered into on or after the effective date of this act.

(2) This act shall not apply to any amendment, termination or novation of an interest rate management agreement where the interest rate management agreement was entered into prior to the effective date of this act as long as the term of the interest rate management agreement is not extended.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hughes has returned, and his legislative leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1045 (Pr. No. 1510) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, making extensive substantive and editorial changes; further providing for definitions, exempt securities, exempt transactions, required documents for registration statements, rules for filing federally covered securities, exemptions from registration provisions, powers for the Department of Banking and Securities, administration of the act, increasing assessments, methods of payment of funds and requirements for administrative proceedings under the act; making a repeal; and establishing a restricted account in the General Fund.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Table listing names of senators in support of the bill: Alloway, Argall, Baker, Blake, Boscola, Brewster, Browne, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Pileggi, Rafferty, Robbins, Scarnati, Schwank, Smith, Smucker, Vogel, Vulakovich, Ward, Washington, White, Wiley, Williams.

Table listing names of senators: Brubaker, Corman, Costa, Dinniman, Eichelberger, Erickson, Hutchinson, Kasunic, Kitchen, Leach, McIlhinney, Mensch, Solobay, Stack, Tartaglione, Teplitz, Tomlinson, Vance, Wozniak, Yaw, Yudichak.

NAY-0

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

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

BILL LAID ON THE TABLE

SB 1055 (Pr. No. 1337) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sale of tobacco by including alternative nicotine products; and making a conforming amendment to Title 53.

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

SB 1055 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 1055, Printer's No.1337, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

BILL OVER IN ORDER

SB 1085 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1167 (Pr. No. 1698) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of intimate partner harassment.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator SCHWANK. Mr. President, 5 years ago, I would venture to guess that most of us would not have imagined that we

would be addressing the crime of intimate partner harassment, or as it is called in the media, revenge porn. However, the growth and the use of mobile devices, the Internet, and now social media has, unfortunately, created an opportunity to wreak havoc on people's lives through the posting or sharing of intimate images. Since introducing this bill, Mr. President, I have heard from many women and a few men of all ages who have found themselves as victims of intimate partner harassment. The consequences are easy to imagine: personal humiliation, damaged family and personal relationships, strained careers, lost jobs, being stalked by strangers, or having your personal property vandalized. Some victims ultimately find their images on graphic websites designed to host these images. Those who operate these sites make a good profit by capitalizing on this despicable crime. It needs to stop, and hopefully with this legislation, we will go a long way in making that stop. I would like to personally thank Senator Greenleaf, chair of the Senate Committee on Judiciary, for moving this bill so rapidly, and I am also grateful to my colleagues. Hopefully, they will consider passing this legislation, moving it over to the House and hopefully on to the Governor's desk so that we can ultimately address the crime of intimate partner harassment.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	White
Brewster	Greenleaf	Smith	Wiley
Browne	Hughes	Smucker	Williams
Brubaker	Hutchinson	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Teplitz	
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 1189, SB 1195, HB 1341, and HB 1424 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1599 (Pr. No. 2928) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 3019 over the Schuylkill River, City of Philadelphia, Philadelphia County, as the Honorable Robert C. Donatucci Memorial Bridge; and designating a portion of State Route 23 in West Hempfield Township, Lancaster County, as the SFC Brent Adams Memorial Road.

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

On the question,
Shall the bill pass finally?

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

Senator RAFFERTY. Mr. President, yesterday, I introduced an amendment to House Bill No. 1599 and commented on the appropriateness of naming State Route 23 in West Hempfield Township for one of our fallen heroes, Sergeant First Class Brent Adams. This will be the SFC Brent Adams Memorial Road. Also, I want to briefly talk about the underlying bill, House Bill No. 1599, which designates a roadway section in the city/county of Philadelphia in honor of Representative Bob Donatucci, with whom many of us in the Chamber had the opportunity to work either as House Members or here in the Senate. His untimely death was just a few years ago. I worked very closely with Bob when I was then chairman of the Senate Committee on Law and Justice and he was Minority and then Minority chair of the House Committee on Liquor Control. I have to say, Mr. President, Bob Donatucci reflected the values of public service. He was a man of integrity, a man of creativity, he knew how to get a political agenda molded into legislation that he could get passed not only for his Caucus in the House, but the Republican Caucus in the House, and worked with Senator Logan and me in the Senate to get the legislation passed. I often, during the transportation debates, mentioned to some of his colleagues that I wish Bob Donatucci was around to help us get this done in the House. So, I am pleased to cast a "yes" vote on this bill. We miss Bob Donatucci and I am glad this honor is being bestowed upon his memory.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Washington.

Senator WASHINGTON. Mr. President, I, too, rise to support Senator Rafferty on acknowledging Representative Bob Donatucci for the work that he did in the House of Representatives. I served with him during that time and I certainly admire the work that his wife is doing in that same seat. So, I, too, ask for a positive vote.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	White
Brewster	Greenleaf	Smith	Wiley
Browne	Hughes	Smucker	Williams
Brubaker	Hutchinson	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Teplitz	
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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

HB 1707 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 149, HB 164, SB 384, SB 411, SB 807, SB 873, SB 908, SB 1000, SB 1118, SB 1158 and SB 1187 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

SB 1191 (Pr. No. 1616) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for employee organizations and penalties.

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

SB 1191 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 1191, Printer's No. 1616, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

SB 1199 and SB 1205 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1559 (Pr. No. 2927) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for youth suicide awareness and prevention education.

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

BILL OVER IN ORDER

HB 1617 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 207, CALLED UP

RESOLUTION LAID ON THE TABLE

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 207**, entitled:

A Resolution directing the Joint State Government Commission to establish an advisory committee to conduct a comprehensive study of the costs and efficiencies of the requirements under Pennsylvania's public construction laws.

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

SR 207 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Resolution No. 207, Printer's No. 1624, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The resolution will be placed on the Calendar.

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

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

MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY

January 13, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 8, 2013, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2017, and until her successor is appointed and qualified, vice Robert F. Powelson, Kennett Square, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY

January 23, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 27, 2013, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2016, and until his successor is appointed and qualified, vice Sherman Wooden, Montrose, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
MANSFIELD UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

January 13, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 15, 2013, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until January 20, 2015, and until his successor is appointed and qualified, vice Charles R. Ike, Clarks Summit, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

December 20, 2013

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 21, 2013, for the appointment of Venkee Sharma, 55 Appaloosa Lane, Washington 15301, Washington County, Forty-sixth Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve for *[sic]* until June 2, 2014, and until his successor is appointed and qualified, vice Jairius McClendon, Philadelphia, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

January 13, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 12, 2013, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until October 16, 2015, and until his successor is appointed and qualified, vice Roger J. MacLean, Allentown, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WHITE HAVEN CENTER

January 2, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 24, 2013, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice Catherine Warren, Hazleton, resigned.

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

TOM CORBETT
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

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

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE STATE ATHLETIC COMMISSION

October 17, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rudy N. Battle, 319 West Mt. Pleasant Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

November 8, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George E. Khoury, D.C., D.A.C.R.B., 588 Cheryhill Drive, Bridgeville 15017, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST
STROUDSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

October 2, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Josephine Ferro, 175 Robin Lane, East Stroudsburg 18302, Monroe County, Twentieth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified, vice Robert Willever, Bethlehem, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 9, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colleen A. Sheehan, 805 Brower Road, Wayne 19087, Chester County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2019, or until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

October 22, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory T. Burrell, 4203 Haverford Avenue, Philadelphia 19104, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS

November 8, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Travis N. Gery, Esquire, 834 East High Street, Pottstown 19464, Montgomery County, Forty-fourth Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve at the pleasure of the Governor, vice The Honorable Katie True, Lancaster, resigned.

TOM CORBETT
Governor

MEMBER OF THE PHILADELPHIA
SCHOOL REFORM COMMISSION

January 17, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Joseph Green, IV, 118 West Abington Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2019, and until his successor is appointed and qualified, vice Pedro A. Ramos, Philadelphia, resigned.

TOM CORBETT
Governor

MEMBER OF THE PHILADELPHIA
SCHOOL REFORM COMMISSION

January 21, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Farah Jimenez, 413 West Mermaid Lane, Philadelphia 19118, Philadelphia County, Fourth Senatorial

District, for appointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2019, and until her successor is appointed and qualified, vice Joseph A. Dworetzky, Philadelphia, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

October 21, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. Fillippo, 245 Mine Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator PILEGGI,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE ATHLETIC COMMISSION

October 17, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rudy N. Battle, 319 West Mt. Pleasant Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

November 8, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George E. Khoury, D.C., D.A.C.R.B., 588 Cheryhill Drive, Bridgeville 15017, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF EAST
STROUDSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

October 2, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Josephine Ferro, 175 Robin Lane, East Stroudsburg 18302, Monroe County, Twentieth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified, vice Robert Willever, Bethlehem, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

October 22, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory T. Burrell, 4203 Haverford Avenue, Philadelphia 19104, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

**COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS**

November 8, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Travis N. Gery, Esquire, 834 East High Street, Pottstown 19464, Montgomery County, Forty-fourth Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve at the pleasure of the Governor, vice The Honorable Katie True, Lancaster, resigned.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

October 21, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. Fillippo, 245 Mine Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT
Governor

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

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

YEA-49

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	White
Brewster	Greenleaf	Smith	Wiley
Browne	Hughes	Smucker	Williams
Brubaker	Hutchinson	Solobay	Wozniak
Corman	Kasunic	Stack	Yaw
Costa	Kitchen	Tartaglione	Yudichak
Dinniman	Leach	Teplitz	
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 Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator PILEGGI. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

Senator GORDNER, from the Committee on Labor and Industry, reported the following bills:

SB 1023 (Pr. No. 1733) (Amended)

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for the duties of the council, for revised or successor codes and for education and training programs.

HB 403 (Pr. No. 2938) (Amended)

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 records of and reports by employers, for ineligibility of incarcerated employee, for rate and amount of compensation, for certain agreements void and penalty, for false statements and representations to obtain or increase compensation, for false statements and representations to prevent or reduce compensation and other offenses and for violation of act and rules and regulations.

Senator MENSCH, from the Committee on Aging and Youth, reported the following bill:

HB 777 (Pr. No. 889)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further defining "income"; and further providing for determination of eligibility.

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

SB 57 (Pr. No. 1660) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wire tapping and electronic surveillance, further providing for exceptions to prohibition of interception and disclosure of communications.

SB 1024 (Pr. No. 1732) (Amended) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in inchoate crimes, further providing for possession of firearm or other dangerous weapon in court facility; in arson, criminal mischief and other property destruction, further providing for arson and related offenses; in sentencing, further providing for sentences for second and subsequent offenses; and providing for sentencing for arson offenses.

SENATE RESOLUTIONS ADOPTED

Senators KITCHEN, COSTA, WASHINGTON, TEPLITZ, ERICKSON, WILLIAMS, BROWNE, GREENLEAF, FONTANA, STACK, FERLO, SCHWANK, KASUNIC, BREWSTER, FARNESE, TOMLINSON, SMITH, RAFFERTY, ALLOWAY, HUTCHINSON, HUGHES, PILEGGI, BAKER, VOGEL, YUDICHAK, BLAKE, BRUBAKER and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 288**, entitled:

A Resolution designating the month of February 2014 as "Black History Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I rise today to talk about the origin of Black History Month. Black History Month dates back more than eight decades in this country. It is honored in the month of February to coincide with the birthdays of President Abraham Lincoln and abolitionist Frederick Douglass. This year's theme for Black History Month: Civil Rights in America, encourages all of us to examine the anniversary of an important date in American history, the Civil Rights Act of 1964. This event changed the course of history, not only for African Americans, but for all Americans who believe in freedom and equality. We can all reflect on and appreciate the achievements of African Americans because they are achievements that have helped make this nation a better and stronger place. Some of the greatest advocates of social justice in our country - Harriet Tubman, Frederick Douglass, W.E.B. Du Bois, Martin Luther King, Jr., and Fannie Lou Hamer - are associated with the struggle for civil rights.

Mr. President, Black History Month is an opportunity for all of us to commemorate the struggles and victories of African Americans and their invaluable contributions to society. During Black History Month, we honor the many contributions of the African American community and we raise awareness and understanding of these contributions through historical study. So, Mr. President, I ask that my colleagues join me in support of this resolution designating February 2014 as Black History Month in Pennsylvania. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator STACK, by unanimous consent, offered **Senate Resolution No. 289**, entitled:

A Resolution recognizing the first weekend of each month in 2014 as "National Small Business Weekend" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, it is not uncommon to hear remarks on this floor reminding us of the importance of small businesses in our community. I am introducing a resolution today to take that step further by highlighting the importance of small businesses to all of our communities. Anyone who visits a Pennsylvania city sees the downside of years of consolidation in retail shopping. Thousands of family-owned businesses have been replaced by the big box stores. Empty storefronts in our communities attract, of course, crime, reduce property values, and limit choices for residents who find travel to the strip malls difficult. My resolution today names the first weekend of every month as "National Small Business Weekend" here in Pennsylvania. It is a reminder to support small businesses not only with words, but also, Mr. President, of course, with dollars. And it is a reminder to not only talk the talk, but to take the walk down the

street to a shop or a restaurant that is locally owned and operated. Spending at locally owned small businesses keeps our hard-earned money working hard in our communities, and the ripple effect on real estate, banking, transportation, and jobs improves the quality of life throughout Pennsylvania's cities and small towns. Spending our dollars at locally owned businesses is a return to our roots, to the days of the corner grocery when a hammer was sold in a hardware store, not a giant home improvement center, when we bought boxes of envelopes in stationery stores, not office supply warehouses. Big box retailers, of course we all know, have a place in our economy because they offer discount prices and a measure of uniformity, but our nation's economy is built on competition. If large retailers and restaurants replace all of the mom-and-pop stores, competition really suffers.

So, whether it is some chocolate-covered pretzels at Sarris Candies, peanut butter pie at Pufferbelly, or, of course, Goldenberg's Peanut Chews from my district, Senator Rafferty's favorite, I am urging my colleagues and all Pennsylvanians to get out there this weekend and support small businesses.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators BREWSTER, ERICKSON, FERLO, WASHINGTON, TEPLITZ, GREENLEAF, STACK, KITCHEN, YAW, KASUNIC, ARGALL, SMITH, HUGHES, FONTANA, DINNIMAN, BAKER, FARNESE, ALLOWAY, PILEGGI, RAFFERTY, BROWNE, VULAKOVICH, COSTA, BOSCOLA and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 290**, entitled:

A Resolution designating February 7 through 14, 2014, as "Congenital Heart Defect Awareness Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator BREWSTER. Mr. President, I spoke this morning on the resolution, and we had guests who were introduced. I think there was unanimous support this morning on the discussion and I ask for a unanimous vote on the resolution.

And the question recurring,

Will the Senate adopt the resolution?

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Michael Avery Amatore and to Evan Ryan Amatore by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. John E. Price, Frances C. Mackneer, Shirley P. Wolford, Ronald J. Stuber, Edith S. Noll, Sara G. Moose, Marie A. Enck, Mary

Jane Collins, Sharon Y. Charles, Betty L. Stuber and to Mary A. Rice by Senator Corman.

Congratulations of the Senate were extended to Patrick Alexander Tobin, Andrew Jacob Behnam, James Scott Raubenheimer and to the Housing Authority of Chester County by Senator Dinniman.

Congratulations of the Senate were extended to Martin Quinn by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to John R. Swearingen, Michael Brown, Gerald Snyder and to the Bullskin Township Volunteer Fire Company by Senator Kasunic.

Congratulations of the Senate were extended to Gary Volovnik by Senator McIlhinney.

Congratulations of the Senate were extended to Frederick C. Clark, Valley Forge Chapter of American Business Clubs and to the West Norriton Chapter of American Business Clubs by Senator Rafferty.

Congratulations of the Senate were extended to the Montgomery County Community College by Senator Rafferty and others.

Congratulations of the Senate were extended to Austin Ross Schaeffer by Senator Schwank.

Congratulations of the Senate were extended to Nathan Alexander Swiech by Senator Smith.

Congratulations of the Senate were extended to Walter D. Hobgood by Senator Solobay.

Congratulations of the Senate were extended to Mr. and Mrs. Robert A. Miles by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Phyllis A. Ridgeway by Senator Baker.

Condolences of the Senate were extended to the family of the late William E. Patmon, to the family of the late Joseph A. Mascetta and to the family of the late Donald S. Casper, Sr., by Senator Solobay.

BILLS ON FIRST CONSIDERATION

Senator FOLMER. 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 1016, SB 1017, SB 1023, HB 21, HB 403, HB 408 and HB 777.

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

BILL REREFERRED

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

HB 777.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JANUARY 29, 2014

9:00 A.M.	FINANCE (public hearing on Lottery expansion)	Hrg. Rm. 1 North Off.
10:30 A.M.	LAW AND JUSTICE (to consider House Bill No. 374)	Sen. Maj. Caucus Rm.
Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 771; and House Bills No. 374 and 777)	Rules Cmte. Conf. Rm.

TUESDAY, FEBRUARY 4, 2014

Off the Floor	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 1107, 1149 and 1188)	Rules Cmte. Conf. Rm.
---------------	--	-----------------------

WEDNESDAY, FEBRUARY 5, 2014

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on Act 90 of 2010)	Room 8E-B East Wing
------------	--	---------------------

MONDAY, FEBRUARY 10, 2014

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Governor's Office/Governor's Budget Office/Executive Offices)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Independent Fiscal Office - Economic Outlook & Revenue Overview)	Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 11, 2014

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Treasury Department)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Hrg. Rm. 1 North Off.

WEDNESDAY, FEBRUARY 12, 2014

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Drug & Alcohol Programs)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Insurance)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Military and Veteran Affairs)	Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 13, 2014

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
-----------	---	-----------------------

11:00 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Aging) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
State Related Universities) North Off.

TUESDAY, FEBRUARY 18, 2014

9:30 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Revenue) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
SERS/PSERS) North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Environmental Protection) North Off.

WEDNESDAY, FEBRUARY 19, 2014

9:00 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Gaming Control Board) North Off.

11:00 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Conservation and Natural Resources) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
PA Liquor Control Board) North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Health) North Off.

THURSDAY, FEBRUARY 20, 2014

9:30 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Corrections/Office of Probation and Parole) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
PASSHE) North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
PEMA) North Off.

MONDAY, FEBRUARY 24, 2014

9:30 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Public Welfare) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Community & Economic Development) North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
PHEAA) North Off.

TUESDAY, FEBRUARY 25, 2014

9:30 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Transportation) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Labor & Industry) North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Agriculture) North Off.

WEDNESDAY, FEBRUARY 26, 2014

9:00 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
State Police/Homeland Security) North Off.

11:00 A.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Banking & Securities) North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of Education) North Off.

WEDNESDAY, MARCH 19, 2014

1:00 P.M. APPROPRIATIONS (Budget Hearing - Hrg. Rm. 1
Department of State) North Off.

PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Mr. President, the fact that I even have to get up and talk about this today really bothers me. Mr. President, I rise today to express my extreme disappointment that our State Police have arbitrarily decided to ignore State law. The department recently disclosed to my office that, despite what Pennsylvania's Small Games of Chance Law clearly allows, the State Police will raid and cite volunteer clubs that offer harmless Super Bowl pools this Sunday.

Now, I should emphasize that this Senate passed House Bill No. 290 by a lopsided bipartisan vote of 47 to 3. The House approved the bill by a similarly overwhelming vote, 190 to 11. Governor Corbett, who oversees the State Police, duly reviewed and signed the bill into law. Mr. President, at no time during the legislative process did the State Police object to the small pool provision in the legislation. The department offered no protest, no corrective language, no warning, no nothing. Not only did the State Police sit out of the legislative process, they waited until just 2 weeks before the Super Bowl to tell us that they are going to go inside, blindside people, cite and possibly arrest people or club operators who run these Super Bowl pools. I have to point out that the language was amended in June, so from June until now, 2 weeks ago, the State Police just told club owners and clubs that they are going to be cited for running Super Bowl pools, something that mostly everybody does in their home or their office, wherever. But no, the State Police have nothing better to do than to go and cite people for \$1 Super Bowl pools. Now, to their credit, most of the district attorneys around the State that I talked to assured me that they are not going to join the State Police folly, will not prosecute those who legally operate these small pools, and like I said, legally operate the pools because we put it into the language. It is State law.

Now, despite what anyone thinks about our law, we should be alarmed that Pennsylvania's top law enforcement agency is choosing to ignore a duly-enacted law by this legislature, our Governor, and the people of Pennsylvania. For those of you who are curious, the State Police are arguing that Pennsylvania's law conflicts with a Federal provision that bans State-sponsored gambling on the outcome of sporting events. This interpretation is wrong-headed, misleading, and downright erroneous. Pennsylvania's law was specifically structured to avoid conflict with the Federal statute. My language was patterned after existing Federal case law, as well as language of other States where pools are legal. See that Federal law out there? Other States are doing it, they put it in their language, but somehow our State Police are going to go out to clubs on Super Bowl Sunday and cite people.

I also want to underscore that those other States that allow these small betting pools, Iowa, Vermont, and so forth, have never had their State laws challenged, ever, and neither has ours.

Mr. President, Pennsylvania State Police's faulty and heavy-handed approach to our Small Games of Chance Law is

far more than an affront to us and our Governor. Their stance on this issue is mean-spirited. It is an attack on volunteer organizations such as volunteer fire departments, veterans clubs, and religious civic groups. These clubs do a world of good in our communities, yet we all know that they are struggling to survive. The whole point of the small pools provision was to give them another way to attract membership and bring members into the club. These clubs have conducted these small, fun, harmless sport pools for as long as any of us can remember. In fact, I am already engaged in a couple of Super Bowl pools. I am going to be playing them. Please arrest me. In fact, my one pool is, who is going to be the first commercial to be on TV? Who is going to be the first team that scores the first touchdown? How long is the national anthem going to be? These are the type of fun things people do, and we will make criminals out of these people? Come on, please. And all this new law did was legitimize this activity. So, we put in law that you can legitimately do this and, yet, the State Police are going to go cite people in these clubs. How insane? You talk to anybody out there, the public, I talk about this and they are going, does not the State Police have anything better to do than bust a \$1 Super Bowl pool? I do not get it.

Mr. President, I have a great deal of respect and admiration for our State Police, always have, but this is wrong and whichever front office bureaucrat is behind this should be ashamed of themselves because it is ludicrous and stupid. Anyway, Representative Goodman and I wrote a letter to the Governor asking him to remind State Police Commissioner Noonan that his department is supposed to uphold the law, not make them up. Thank you.

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

Senator STACK. Mr. President, I rise also to talk a little bit about games of chance but from a little different perspective. This Sunday, Mr. President, two teams will play in the National Football League's championship game, the Super Bowl, and it is going to be the Super Bowl of gambling in America and around the world, perhaps, Mr. President. So you will be able to bet on a variety of things. You can bet on who is going to win the game, who will score the first touchdown, you can bet on the coin flip, whether the national anthem will be more than 2 1/2 minutes long, any number of things, you can do it. It is all very fun at times. The Las Vegas oddsmakers, though, see 2014 as the year that legal Super Bowl betting will top \$100 million, but experts say illegal betting is going to be well more than 10 times that. The reason for the record numbers in gambling is pretty clear. The Internet makes it easy for people who cannot go into a casino to make a legal Super Bowl bet. And in an article on gizmodo.com entitled, "How to Bet on the Super Bowl Without Getting Caught," writer Casey Chan explains it this way, quote: "The legality of online sports betting exists in a sort of shrouded gray fog of possibly questionable behavior." So, that gray shroud is certainly going to expand, Mr. President. If, as I have heard a lot of reports and other people talking about, if we expand gaming in Pennsylvania to the Internet, it opens the door to a lot of young people to get some illegal bets down.

Mr. President, it is time to lift that gray shroud and do the responsible thing for Pennsylvania taxpayers, families, and businesses, and that is why, Mr. President, I am introducing legislation in the very near future that will make it clear that

online gambling in Pennsylvania is illegal and it should stay illegal. As we understand from the deep consideration given when we legalized casinos, gambling can be harmless entertainment that provides jobs and substantial tax revenue. Gambling can also be a dangerous addiction that destroys jobs, families, and in the end, overwhelmingly burdens taxpayers. We can prevent this and we can do it by strong regulation, strict oversight, and industry cooperation. That is what we have done in Pennsylvania's licensed gaming operations in the past number of years, and many in the gaming industry have paid a very high price in Pennsylvania and abided by strict conditions for the privilege of doing business in our State. So, why should we argue with success, Mr. President? We have had good, strong regulation. We have been concerned about gaming across the State. No matter where people are from, we have all had this feeling that the revenue from gaming is important, but we have to be careful with it, and I think that kind of mentality should continue.

On the other side of this whole concept is a computer screen where they have this shrouded gray fog, and that is where a young person or a person who is a problem gamer can hide. They do not have to walk onto a casino floor, but they could lose a fortune without ever being seen. So, failing to address these risks presented by Internet gaming would be to ignore all the good work we have done here in Pennsylvania in regulating the gaming industry, and it would also risk all of the tax revenue and jobs that the industry has provided. There could be a temptation as we enter this tough budget year to give into the lure of expanding gaming beyond what we can adequately control. And you will hear those who will say, we can control online gaming, but we have seen in other States, inevitably, we are just not that far enough along with technology that we can regulate who gets access to gaming, or many other unhealthy behaviors that are available online. This behavior is, of course, no better than someone who is a gambling degenerate and whose dependence upon the habit for stimulation and excitement has produced a huge debt and a long track record of ruination. When it comes to gambling, Mr. President, more, more, more is the problem, not the answer. The Internet is to gambling what it is to news and social networking: it provides speed, convenience, and virtually no limitations. It has produced some remarkable results and an overhanging gray fog.

We should protect our tax base, our families, and thousands of jobs in a well-regulated, closely watched gambling system which we already have working and we have to continue to make sure we do this to prevent the spread of online gambling. Mostly, we should be interested in protecting our young people or our most vulnerable citizens. Let us not sell our kids down the river simply because somebody wants to keep a pledge of no new taxes.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I just want to take a few moments this evening to talk a little bit about some of the very disturbing news that relates to our employment numbers here in the Commonwealth at the conclusion of the year 2013. Mr. President, I would like to report to my colleagues, unfortunately, that in December 2013, Pennsylvania lost 11,400 jobs over the previous month, marking the largest month-to-month decline in

2013. Consequently, as a result of the decline, Pennsylvania finished the year off by only adding 19,000 jobs, just a mere 0.3 percent of job growth in this Commonwealth. This total, Mr. President, marks the third straight year-end decline of job growth in Pennsylvania, when you measure December-to-December job growth, which has declined, as I indicated, every single year under leadership of this administration. Specifically, Mr. President, in 2010 the numbers reflected 83,600 net new jobs created; but in year end 2011, it would drop nearly in half to 45,000; and then again it dropped in the second year, Mr. President, to 34,000; and now this year, for the third year in a row, we have had the experience of a decline in net new jobs, only 19,000 net new jobs were being grown and generated. The total of 19,000 jobs added this year, in 2013, ranks Pennsylvania 48th out of all 50 States for net percentage year over year job employment growth. And since January 2011, Pennsylvania ranks dead last, dead last among all of its neighboring States and the 10 largest States in the nation for net percentage employment growth.

These are not good numbers, Mr. President, and despite these statistics, our Governor still believes that he has performed well in the area of job creation. In fact, he touts the fact through media outlets that he has generated 138,000 private-sector jobs since he came into office. Mr. President, the facts are different. The total ranks Pennsylvania dead last among all of its surrounding States, as I said, per percentage private-sector employment growth since 2011, again at the bottom. Additionally, this claim of creating 138,000-plus private sector jobs does not factor in the fact that 42,000 public sector jobs have been lost.

When factored in, this 138,000 shrinks to 96,000 jobs. This means employment growth in this Commonwealth has only grown 1.7 percent since Governor Corbett came into office in 2011. What is important is that it is well below the national average of 4.9 percent over that same timeframe, 1.7 versus 4.9. Had Pennsylvania simply kept pace with the national growth during this period, and had we just done what everyone and the average around the country has done, it would have generated 278,000 jobs in this Commonwealth. And where are we? At 96,000 jobs, some 182,000 less jobs that could have been, and should have been, created had we had the appropriate policies here in Pennsylvania that advanced and advocated job growth.

Mr. President, I submit to you, my colleagues, and folks watching, promises not kept. Promises not kept to the people of Pennsylvania that we were going to grow jobs in this Commonwealth and we were going to make investments where it was appropriate to help stimulate job growth. What did we end up doing over the course of the last 3 years? We made deep cuts in education and human service programs, and they have had a negative effect on our economy and job growth in this Commonwealth. When you look at the 20,000-plus jobs that no longer exist, and the public school and school district jobs across this Commonwealth, 20,000 folks - schoolteachers, custodians, cafeteria workers, and administrators - those positions no longer exist. And when you add to the fact that we lost 42,000 public sector jobs, it tells you the story about this administration's role in terms of how we are trying to grow jobs.

Mr. President, the conversation that Senate Democrats have been advocating for many months now, specifically a year and a half, Medicaid expansion, where we had the opportunity to grow 35,000 health professional service jobs in this Common-

wealth, this administration has declined to go that route and is looking to do it in a different manner that does not provide the same level of job growth. More importantly, the delay in implementing that program will produce dire results to this Commonwealth. It will not only not grow these jobs in 2014, but we are also not going to have the benefit of nearly \$3 billion to \$4 billion of healthcare investments from around this country making its way into Pennsylvania to help us grow our economy, putting people back to work, and reversing the annual trend of lost jobs in this Commonwealth or lack of jobs which result in a decline each year in terms of number of jobs as we go forward.

Mr. President, we have had a conversation about making Pennsylvania more business friendly to try to grow jobs, and we have done a number of things along those lines. When you think about the bills that we supported in this Chamber and in this General Assembly, Democrats and Republicans, that have resulted in over \$1.2 billion in tax cuts to the business community on the premise that it was going to grow jobs. If we made those changes to our tax climate for our businesses, they will grow jobs in Pennsylvania. We can see that is not happening, it is not taking place, and that is wrong. Mr. President, when you look at the \$400 million tax cut when we addressed the issue of the bonus depreciation in Pennsylvania in 2011, \$400 million, we still lost jobs from the previous year in 2011 to 2012. Nine-hundred and fifty million dollars is the result of the continued phase-out of the capital stock and franchise tax when we had the opportunity to slow that process down, and to a much greater degree we failed to do that. But that resulted in \$950 million less into this Commonwealth, again under the premise that it was going to make it easier for folks to invest here and to come to Pennsylvania and grow jobs here. It is not happening, folks. And the \$100 million of the corporate net income tax changes as it relates to the 100 percent sales factor, and the increase in the net operating loss carryforward provisions, \$100 million there, again, it has not resulted in the requisite job growth that Pennsylvanians deserve, particularly when you look at what has been done in all of those States around us. Finally, Mr. President, \$150 million in other tax changes over the course of the past couple of years that, again, have not resulted in the benefit of growing jobs here in Pennsylvania.

Mr. President, we have seen cuts in programs that have been designed and geared toward growing jobs in Pennsylvania through the Department of Community and Economic Development, and what did we find out? A robust department that had great programs that fostered job growth, economic development, and economic impact in our Commonwealth were decimated over the past couple of years.

So, when I say we have promises not kept, when you look at the revenue that has been given to the business community in the name of corporate business tax cuts on the premise that they would grow jobs that this administration promised, that is not happening, and that is what I mean by promises not kept. We are very disappointed that, again, I can stand here for the third year in a row showing that we have failed to grow jobs and our numbers are declining each year. This trend has to stop. We have to be thoughtful and smart about what we do and how we make investments in this Commonwealth. We need to grow jobs and not support advanced measures that are designed to limit and minimize the opportunity to create jobs in this Commonwealth. When we provide business tax cuts, we need to have an account-

ability factor that is part of that, that those resources that are not making their way to the Commonwealth, that are making their way to the pockets of our corporate and business leaders, that we have to hold them accountable for growing jobs in this Commonwealth. They should not be taking those dollars, putting them in their pockets, and not making investments in Pennsylvania. That is how we can fix this problem. We need to work to keep our promises. We have not been doing it, and now is the time to do it as we go forward.

Thank you, Mr. President.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I move that the Senate do now recess until Wednesday, January 29, 2014, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5 p.m., Eastern Standard Time.