

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

THURSDAY, NOVEMBER 6, 2014

SESSION OF 2014 198TH OF THE GENERAL ASSEMBLY

No. 60

**SENATE**

THURSDAY, November 6, 2014

The Senate met at 9:30 a.m., Eastern Standard Time.

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

**PRAYER AND PLEDGE DISPENSED WITH**

The PRESIDENT. Without objection, we will dispense with the prayer and the Pledge of Allegiance for today's Session.

**GENERAL COMMUNICATIONS**

**RECALL OF REGULAR SESSION**

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

SENATE OF PENNSYLVANIA

TO: President and All Members of the Senate  
FROM: Senator JOE SCARNATI  
President Pro Tempore  
RE: Non-Voting Session  
Thursday, November 6, 2014, 9:30 a.m.

Consistent with the Weekly Recess Resolution, the Senate is recalled for a non-voting Session at 9:30 a.m. on Thursday, November 6, for the purpose of signing HB 80.

There will be no roll-call votes. The Senate will then once again recess until Wednesday, November 12, 2014, at 1 p.m.

**RESIGNATION OF  
SENATOR LeANNA M. WASHINGTON**

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

SENATE OF PENNSYLVANIA

October 31, 2014

The Honorable Joe B. Scarnati III, President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, PA 17120

Dear Senator Scarnati,

Please allow this letter to serve as notification that effective close of business today, Friday, October 31, 2014, I hereby resign from the Pennsylvania State Senate.

I am proud of my time as a Senator, and it has truly been an honor to serve the citizens of the Commonwealth of Pennsylvania.

Sincerely,

LeANNA M. WASHINGTON  
Senator  
4th Senatorial District

**AUDITED FINANCIAL STATEMENTS  
OF TEMPLE UNIVERSITY**

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

TEMPLE UNIVERSITY  
Office of the Controller  
1805 N. Broad Street (038-17)  
11th Floor Wachman Hall  
Philadelphia, PA 19122-6094

October 24, 2014

The Honorable Megan Totino Consedine  
Senate Secretary/Parliamentarian  
Senate Box 203053  
462 Main Capitol Building  
Harrisburg, PA 17120-3053

Dear Senator *[sic]* Totino Consedine:

In compliance with Act 13A of July 01st, 2014, I submit to you herewith the Consolidated Audited Financial Statements for Temple University - Of The Commonwealth System of Higher Education for the fiscal year 2013-2014.

Sincerely,

FRANK ANNUNZIATO  
Associate Vice President  
& Controller

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

**UNIFORM COMMERCIAL CODE REPORT**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of State  
Room 302 North Office Building  
401 North Street  
Harrisburg, PA 17120-0500

October 26, 2014

Ms. Donetta D'Innocenzo  
Chief Clerk  
Senate

89 Capitol East Wing  
Harrisburg, PA 17120

RE: Report on the Operation of Department of State's  
Uniform Commercial Code Filing Office

Dear Ms. D'Innocenzo:

I am submitting the attached report pursuant to Section 9527 (relating to duty to report) of the Uniform Commercial Code Modernization Act of 2001 (Act 18 of 2001), 13 Pa.C.S. §9527, which requires that the Department of State report to the Governor and the General Assembly on the operation of the Uniform Commercial Code filing office by October 31 of every even-numbered year.

Thank you for your attention to this matter. Please feel free to contact me should you have any questions or comments.

Sincerely,

CAROL AICHELE  
Secretary of the Commonwealth

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

### 2015-16 BUDGET REQUEST OF THE OFFICE OF SMALL BUSINESS ADVOCATE

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

COMMONWEALTH OF PENNSYLVANIA  
Office of Small Business Advocate  
Suite 202, Commerce Tower  
300 North Second Street  
Harrisburg, PA 17101

October 31, 2014

Hon. Thomas W. Corbett  
Governor of Pennsylvania  
Room 225  
Main Capitol Building  
Harrisburg, PA 17120

Hon. Samuel H. Smith  
Speaker of the House  
House of Representatives  
P.O. Box 202066  
Harrisburg, PA 17120-2066

Hon. Joseph B. Scarnati, III  
President Pro Tempore  
Senate of Pennsylvania  
Room 292, Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Corbett, Senator Scarnati, and Representative Smith:

In accordance with the requirements of Section 6 of Act 181 of 1988, 73 P.S. §391.41 *et seq.*, and Section 610 of the Administrative Code of 1929, I am submitting the enclosed Budget Request of the Office of Small Business Advocate ("OSBA") for Fiscal Year 2015-2016. Copies are also being delivered today to the Secretary of the Budget, the Secretary of Community and Economic Development, and the Insurance Commissioner.

As explained in detail in the enclosed Budget Request, the total expenses that the OSBA estimates it will incur in Fiscal Year 2015-2016 for both its utility and insurance regulatory activities are \$1,400,000. That is the same amount approved for Fiscal Year 2014-2015, aside from Personnel and Benefits increases, which are beyond our control.

None of the money used to support the OSBA comes from the general funds of the Commonwealth. The OSBA's utility regulatory activities are funded by assessments on public utilities, while the money to support the OSBA's activities concerning workers' compensation insurance rates comes from assessments on the insurance companies that issue such policies in Pennsylvania.

Sincerely,

JOHN R. EVANS  
Small Business Advocate

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

### 2013-14 ANNUAL REPORT OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

November 4, 2014

Megan Totino Consedine  
Secretary of the Senate  
Senate Post Office Box 203053  
Harrisburg, PA 17120-3053

Dear Ms. Consedine:

On behalf of the Board of Directors, I have enclosed the 2013-14 Annual Report of the Pennsylvania Energy Development Authority (PEDA). This report is required by section 5 of the Pennsylvania Energy Development Authority and Emergency Powers Act, Act of December 14, 1982, P.L. 1213, No. 280, as amended, §§ 71 P.S. 720.1 *et seq.*

This year, PEDA revised the 2008 Energy Development Plan to remove outdated references and incorporate current data from Governor Corbett's recently published State Energy Plan. The 2014 PEDA Energy Development Plan was published as final on August 16, 2014.

PEDA also released a 2014 financial assistance offering making \$12.5 million of funding available to projects deploying advanced energy technologies as described in the Energy Development Plan. \$10 million was planned to be used for Advanced Energy Project and \$2.5 million for clean alternative fuels, alternative energy manufacturing and Alternative Energy Research. Applications were received from June 14, 2014 until August 15, 2014. The solicitation resulted in 184 applications requesting over \$81M in funding. On October 22, 2014, PEDA approved grants to 28 local governments, schools and businesses for alternative and clean energy products, along with projects deploying technologies such as solar energy, hydropower, bio-mass and energy efficiency.

If you have any questions, please contact Tom Santanna, Director of Legislative Affairs, by email at [tsantanna@pa.gov](mailto:tsantanna@pa.gov) or by telephone at 717.783.8303.

Sincerely,

DANA K. AUNKST  
Acting Secretary

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

### 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:

SHERIFF, SULLIVAN COUNTY

October 22, 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, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Sheriff, in and for the County of Sullivan, to serve until the first Monday of January 2016, vice The Honorable Bryan S. Brady, resigned.

**TOM CORBETT**  
Governor

**RECORDER OF DEEDS AND REGISTER OF WILLS,  
UNION COUNTY**

October 30, 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, Jon Anzur, 71 Kelly Drive, Carlisle 17015, Cumberland County, Thirty-first Senatorial District, for appointment as Recorder of Deeds and Register of Wills, in and for the County of Union, to serve until the first Monday of January 2016, vice The Honorable Theresa S. Schrawder, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

October 31, 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, James R. Daley, PMP (District 1), 249 Jaclyn Drive, Cranberry Township 16066, Butler County, Twenty-first Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ralph A. Martone, New Castle, whose term expired.

**TOM CORBETT**  
Governor

**COMMONWEALTH TRUSTEE OF THE UNIVERSITY OF  
PITTSBURGH OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION**

October 31, 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, Morgan K. O'Brien, 151 Fort Pitt Boulevard, Pittsburgh 15222, Allegheny County, Forty-second Senatorial District, for reappointment as Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2018, and until his successor is appointed and qualified.

**TOM CORBETT**  
Governor

**MEMBER OF THE PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

October 31, 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, Heather D. Martin, 1535 North Jefferson Court, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve until October 3, 2018, or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Randy Feathers, Altoona, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE PUBLIC EMPLOYEE  
RETIREMENT COMMISSION**

October 31, 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, John J. Egan, Jr., 309 Whitemarsh Valley Road, Fort Washington 19034, Montgomery County, Seventh Senatorial District, for reappointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2020, and until his successor is appointed and qualified.

**TOM CORBETT**  
Governor

**MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD**

November 3, 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, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, vice Carole Haas Gravagno, Wayne, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

November 3, 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, Jon Anzur, 71 Kelly Drive, Carlisle 17015, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve

until March 11, 2018, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ian D. Rosenberg, Pittsburgh, deceased.

TOM CORBETT  
Governor

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 80**.

### BILLS INTRODUCED AND REFERRED

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

November 5, 2014

Senators COSTA, KITCHEN, FONTANA, TARTAGLIONE, SMITH, WHITE and BREWSTER presented to the Chair **SB 1506**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for stalking; and, in wiretapping and electronic surveillance, providing for prohibited use of mobile tracking devices.

Which was committed to the Committee on JUDICIARY, November 5, 2014.

Senators COSTA, FONTANA, FARNESE, SMITH, STACK, HUGHES, WHITE, BREWSTER and SOLOBAY presented to the Chair **SB 1507**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in mixed-use development tax credit, providing for tax credit certificate; imposing duties on Pennsylvania Housing Finance Agency; and providing for claiming the tax credit, for use of tax credit, for pass-through entity and for administration.

Which was committed to the Committee on FINANCE, November 5, 2014.

### 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 J. Bertolet Volkswagen by Senator Argall.

Congratulations of the Senate were extended to the Honorable Sal Panto, Jr., and to Aaron Ross King by Senator Boscola.

Congratulations of the Senate were extended to Dr. Russell K. Laros, Jr., Barbara W. Bigelow, Amanda K. Buss, Trish Kugelman, B. Braun Medical, Inc., Apollo Grill and to the Allen D. Deibler Memorial Golf Classic Committee by Senators Browne and Boscola.

Congratulations of the Senate were extended to Ronald L. Rider by Senators Browne, Argall, and Boscola.

Congratulations of the Senate were extended to Danielle Levin by Senators Browne, Boscola, and Leach.

Congratulations of the Senate were extended to Sara A. George by Senators Browne, Boscola, and McIlhinney.

Congratulations of the Senate were extended to Wayne Woodman and to Lisa Scheller by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Herr, Mr. and Mrs. Wilmer Burkhart, Mr. and Mrs. Warren Becker and to Wenger Feeds by Senator Brubaker.

Congratulations of the Senate were extended to Christa Jones, Arlene M. Hanna, Keith Hartman, Jack Zelenak, Katherine Kelly, Samantha Wrigley, Rich Fitzgerald, Francine Cicco, Deb Dunton, Bill Franceschini, Theodore Trbovich, Paige Pegher, Scott Gormley, Jr., Josh Lengyel, Tom Pegher, Claudia Saladin, Kevin Kelley, Nick Bucci, Brett Wiewiora, Frank Lamanti, Missy Brown Panchura and to the Hanley Agency by Senator Costa.

Congratulations of the Senate were extended to Matthew Charles Jung, Emily Purnell-Johnson, Carol Weaver, Leon Spriggs, Alice H. Hammond, Emmett A. Gruici, Saint Anthony's Lodge of Downingtown and to the G Lodge Restaurant of Phoenixville by Senator Dinniman.

Congratulations of the Senate were extended to Dr. Patricia Mapps by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to F. Frederick Breuninger, Frank F. Breuninger and to Douglas S. Thompson by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Andrew Hebel by Senators Folmer and Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Dean Wagner, Woodrow Wilson Wolfe, Jr., and to the citizens of the Borough of Beavertown by Senator Gordner.

Congratulations of the Senate were extended to Pamela Garwood and to Thomas A. Caramanico by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Kline, Mr. and Mrs. Frank G. Sobina, Sr., Mr. and Mrs. Wendell Baker, Mr. and Mrs. Chet Barker, Mr. and Mrs. Harold Sandrock and to Mr. and Mrs. Burton L. McCall by Senator Hutchinson.

Congratulations of the Senate were extended to Mark A. Kearney by Senators Leach and Greenleaf.

Congratulations of the Senate were extended to Sophie Snyder, Earle D. Moiles, Alayna Cyb, Lorena Ye, Max Lin and to Khushi Upadhyay by Senator McIlhinney.

Congratulations of the Senate were extended to Darrin Brett Loeliger, Austin Glenn Loeliger and to Ethel Mae Carroll by Senator Pileggi.

Congratulations of the Senate were extended to Austin Joseph Cronin by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Gerald Breindel, Mr. and Mrs. Edward Covert, Clint Williams and to Arynn Ashley Cooper by Senator Scarnati.

Congratulations of the Senate were extended to Keystone Wounded Warriors by Senator Schwank.

Congratulations of the Senate were extended to Easy Does It, Inc., by Senator Schwank and others.

Congratulations of the Senate were extended to Steven Michael Evanovich by Senator Smith.

Congratulations of the Senate were extended to Lancaster Housing Opportunity Partnership by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Ed Zeglan, Reverend Donald P. Wilson and to the Patriot's Dream Riding Association by Senator Solobay.

Congratulations of the Senate were extended to Carol Honigman by Senator Stack.

Congratulations of the Senate were extended to Nick Altomari, Benjamin Kondel, Adam Elabed, Ankita Achanta, Hannah Erickson, Jackson McElhaugh and to Shivani Kumar by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Clark Whiteleather, Master Sergeant Leonard Lemieux, Jack Pierce Burbank and to Mechanicsburg Lions Club by Senator Vance.

Congratulations of the Senate were extended to Richard H. Hartman, Greg Quatchak, James Vicheck, Carl Griffiths, Todd Umstott, Richard Wagner, Daniel Stack and to Nathan E. Naylor by Senator Vulakovich.

Congratulations of the Senate were extended to Matthew Hogg by Senator Wagner.

Congratulations of the Senate were extended to Athele Maxwell Renfroe by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. Dave Yarnell, Mr. and Mrs. Gerald Young, Mr. and Mrs. Rodney McClaine and to Mr. and Mrs. Al Sefcik by Senator White.

Congratulations of the Senate were extended to the Reverend John Van de Paer and to Joe Young by Senator Williams.

Congratulations of the Senate were extended to Anthony Dombroski, Jared McEvoy, Richard L. Nothstein, Arthur Long, Marjorie Federanich, Blue Mountain Ski Area and to CTC Manufacturing, Inc., by Senator Yudichak.

Congratulations of the Senate were extended to Stephen Bkanich by Senators Yudichak and Baker.

### 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 Peter Vincent Morone, Jr., by Senator Boscola.

Condolences of the Senate were extended to the family of the late Harry L. McCann and to the family of the late John P. Reinhardt by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Marion Palone, Jr., by Senator Solobay.

Condolences of the Senate were extended to the family of the late Eugene F. Knopf by Senators Tomlinson, Boscola, and Browne.

### BILL SIGNED

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

**HB 80.**

### RECESS

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

Senator VANCE. Mr. President, I move that the Senate do now recess until Wednesday, November 12, 2014, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:06 p.m., Eastern Standard Time.