

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, FEBRUARY 3, 2015

SESSION OF 2015 199TH OF THE GENERAL ASSEMBLY

No. 9

SENATE

TUESDAY, February 3, 2015

The Senate met at 11 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

PRAYER

The Chaplain, Reverend THOMAS C. DELK, Pastor of Souderton Brethren in Christ Church, offered the following prayer:

Let us pray.

Almighty God, You have given us this place, Pennsylvania, as our heritage, and we thank You for its beauty, we thank You for its abundance, its diversity, and the strengths of its communities and its people. We humbly ask You that we may always prove ourselves a people who are mindful of Your favor and glad to do Your will. Give us, we pray, the discernment that we might be faithful stewards of the resources with which You have entrusted us. Responsibilities are great, issues we face are complex, stakes are high, and we are flawed and imperfect.

Though we come asking You for Your grace, Your help to be the people, the kind of people that our people, the people that we lead, need us to be. Lord, we ask that You would bless our communities with prosperity, with businesses that flourish and that allow people to flourish. We ask You that education in our State might build up the generations to come, and we ask for Your grace that we might raise up new generations that prize character over consumption, generosity over selfish gain, and who employ their gifts and abilities for the common good. O God, save us from the things that would destroy our communities, from violence in our streets and in our homes, from the inability to listen to and understand and value those who do not think like us or look like us. From the cycle of poverty that breaks the human spirit, from pride and arrogance, from greed and selfishness, and everything that is evil.

O Lord, defend our liberties and fashion into a united people the multitudes who have come out of many nations, races, and cultures to this place. Empower with a spirit of wisdom those whom we entrust the authority of government: Our Governor, our judges, law enforcement, assemblymen, and these Senators, that there may be justice, peace, and well-being at home, and that through obedience to Your law we may show forth the light of freedom among all of the peoples of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, do not allow our trust in You to fail. All of which we ask through Jesus Christ our Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Delk, who is the guest today of Senator Greenleaf.

PLEDGE OF ALLEGIANCE

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

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:

February 3, 2015

Senators ALLOWAY, SCAVELLO, TEPLITZ, TARTAGLIONE, FONTANA, BREWSTER, COSTA, VULAKOVICH, FARNESE, SMITH, WARD, HUGHES, LEACH, SCHWANK, WHITE, STEFANO, BOSCOLA, MENSCH, DINNIMAN, BROWNE, McILHINNEY and HAYWOOD presented to the Chair **SB 373**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for the offense of cruelty to animals.

Which was committed to the Committee on JUDICIARY, February 3, 2015.

Senators ALLOWAY and MENSCH presented to the Chair **SB 374**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for tagging and reporting big game kills.

Which was committed to the Committee on GAME AND FISHERIES, February 3, 2015.

Senators PILEGGI, BAKER, RAFFERTY, VOGEL, EICHELBERGER, WAGNER, VULAKOVICH, ALLOWAY, VANCE and WHITE presented to the Chair **SB 376**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in licenses and regulations; liquor, alcohol and malt and brewed beverages, further providing for unlawful acts relative to liquor, alcohol and liquor licensees.

Which was committed to the Committee on LAW AND JUSTICE, February 3, 2015.

Senators McGARRIGLE, ARGALL, TEPLITZ, FONTANA, VULAKOVICH, SCHWANK, BAKER, RAFFERTY, MENSCH, HUGHES, COSTA, YUDICHAK, BROWNE and WILLIAMS presented to the Chair **SB 377**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in crime victims, further providing for victims' rights.

Which was committed to the Committee on JUDICIARY, February 3, 2015.

Senators YUDICHAK, GREENLEAF, VOGEL, TEPLITZ, MENSCH, FONTANA, BREWSTER, BAKER, SCHWANK, TARTAGLIONE, COSTA, HUGHES, BROWNE, RAFFERTY, FARNESE, KITCHEN and BLAKE presented to the Chair **SB 378**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth financing authority, establishing the Veteran-owned Business Loan Guarantee Program.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, February 3, 2015.

Senators YUDICHAK, GREENLEAF, VOGEL, FOLMER, KITCHEN, TEPLITZ, MENSCH, WILLIAMS, FONTANA, COSTA, BREWSTER, VULAKOVICH, BAKER, STEFANO, BOSCOLA, WARD, SCHWANK, WOZNIAK, TARTAGLIONE, WHITE, AUMENT, HUGHES, BROWNE, RAFFERTY, FARNESE and BLAKE presented to the Chair **SB 379**, entitled:

An Act relieving members of the United States Armed Forces or other civilians serving in a combat zone or in support of the armed forces from certain local tax filing deadlines; and making an inconsistent repeal of the act of March 26, 1991 (P.L.3, No.2).

Which was committed to the Committee on FINANCE, February 3, 2015.

Senators YUDICHAK, TEPLITZ, FONTANA, ARGALL, COSTA, BREWSTER, VULAKOVICH, TARTAGLIONE, RAFFERTY and FARNESE presented to the Chair **SB 380**, entitled:

An Act requiring the Department of Health and the Department of Environmental Protection to coordinate and cooperate on any investigations into suspected disease or cancer clusters in this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2015.

Senators YUDICHAK, TEPLITZ, FONTANA, ARGALL, VULAKOVICH, HUGHES, COSTA, BREWSTER, STEFANO, SMITH, SCHWANK, BOSCOLA, WHITE, RAFFERTY and BROWNE presented to the Chair **SB 381**, entitled:

An Act amending the act of July 9, 2008 (P.L.915, No.64), known as the Water and Sewer Systems Assistance Act, further providing for legislative findings; authorizing the incurring of indebtedness, with the approval of the electors, of \$600,000,000 for water supply and sewage treatment systems; providing for the powers and duties of the Pennsylvania Infrastructure Investment Authority and for authorization and expiration; and making editorial changes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 3, 2015.

Senators BAKER, FONTANA, GREENLEAF, BOSCOLA, SMITH, COSTA and RAFFERTY presented to the Chair **SB 383**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for definitions and for special tax provisions for poverty.

Which was committed to the Committee on FINANCE, February 3, 2015.

Senators PILEGGI, COSTA, FOLMER, BAKER, BLAKE, BREWSTER, FONTANA, GORDNER, LEACH, HUGHES, GREENLEAF, RAFFERTY, SCHWANK, SMITH, TARTAGLIONE, TEPLITZ, VANCE, VULAKOVICH, YAW, YUDICHAK and BROWNE presented to the Chair **SB 384**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in election districts and polling places, further providing for court to create new election districts, for petitions for new election districts, reference to county board of elections and report, for petitions by county board and action by court on petition or report, for wards in cities of the first class may be created, divided, realigned or consolidated, for definitions, for restrictions on alteration, for alterations after period of restriction and for reports; providing for Official Municipal, Ward, Division and Precinct Boundary Database and for Official Voter Registration and Election Results Database; imposing a duty on counties; imposing duties on the Secretary of the Commonwealth; and providing and providing population data for congressional redistricting.

Which was committed to the Committee on STATE GOVERNMENT, February 3, 2015.

Senators PILEGGI, RAFFERTY, BREWSTER, COSTA, GREENLEAF, SCHWANK, SMITH, VULAKOVICH, WARD, YUDICHAK and BROWNE presented to the Chair **SB 385**, entitled:

An Act amending the act of December 8, 2004 (P.L.1801, No.238), known as the Transit Revitalization Investment District Act, in general provisions, further providing for definitions; in TRID creation and location, further providing for criteria for proposed TRID, for TRID designation, for implementing authority, for TRID planning study factors, for roles and responsibilities of public transportation agencies and municipalities and for amendments to TRID planning study; in land development powers of public transportation agencies, further providing for development or redevelopment of property; in value capture approaches, further providing for creation of value capture area and for dedication of tax revenues; providing for capture of TRID tax revenue; and, in community involvement, further providing for public meeting to explain TRID and alternative implementation approaches.

Which was committed to the Committee on TRANSPORTATION, February 3, 2015.

Senators PILEGGI and FOLMER presented to the Chair **SB 386**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for definitions.

Which was committed to the Committee on FINANCE, February 3, 2015.

Senators PILEGGI, FOLMER, AUMENT, BAKER, BOSCOLA, BREWSTER, FONTANA, GREENLEAF, RAFFERTY, SCHWANK, SMITH, STEFANO, TARTAGLIONE, TEPLITZ, VOGEL, VULAKOVICH, WAGNER, WARD, YAW and YUDICHAK presented to the Chair **SB 387**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions and for registration requirement; and providing for unwanted automatic political calls.

Which was committed to the Committee on STATE GOVERNMENT, February 3, 2015.

Senators PILEGGI, FOLMER, AUMENT, BAKER, BREWSTER, COSTA, FARNESE, FONTANA, RAFFERTY, SCHWANK, TEPLITZ, VULAKOVICH, WAGNER, YUDICHAK, ARGALL and ALLOWAY presented to the Chair **SB 388**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for prohibited activities.

Which was committed to the Committee on STATE GOVERNMENT, February 3, 2015.

Senators PILEGGI, AUMENT, BAKER, BLAKE, COSTA, FARNESE, FONTANA, RAFFERTY, SCHWANK, SMITH, SMUCKER, TARTAGLIONE, TEPLITZ, VOGEL, WARD, WHITE, WILLIAMS, YAW, YUDICHAK, ALLOWAY and BROWNE presented to the Chair **SB 389**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for registration, providing for reports required, further providing for late contributions and independent expenditures, providing for manner of filing and for inability to file reports or statements electronically by deadline, and further providing for late filing fee and certificate of filing.

Which was committed to the Committee on STATE GOVERNMENT, February 3, 2015.

Senators PILEGGI, BAKER, COSTA, GREENLEAF, RAFFERTY, SCHWANK, VULAKOVICH and YUDICHAK presented to the Chair **SB 390**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in nomination of candidates, further providing for affidavit of circulator.

Which was committed to the Committee on STATE GOVERNMENT, February 3, 2015.

GENERAL COMMUNICATION

THE PHILADELPHIA PARKING AUTHORITY FISCAL YEAR 2014 AUDIT REPORT

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

THE PHILADELPHIA PARKING AUTHORITY
701 Market Street, Suite 5400
Philadelphia, PA 19106

January 30, 2015

VIA FEDEX NO.: 8033 5794 7089

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

**Re: The Philadelphia Parking Authority Taxicab
and Limousine Division Annual Audit Report**

Dear Secretary-Parliamentarian Consedine:

The Parking Authority Law directs the Philadelphia Parking Authority Taxicab and Limousine Division ("TLD") to submit to an audit of its books, accounts, and records by a certified public accountant on an annual basis. 53 Pa. C.S. §5708 (c.1). Enclosed please find the Authority's TLD Fiscal Year 2014 Audit Report, approved by the Authority's Board at a public meeting on January 27, 2015.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,
The Philadelphia
Parking Authority

DENNIS G. WELDON, JR.
General Counsel

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

BILLS REPORTED FROM COMMITTEE

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

SB 293 (Pr. No. 304) (Amended)

An Act regulating navigators and assisters in the education and promotion of health insurance exchanges.

SB 397 (Pr. No. 305) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, amending provisions relating to professional bondsmen and providing for authorization to conduct business within each county, for forfeited undertaking and for private cause of action.

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator McIlhinney.

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

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

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator McIlhinney.

Senator Costa requests a legislative leave for Senator Wiley. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator CORMAN asked and obtained leave of absence for Senator ALLOWAY, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, February 3, 2015

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the

Senate recesses this week, it reconvene on Tuesday, February 17, 2015, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article 11, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of February 17, 2015, it reconvene on Monday, February 23, 2015 unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, February 9, 2015, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of February 9, 2015, it reconvene on Monday, February 23, 2015, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-48

Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Scarnati	Wagner
Boscola	Greenleaf	Scavello	Ward
Brewster	Haywood	Schwank	White
Brooks	Hughes	Smith	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yaw
Dinniman	McGarrigle	Teplitz	Yudichak

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.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

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

AFTER RECESS

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

GUEST OF SENATOR DOMINIC F. PILEGGI PRESENTED TO THE SENATE

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

Senator PILEGGI. Mr. President, it is my pleasure this morning to welcome back to the Senate Donna Memmi Malpezzi, to thank her for her 41 years of dedicated public service to the Senate and to the citizens of Pennsylvania. Donna is here today with many of her friends, coworkers, and family. I would especially like to recognize some of them, starting with her mother, Kathryn Memmi. Modern politicians have their focus groups and pollsters, and whether Members of the Senate know it or not, we have had, for many years, Mrs. Memmi, who follows the news, I think, 24 hours a day, 7 days a week, and gives us her opinions on what is good and what is bad. So I thank you for that, Mrs. Memmi, publicly here today.

Donna is also here with her husband of over 30 years--I was not sure if it was 34--Dan Malpezzi, who is a partner at McNees Wallace & Nurick, a law firm based here in Harrisburg; her daughters, Katie and Sarah; her son-in-law, Kyle Patrick, who is Sarah's husband; her brother, Skip Memmi, who is a former Derry Township Commissioner; her brother, John Memmi, who Members of the Senate know as Director of Policy in the Senate Republican Policy and Development Office; and her sisters-in-law Molly Memmi and Diane Memmi. We are happy to have you all here today.

We have some special guests from the group of people with whom Donna has worked over the years, including former Senate Majority Leader David "Chip" Brightbill; PUC Commissioner Gladys Brown; Gaming Board Commissioners David Woods and Annmarie Kaiser; former Secretary of the Senate, and now member of the Ethics Commission, Mark Corrigan; former General Counsel to the Senate Majority Caucus, Stephen MacNett; and Legislative Reference Bureau Director Vincent Deliberato. I am sure I forgot someone, but I am sure that Donna appreciates you all being here to celebrate this event with her.

Donna began her career of public service in 1973 as a Page in the House of Representatives when Richard Nixon was our President. Some of the important names in Harrisburg in 1973 that I do not think anyone here had the pleasure to work with, maybe so, Governor Milton Shapp; Senate President pro tempore Martin Murray; and Speaker of the House Kenneth Lee. Donna went on from being a Page to be a legal aide to the legendary Matthew Ryan from 1977 to 1979, when Matt was the House Republican Leader. For a year in 1979 to 1980, she was a law clerk for Judge Warren Morgan of the Dauphin County Court of Common Pleas, then came back to the State from 1980 to 1987 as Deputy General Counsel to former Governor Dick Thornburgh. She came to the Senate first in 1988, as Chief Counsel to then Senate Majority Leader Joe Loeper, where she served in that position for 12 years; followed by service to Senator Chip Brightbill for 6 years; and followed another 4 years in that same position when I was Majority Leader. Donna then served the Caucus from 2010 to 2014 as General Counsel.

Donna brought with her to the Senate, in addition to her experience and legal skills, an extraordinary work ethic. Donna worked very long hours. I think every person in the cleaning crew who covered that part of the Senate knew Donna on a first-name basis. The security guards who worked the night shift

all knew Donna. And Donna told me that my greatest accomplishment as Majority Leader in the first couple of years was getting the Senate Security, I guess it was DGS at the time, to not close the big metal doors on the north side of the building, which when I first got here they used to lock, and Donna would have to walk around to the center door. I think that is still, in her view, my greatest accomplishment, which I was happy to do. They are still not closed and locked, if you notice. It was a direct result of the fact that she was here every night, literally, and walked out after dark.

Another example of her work ethic, she had some really serious and gruesome—I will not get into the details—medical procedures that she had to endure that I think most people would have taken a sabbatical or leave of absence, or otherwise consider if there is a disability provision in the pension plan. I do not think Donna missed, other than when she was under sedation, a day that she did not check the legislative Calendar, the drafting of bills, and literally had work brought to her home by staff so that they could conduct meetings at home with her. That is the kind of work ethic she brought to the service of the Senate.

She also, some of you might know that, and I think she learned a lot of this maybe back at the bakery, I am not sure, but she brought a sense of fiscal responsibility borne of thrift to just about every piece of legislation that passed through the Senate, and I think that is why she got along so well with the staff of the Committee on Appropriations—I see Greg Jordan in the back. Anything that cost money, Donna would be instinctively suspicious of. This has a fiscal impact; how much does this cost? And who knows how many dollars she saved taxpayers by that orientation over the years of her service.

Donna, during her tenure, also became a recognized statewide authority on legislative drafting and process, and developed a special expertise in issues involving healthcare and insurance. She has certainly earned the respect and admiration of her friends and colleagues, and the citizens of this Commonwealth, and this Senate has greatly benefitted by her service.

Mr. President, I ask that we recognize Donna on this happy occasion celebrating her many years of faithful service.

Thank you, Mr. President.

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

(Applause.)

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

Senator COSTA. Mr. President, I, too, want to join my friend and colleague, Senator Pileggi, in recognizing and thanking Donna for her outstanding service, her 41 years of service to this Commonwealth. I want to also thank her family, because as Senator Pileggi referenced, many, many long hours have gone into the work that she has done here at various levels of government service, and we want to say thank you from the bottom of our hearts. I know I speak on behalf of our Senate Democratic Members, but I also feel that I can speak on behalf of our colleagues who work with you day in and day out. One sitting behind you is PUC Commissioner Gladys Brown, who I know the two of you are very close, and I know that when I speak for our General Counsel's office, C.J. Hafner and Ron Jumper, how they feel about the work that you have done and how you have worked very, very closely with them. So we want to say thank you, because our Members have always felt that we have always re-

ceived a fair shake and a fair analysis of what needed to be done along those lines. So Donna, thank you.

As Members, we do not recognize and see the volume and the magnitude of the hours, research, and the work on legislation that goes on behind the scenes. Senator Pileggi talked about numerous bills that we have worked on. I can tell you, as you all know, a lot of work goes into the drafting of that legislation, looking at different things from different perspectives, raising awareness about potential problems or issues, that just does not happen. That happens because folks have done the research, the reading, have analyzed the legislation, and it allows us to be able to come and speak about the legislation on the floor. So sometimes we lose sight of the background work or the back office work, so to speak, that is being done. I know, Donna, the hours and years that you have provided to this Commonwealth, you have made this Commonwealth a better place. On behalf of our colleagues, we want to thank you and thank your family for allowing you to be a part of this Senate family.

So, all of the best to you in retirement. I know that we will continue to see each other and you will see your colleagues as you move forward into the next chapter of your life. We wish you all of the best, and the best to your family as well. Thank you again.

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

Senator CORMAN. Mr. President, I did want to add one more introduction to the group that is here supporting Donna, and that is the Executive Director of the Office of Open Records, Erik Arneson, is here with us today.

(Applause.)

Senator CORMAN. Mr. President, obviously, Donna is an extremely skilled lawyer and an extremely skilled Chief Counsel, but as I said to her the day she talked about announcing her retirement, I did not really look at her as our lawyer. As a member of the Senate Republican Caucus, and I mean this as the highest compliment, I looked at her as our team mom. Now, as a father of two boys and a girl who play Little League baseball, the team mom has a very important role. We, as coaches, go out there and we are sort of the ruffian coaches trying to get the kids to do all of the things they want to do, and the team mom's job is to make sure that all of the kids are in the right place, doing the right things, and making sure they are getting their uniforms and all of the things they need to be getting.

In a lot of ways, as a member of the Senate Republican Caucus, Donna was the one who was making sure that we were all doing the right things, all in the right place at the right time, and doing it with that motherly touch that she has of being a mother. Making sure Senators stayed in our place, but not directing us, just in a motherly way putting us in our place, and it was done in quite an effective fashion. Like most parents when they are giving you advice or telling you no, which many times she had to tell us no, she did it in a way that you seemed to be okay with. You may not have understood it at the time, but later on you saw the wisdom of the direction that she was leading us. We like to think of ourselves as a family in this Caucus, and certainly Donna was the team mom that directed us for years in the right direction and effectiveness of our Caucus in getting things done for the people of Pennsylvania, which is the most important thing.

So, Donna, thank you for allowing us to do this for you today. I said when you were announcing your retirement we wanted to do this. These days are almost as important to us as they are to you to pay recognition to legendary service. I do not know of many people who put the type of service in their careers that Donna did, going from Page to Chief Counsel. That is fairly unique, and my guess is it will not be repeated anytime in the near future. So thank you for everything you did for us. We look forward to your great times in retirement. I am sure you will be around giving counsel, and if we are smart, we will be taking it as you are offering it in the years to come. Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, certainly, Donna, my warm wishes to you in your not quite retirement, but leaving the Senate and having a new path in life. Senator Pileggi and Senator Corman both hit on, I think, very, very important descriptions of you in very different ways, but I can tell you that there is not anybody in the Senate who has referred to so many of us as honey as you have. What I can tell you is, being referred to as honey during the early years that I was here in the Senate, when we all come here with great expectations, great ambitions, and great ideas, we find out that we are working with a model of you need 26 votes here. Donna was always very good at sitting us down, especially during the budget, and saying, oh, honey, I know you want that, but it is just not going to happen. You know, I felt good about it. I felt good about myself. It was not as abrupt as some individuals could be.

I am a firm believer that our life experiences mold us in whatever paths or careers we take, and your life experience growing up in an Italian family with a bakery, you learned what no college and no public school could ever teach you. You learn how to work together, you learn how to cry together, how to rejoice together, and most of all, how to be successful together. You were just a great driving force here in uniting people. Those late nights, those many late nights when many of us here were on our way back up to get our vehicles at 10 o'clock after going to an event or a dinner, she was going out those doors with a lot of people who are sitting over there right now, putting in those hours. To the public that may be viewing this, when you want to throw some darts or throw stones at those who work in this building, Donna Malpezzi is the example of working hard, putting in many long hours, sacrificing herself, her health, and her family for the taxpayers.

Donna, we will miss you, we appreciate you, and God bless you in all that you do. Thank you.

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 pleasure that I introduce the fourth-grade class from the Pennsylvania School for the Deaf, who are here visiting us today to learn how government works. The Pennsylvania School for the Deaf is a great school that focuses on helping students succeed by recognizing and developing their individual strengths. It is the third oldest school for the deaf in the United States. Whether through American Sign Language, speech reading, or the spoken word,

the students are learning that they can accomplish anything if they set goals, take action to realize their goals, and are supported along the way. They are accompanied by their teacher, Andrea Trump. Also, they are accompanied by Kristin Reisinger, a teacher also; Sandy Kaufman, a teacher's aide; Romi Opris, PCA; Sandy Chacon, a speech/language therapist; and Krys Sipple, director of institutional advancement. I request that we give them our usual warm welcome.

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

(Sign language applause.)

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators TEPLITZ, BOSCOLA, DINNIMAN, HAYWOOD, WOZNIAK, VULAKOVICH, BAKER, SCARNATI, HUTCHINSON, McGARRIGLE, ALLOWAY, FONTANA, WHITE, SCHWANK, GREENLEAF, HUGHES, COSTA, BROWNE, FOLMER, TARTAGLIONE, WILLIAMS, SMITH, YUDICHAK, WARD, AUMENT and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 17**, entitled:

A Resolution recognizing February 2015 as "Career and Technical Education Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, this resolution designates the month of February 2015 as "Career and Technical Education Month" in Pennsylvania. The resolution serves to increase public understanding and appreciation of the value of this educational option. This year's theme is "Discover Success Through Career and Technical Education." Students attending schools like Dauphin County Technical School in my district, the 15th Senatorial District, are receiving a quality academic education as well as occupational and technical skills that prepare them for the emerging workforce.

GUESTS OF SENATOR ROBERT F. TEPLITZ PRESENTED TO THE SENATE

Senator TEPLITZ. With that said, I would like to welcome several guests to the Senate Chamber who are here in support of this resolution. Three of my guests in the gallery are from the Dauphin County Technical School: Dr. Peggy Grimm, the school's administrative director; Sandy Traynor, the school's assistant director; and school principal, Dr. Jon Fox. Dauphin County Technical School is a full-time comprehensive public career and technical high school serving students in the Harrisburg area.

My other guest is Mike Snyder, who is the HR director at HB McClure Company located in Harrisburg. HB McClure is a family-owned heating and cooling contractor that has been serving central Pennsylvania homeowners and businesses for more than a century.

With this resolution, I also acknowledge organizations like the Pennsylvania Association of Career and Technical Administrators, who strive to promote excellence in career and technical education through leadership, advocacy, and service.

So, Mr. President, I ask my colleagues to join me in recognizing the important role of our career and technical schools by designating the month of February 2015 as Career and Technical Education Month in Pennsylvania. I also ask that my colleagues join me in welcoming my guests to the Senate today.

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

(Applause.)

And the question recurring,

Will the Senate adopt the resolution?

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

GUEST OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE

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

Senator GREENLEAF. Mr. President, I would like to have us recognize our Chaplain for today, Pastor Tom Delk, pastor of Souderton Brethren in Christ Church in Souderton. He is a guest of myself, Senator McIlhinney, and Senator Mensch because his church reaches out to all three of our districts and we welcome him here today. He has been pastor of Souderton Brethren in Christ Church since 2005 and has 25 years of ministry. He is married to his wife, Kathy, and they have two children, Josh and Lauren, and live in the Quakertown area. We want to thank him for being here today and presenting his prayer for us.

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

(Applause.)

Senator GREENLEAF. Mr. President, I would like to make a few comments, very brief comments about Donna. Well, the honey stuff really worked with me, I will guarantee you that. Not that I am a problem up here, but sometimes I guess I am. Donna dealt with me, she would start to calm me down and say, honey, this is what we will do. She said yes a lot of times though, particularly getting bills passed. I mean, she tenaciously fought for our bills over in the House because, yes, we have to deal with the House and we have to negotiate and fight for our ideas that passed over there, and she did that with everybody. Everybody in this Caucus she helped in getting our legislation passed and she did it with such a kind way about her, a disarming way, that you would not argue with her, you would just listen to her and talk to her about it. We usually worked things out. Donna is a very, very effective attorney, a very, very effective individual, a very kind person, and a very gentle person. God bless you and thank you for your service.

The PRESIDENT. The Chair adds his thanks and gratitude for all your service, Donna.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 4 and SB 210 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 301 (Pr. No. 187) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 2 (Administrative Law and Procedure) of the Pennsylvania Consolidated Statutes, consolidating provisions on administrative procedure and rulemaking; and making related repeals.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-48

Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Scarnati	Wagner
Boscola	Greenleaf	Scavello	Ward
Brewster	Haywood	Schwank	White
Brooks	Hughes	Smith	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yaw
Dinniman	McGarrigle	Teplitz	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.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 161 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL REREFERRED

SB 166 (Pr. No. 102) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal history record information, further providing for expungement of criminal history record.

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

BILLS OVER IN ORDER

SB 180 and **SB 290** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

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

Senator CORMAN, 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 COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

January 16, 2015

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, Rob Ritson, 58 Timber Trail Drive, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until June 3, 2019 and until his successor is appointed and qualified, vice R. Tyler Courtney, Greensburg, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

January 14, 2015

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. Agras, 73 Lebanon Hills Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2020, or until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

January 15, 2015

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, Nicole Carnicella, D.M.D., 758 Nilson Road, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Education,

to serve until October 1, 2018, or until her successor is appointed and qualified, vice Francis J. Michelini, Mechanicsburg, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

January 14, 2015

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, Robert S. Taylor, 760 Tower View Circle, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2018, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE HORSE RACING COMMISSION

January 16, 2015

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 J. Ellis, 8332 High School Road, Elkins Park 19027, Montgomery County, Fourth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Jonathan H. Newman, Bryn Mawr, resigned.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

Senator CORMAN. 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.

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 Jacqueline V. McGovern by Senator Argall.

Congratulations of the Senate were extended to Bryer John Cochenour and to the citizens of the Borough of Wilmerding by Senator Brewster.

Congratulations of the Senate were extended to Cadet Second Lieutenant Shawn Thomas Bailey and to Cadet Second Lieutenant Jesse Erin Bailey by Senator Brooks.

Congratulations of the Senate were extended to Andrew Z. Frey and to James Ryan Cooper by Senator Dinniman.

Congratulations of the Senate were extended to Philadelphia Chinatown Development Corporation by Senator Farnese.

Congratulations of the Senate were extended to Sergeant F. Robert Seville by Senator Mensch.

Congratulations of the Senate were extended to Nicholas DeLucca and to Robert A. Beitz by Senator Rafferty.

Congratulations of the Senate were extended to Richard Danko by Senator Smith.

Congratulations of the Senate were extended to the Reverend Louis A. Butcher, Jr., and to Cheryl D. Holland-Jones by Senator Smucker.

Congratulations of the Senate were extended to Joseph Cindric, Justin Rock and to Gregory Rosensteel by Senator Stefano.

Congratulations of the Senate were extended to Robert Gongaware, Jake Hensell, Jeremiah Harshey, Michael Radakovich, Earl Stewart, John Gongaware, Todd Morris, Gary Martin Gray and to Clifford Depp by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Dale Schnur by Senator White.

Congratulations of the Senate were extended to Leslie Lewis-McGirth by Senator Williams.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Kevin Cornish by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 293 and **SB 397**.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 3, 2015

10:00 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 293 and 397)	Room 461 Main Capitol
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Rules Cmte. Conf. Rm.
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WEDNESDAY, FEBRUARY 4, 2015

9:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 9, 82 and 316)	Room 461 Main Capitol
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2:00 P.M.	FINANCE (public hearing on issues related to tax exemptions for charitable institutions and Senate Bill No. 4)	Hrg. Rm. 1 North Off.
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Off the Floor	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 179 and 330)	Rules Cmte. Conf. Rm.
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THURSDAY, FEBRUARY 5, 2015

10:00 A.M.	BASIC EDUCATION FUNDING COMMISSION (to consider basic education funding)	Central Montco. Tech H.S. Plymouth Meeting
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WEDNESDAY, FEBRUARY 11, 2015

10:30 A.M.	JUDICIARY (a public hearing to discuss best practices for law enforcement)	Allegheny County Courthouse Pittsburgh
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TUESDAY, FEBRUARY 24, 2015

10:30 A.M.	JUDICIARY (public hearing to discuss the many collateral consequences of being convicted of a crime)	Hrg. Rm. 1 North Off.
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MONDAY, MARCH 16, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Governor's Office/Governor's Budget Office/Executive Offices)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Independent Fiscal Office - Economic Outlook & Revenue Overview)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Hrg. Rm. 1 North Off.
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TUESDAY, MARCH 17, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Treasury Department)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Hrg. Rm. 1 North Off.
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WEDNESDAY, MARCH 18, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Hrg. Rm. 1 North Off.
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Police/Homeland Security)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Drug & Alcohol Programs)	Hrg. Rm. 1 North Off.
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THURSDAY, MARCH 19, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.
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1:30 P.M.	APPROPRIATIONS (Budget Hearing - PA State System of Higher Education)	Hrg. Rm. 1 North Off.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Community Colleges)	Hrg. Rm. 1 North Off.
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MONDAY, MARCH 23, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - SERS/PSERS)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Hrg. Rm. 1 North Off.

TUESDAY, MARCH 24, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Insurance)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Thaddeus Stevens College of Technology)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Hrg. Rm. 1 North Off.

WEDNESDAY, MARCH 25, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections/Office of Probation and Parole)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA Liquor Control Board)	Hrg. Rm. 1 North Off.

THURSDAY, MARCH 26, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Human Services)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community & Economic Development)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Hrg. Rm. 1 North Off.

MONDAY, MARCH 30, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor & Industry)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Banking & Securities)	Hrg. Rm. 1 North Off.

TUESDAY, MARCH 31, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue/Lottery)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Historical & Museum Commission)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Hrg. Rm. 1 North Off.

WEDNESDAY, APRIL 1, 2015

9:30 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Hrg. Rm. 1 North Off.
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veteran Affairs)	Hrg. Rm. 1 North Off.

PETITIONS AND REMONSTRANCES

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

Senator RAFFERTY. Mr. President, just remember today, while the temperature is around zero degrees with wind chills, 15 days until pitchers and catchers report to Florida.

Mr. President, I want to take a minute to talk about Senate Bill No. 4, which we mentioned. Senator Aument and Senator Scarnati worked very hard on this bill. Last year that bill passed through this Chamber, I believe unanimously, and through the House, and it is a constitutional amendment. Some concerns were raised this year by some of the organizations and local governments. What are we doing? Really, we are trying to take back the constitutional authority to the legislature, but knowing that there are some concerns there, we thought that maybe we ought to do at least one public hearing on this. So, I want to publicly thank, because I was one of those who expressed concern, the chairman of the Senate Committee on Finance, Senator Eichelberger, who will be doing a hearing this week on Senate Bill No. 4 to clear the record and to have information disseminated that I think will be beneficial to all. Senate Bill No. 4 may move forward here in this Chamber and then to the House of Representatives.

I also want to thank Senator Scarnati and Senator Corman for agreeing to allow the hearing to go forward. I think it is very important that we standing committee chairs sometimes, we know what is in the bill, the public does not necessarily know what is in the bill, or there may be some misinformation out there, so I think it is a very important step in the process that we, as standing committee chairs, have these public hearings when we do a significant piece of legislation, such as a transportation bill, such as liquor bills, that I think that we really have to learn more to do that type of function as chairs. Again, I want to thank them for allowing this hearing to happen. I think, talking to Senator Eichelberger, some of the witnesses that he has lined up will help clear up the matter once and for all, and I think that it will put us in better shape.

So, Mr. President, I just want to take this opportunity to thank those Senators for working with us. Thank you.

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

Senator COSTA. Mr. President, I just want to rise very briefly to discuss the issue that was raised by my friend and colleague from Montgomery County, the issue of Senate Bill No. 4.

First, I think it is important for the Members to know that we did discuss this legislation intensely last year. Senator Brubaker, I think, was the prime sponsor and we had a lengthy discussion along those lines. The vote total was 30 to 20, 30 Members voted for it, 20 Members voted no. I think what the gentleman was

recalling was the previous Session where I believe it was a unanimous vote at that point in time. I think since then continued opposition has been raised about the validity of, or I should not say the validity but more so the consequences of Senate Bill No. 4 as it relates to amending our Constitution. Mr. President, we had an extensive debate in the Committee on Appropriations last week and it was a 14 to 12 vote, and that particular committee, a bipartisan vote on the negative side, of course, but at the end of the day, the conversation needs to take place. I think it is an important conversation about where we end up with once, if in fact we do get to a place where we amend the Constitution. There are some who believe that Act 55, which has not been ruled unconstitutional, would end up ruling the day if we, in fact, passed this legislation.

There are some who believe that today, and we may hear some testimony to this tomorrow in the committee hearing, that Act 55 does not need a constitutional amendment to allow us to define public charities, and I think that is what is at the crux of this issue. If, in fact, it was an issue that was solely related to developing and investing in this Chamber, and this body, this General Assembly, the authority to craft a public charity act, that would be one thing, but unfortunately, given the language of the *Pike* case, as it relates to Act 55, and as we move forward, with respect to a constitutional amendment to Senate Bill No. 4 and Act 55, how they are blended together, they rely upon one another as we go forward. The uncertainty along those lines is what is important for us to discuss. What we believe we should be doing is rewriting Act 55, a new Public Charity Act, and we believe that we need to continue to provide to our local governments, our local municipalities, our local school districts, our local counties, the ability to be able to get folks to the table. As I said before on this floor, and I said in those committee meetings, pre-Act 55 you could stack up the payment in lieu of taxes this high from the floor to here. Today, you cannot find a payment in lieu of taxes because we have shifted the pendulum away from our local governments with Act 55 and moved them over to primarily the large institutions. And folks, let us be clear; that is what we are talking about. We are not talking about our small, regional community hospitals. We are not talking about the local nonprofits that do well and would meet the HUP standard, given their own opportunity to do so. We are talking about the large institutions, who many in this room believe have strayed from their mission, they have strayed with respect to their profit motive and the things that they do in our communities, and that is what I think the people in this Commonwealth want us to take a look at. The pendulum has shifted away, now the *Pike* case has brought it back over to the other side.

What do we need to work towards? We need to work toward the appropriate balance, in my view, where we give our local governments the authority to be able to get folks to the table and have a meaningful, reasonable, rational discussion about what role public charities play in terms of providing services to our local governments, how they help us pay for our police protection and fire protection if they exist in those communities, how they help us pay for other municipal services and public work services and what role they play in giving back to our communities. That is what needs to be at the table. Unless you have a proper, appropriate piece of legislation that does that, Act 55 does not do that. There are some who believe the *Pike* case goes too far. We have to find that happy balance, and our belief is, if

we do a constitutional amendment before we have that discussion and that conversation in great, great detail, we will end up with Act 55 again, which to me is too far on the one side. And I think too many folks along those lines, and unless we incorporate openness and transparency and how we define and how we work to make certain that these nonprofits continue to serve the mission that we provide them to serve, we provide them with the tax-exempt status, and call upon them to provide services. Until we take a look at that, we should not be moving forward with Senate Bill No. 4. We should wait until that conversation takes place and go forward from there.

At the end of the day, who is paying for this? At the end of the day, it is every single one of our taxpayers who are paying because they are losing the opportunity to be able to work with a nonprofit, our large institutions being able to receive from them resources that they can then apply to services in their respective communities, again, most notably police and fire and municipal, public works type services. When you do not have those resources coming in for our large institutions, every one of our homeowners is paying for that, and every one of our folks who are working in their communities, their tax dollars are being used to cover the cost of what otherwise would have been covered by these large profit institutions. They need to be a part of the solution in our communities, and when you look around this Commonwealth, particularly a lot of our middle class cities, our third class cities in particular, and I know we deal with it in the city of Pittsburgh as a second class city, when we look at our large third class cities and how much of their property is consumed with nonprofit, large institutions, how we are disadvantaging and asking the people in those communities to share disproportionately in the burden of providing the services in our Commonwealth. So I ask all of my colleagues, that while we are going to have a hearing tomorrow, my hope is that we can put off Senate Bill No. 4 until we have the appropriate discussion on how we define public charities, and find out from this hearing whether or not we have the legal authority to even amend Act 55 to allow us to put together language as it relates to the *Pike* case and trying to find that appropriate balance.

I thank the Members for their patience. Thank you.

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

Senator RAFFERTY. Mr. President, just a brief comment. I agree with my colleague on many of his stances. It was not a partisan vote in the Committee on Appropriations. Mr. President, I just want to reiterate that if this legislation does move forward in the Senate of Pennsylvania, there is time, and I agree with him, we have to put out the parameters because it is townships. I can cite a township in my district that has three facilities, two of which use every first responder for that municipality and pay nothing, so it is happening all throughout this Commonwealth.

It is time we addressed it, gave those local governments some of the authority, and worked with them on it as well. I know Senator Eichelberger and some of the other Members who were very instrumental in Senate Bill No. 4 are not going to say, all right, we passed Senate Bill No. 4, and sit back. I agree with the gentleman from Allegheny County. I think there has to be discussion on it, and we have to plan for what we are going to do to allow those municipalities to rightfully have some kind of payment in lieu of taxes for the services rendered. Not just first responders, but all of the services rendered there within that munic-

ipality. I think that tomorrow, and I will go back to my original comment, a public meeting, public education, information obtained is a big first step in the right direction, and I commend Senator Eichelberger again and the Committee on Finance.

Thank you, Mr. President.

RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Wednesday, February 4, 2015, 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 12:13 p.m., Eastern Standard Time.