

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

TUESDAY, FEBRUARY 17, 2015

SESSION OF 2015 199TH OF THE GENERAL ASSEMBLY

No. 11

## SENATE

TUESDAY, February 17, 2015

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

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

## PRAYER

The following prayer was offered by the Chief Counsel to Senator Williams, JOANNA McCLINTON, Associate Minister of Open Door Mission True Light Church, Philadelphia:

Thank you, Lord, for this is the day that You have made. We are rejoicing and we are glad. Father, thank You for blessing and privileging us to get here safely across the roads from all across this Commonwealth. Thank You for these distinguished women and men who serve their communities and all of their constituents across this State. Father, we pray right now that as we are in Your holy presence that we remember to humble ourselves, to ask You to forgive us, and cleanse us from everything that is not like You. Father, we pray, God, as we handle the business of the State, that You would give all of these legislators Your wisdom, Your guidance, Your understanding, and Your compassion. Father, I pray right now that You would bless them and their families that they have left at home; be with them, strengthen and encourage their hearts. Lord, I pray right now that You would be their help. You told us in Your word that You are a very present help in the time of trouble.

Father, we also take this time to thank You for this moment in time when we celebrate black history in February. God, thank You for bringing my ancestors here. Some of them came as pieces of property, but because of Your divine grace and mercy, we thank You because that is no longer the case. You have righted the wrongs in our history. It is our prayer today that You would continue to look on those who are forgotten and undertrod, that You would help them, Lord, that You would give them a voice. In Your name we pray and we thank You. Amen.

The PRESIDENT. The Chair thanks JoAnna McClinton, who is Chief Counsel to our own Senator Williams.

## PLEDGE OF ALLEGIANCE

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

## COMMUNICATIONS FROM THE GOVERNOR

### JOINT SESSION

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVANIA  
Office of the Governor  
Harrisburg

January 30, 2015

The Honorable Joseph Scarnati  
Senate of Pennsylvania  
292 Main Capitol Bldg.  
Senate Box 203025  
Harrisburg, PA 17120

Dear Senator Scarnati:

If it meets with the approval of the General Assembly, I am respectfully requesting a Joint Session of the General Assembly on Tuesday, March 3, 2015. The purpose of this session would be to address the members of the House and Senate for the annual budget address, at a time that is convenient to the General Assembly.

Sincerely,

TOM WOLF  
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:

### JUSTICE, SUPREME COURT OF PENNSYLVANIA

February 5, 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, Kenneth G. Gormley, 228 Glasgow Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for appointment as Justice, Supreme Court of Pennsylvania, to serve until January 4, 2016, vice The Honorable Seamus P. McCaffery, resigned.

TOM WOLF  
Governor

## JUSTICE, SUPREME COURT OF PENNSYLVANIA

February 5, 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 King Kistler, 147 Thunderhill Road, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as Justice, Supreme Court of Pennsylvania, to serve until January 4, 2016, vice The Honorable Ronald D. Castille, mandatory retirement.

TOM WOLF  
Governor

**CORRECTIONS TO 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:

**ADJUTANT GENERAL OF MILITARY &  
VETERANS AFFAIRS**

February 13, 2015

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

Please note that the letter dated February 4, 2015 for the nomination of James Joseph, 103 West 20th Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as Adjutant General of Military & Veterans Affairs, to serve until the third Tuesday of January 2019, and until his successor is appointed and qualified, vice The Honorable Wesley Craig, resigned, should be corrected to read:

**ADJUTANT GENERAL OF PENNSYLVANIA**

James Joseph, 103 West 20th Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as Adjutant General of Pennsylvania, to serve until the third Tuesday of January 2019, and until his successor is appointed and qualified, vice The Honorable Wesley Craig, Oreland, resigned.

TOM WOLF  
Governor

**SECRETARY OF EDUCATION**

February 13, 2015

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

Please note the letter dated February 4, 2015 for the nomination of Pedro A. Rivera II, 1321 Quarry Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Secretary of Education, to serve until the third Tuesday of January 2019, and until his successor is appointed and qualified, vice The Honorable Carolyn Dumaesq, Harrisburg, resigned, should be corrected to read:

Pedro Rivera II, 1321 Quarry Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Secretary of

Education, to serve for a term of four years, and until his successor is appointed and qualified, vice The Honorable Carolyn Dumaesq, Harrisburg, resigned.

TOM WOLF  
Governor

**SECRETARY OF ENVIRONMENTAL PROTECTION**

February 13, 2015

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

Please note that the letter dated February 2, 2015 for the nomination of John Quigley, 153 N 17th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2019, and until his successor is appointed and qualified, vice The Honorable *[sic]* Dana Aunkst, Mount Holly Springs, resigned, should be corrected to read:

John Quigley, 153 N 17th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2019, and until his successor is appointed and qualified, vice The Honorable E. Christopher Abruzzo, Hershey, resigned.

TOM WOLF  
Governor

**INSURANCE COMMISSIONER**

February 13, 2015

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

Please note the letter dated February 4, 2015 for the nomination of Teresa Miller, 4240 Williamsburg Road, Apartment A, Harrisburg 17109, *[data missing]*, for appointment as Insurance Commissioner, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice the *[sic]* The Honorable Michael Consedine, Mechanicsburg, resigned, should be corrected to read:

Teresa Miller, 4240 Williamsburg Road, Apartment A, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as Insurance Commissioner, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice The Honorable Michael Consedine, Mechanicsburg, resigned.

TOM WOLF  
Governor

**SECRETARY OF LABOR AND INDUSTRY**

February 13, 2015

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

Please note that the letter dated February 4, 2015 for the nomination of Kathy Manderino, 509 Fountain Street, Philadelphia 19128, Philadelphia County, Third Senatorial District, for appointment as Secretary of Labor to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice The Honorable Julia Hearthway, Norristown, resigned, should be corrected to read:

Kathy Manderino, 509 Fountain Street, Philadelphia 19128, Philadelphia County, Third Senatorial District, for appointment as Secretary of Labor and Industry to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice The Honorable Julia Hearthway, Norristown, resigned.

TOM WOLF  
Governor

## PHYSICIAN GENERAL

February 13, 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, Rachel Levine, 118 Autumnwood Drive, Middletown 17057, Dauphin County, Forty-eighth Senatorial District, for appointment as Physician General, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice The Honorable Carrie Delone, Camp Hill, resigned.

Rachel Levine, 118 Autumnwood Drive, Middletown 17057, Dauphin County, Forty-eighth Senatorial District, for appointment as Physician General, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice The Honorable Carrie Delone, Camp Hill, resigned.

TOM WOLF  
Governor

## 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 5, 2015

Senators TEPLITZ, BREWSTER, FONTANA, COSTA, BOSCOLA, TARTAGLIONE, FARNESE, SMITH, WILLIAMS and BROWNE presented to the Chair **SB 151**, entitled:

An Act amending the act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, further providing for administration of certain energy conservation and assistance programs; and providing for administration of weatherization services programs.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 2015.

Senators TEPLITZ, FONTANA, BLAKE, SMITH, COSTA, TARTAGLIONE, RAFFERTY and BROWNE presented to the Chair **SB 158**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in volunteer firefighters, further providing for violations.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 5, 2015.

Senators BREWSTER, FONTANA and COSTA presented to the Chair **SB 318**, entitled:

An Act amending Titles 53 (Municipalities Generally) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in employees, providing for the Municipal Police Recruitment and Retention Program and for law enforcement enhancement surcharge.

Which was committed to the Committee on TRANSPORTATION, February 5, 2015.

Senators SMUCKER, BREWSTER, EICHELBERGER, SCAVELLO, McGARRIGLE, SCHWANK, GREENLEAF, WILEY, HUGHES, COSTA, SMITH, RAFFERTY, VANCE and FARNESE presented to the Chair **SB 372**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage license, repealing provisions relating to waiting period after application; and further providing for issuance of license.

Which was committed to the Committee on JUDICIARY, February 5, 2015.

Senators BREWSTER, TARTAGLIONE, FONTANA, HUGHES, BLAKE, COSTA, TEPLITZ and FARNESE presented to the Chair **SB 395**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in unconventional gas well fee, repealing provisions relating to expiration; providing for the Extraction for Education Tax; and establishing the Extraction for Education Fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 5, 2015.

Senators ARGALL, YUDICHAK, BAKER, BROWNE, GORDNER, SMITH, TARTAGLIONE, RAFFERTY and BREWSTER presented to the Chair **SB 404**, entitled:

An Act establishing guidelines and procedures governing certain investigations of correctional officers; authorizing certain civil suits by correctional officers; and providing for impact of collective bargaining agreements and for summary suspensions.

Which was committed to the Committee on LABOR AND INDUSTRY, February 5, 2015.

Senators PILEGGI, BLAKE, BAKER, COSTA, FOLMER, FONTANA, GORDNER, MENSCH, RAFFERTY, SMUCKER, STEFANO, TEPLITZ, VANCE, WARD, WILLIAMS, YAW, VULAKOVICH, BOSCOLA, YUDICHAK and LEACH presented to the Chair **SB 411**, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in preliminary provisions, further providing for definitions; in requirements and prohibitions, providing for Pennsylvania Interscholastic Athletic Association; in access, providing for inmate access; in procedure, further providing for access, for requests, for written requests, for production of certain records and for exceptions for public records; in agency response, further providing for general rule and for extension of time; in appeal of agency determination, further providing for filing of appeal and for appeals officers; and, in judicial review, further providing for Commonwealth agencies, legislative agencies and judicial agencies, for fee limitations and for Office of Open Records.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 2015.

Senators BLAKE, PILEGGI, TEPLITZ, FONTANA, MENSCH, BREWSTER, RAFFERTY, WILLIAMS, SCHWANK, COSTA, FARNESE, WARD, BAKER, VANCE, AUMENT, STEFANO, BARTOLOTTA, VULAKOVICH, BOSCOLA, YUDICHAK and TARTAGLIONE presented to the Chair **SB 412**, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in State-related institutions, further providing for reporting, for contents of report and for copies and posting, and providing for contracts.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 2015.

Senators MCGARRIGLE, VULAKOVICH, BOSCOLA, MENSCH, FOLMER, BAKER, YAW, FONTANA, HUGHES, COSTA, BROWNE, SMITH and RAFFERTY presented to the Chair **SB 414**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for the definition of "income."

Which was committed to the Committee on FINANCE, February 5, 2015.

Senators WHITE, HUTCHINSON, WAGNER, BARTOLOTTA, VULAKOVICH, ALLOWAY, AUMENT, WOZNIAK, RAFFERTY, WARD and BROWNE presented to the Chair **SB 416**, entitled:

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

Which was committed to the Committee on EDUCATION, February 5, 2015.

#### February 9, 2015

Senators KITCHEN, COSTA, HUGHES, BREWSTER, TARTAGLIONE, TEPLITZ, HAYWOOD, WOZNIAK, GREENLEAF, FONTANA, SCHWANK, GORDNER, FARNESE, YUDICHAK, RAFFERTY and WILLIAMS presented to the Chair **SB 230**, entitled:

An Act establishing the Youth Job Program; providing for job training and career experience to unemployed youths; imposing powers and duties on the Department of Conservation and Natural Resources; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 9, 2015.

Senators YUDICHAK, VULAKOVICH, FONTANA, COSTA, BREWSTER, SMITH, HUGHES, BROWNE, RAFFERTY and BLAKE presented to the Chair **SB 421**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in realty transfer tax, further providing for excluded transactions.

Which was committed to the Committee on FINANCE, February 9, 2015.

Senators YUDICHAK, GREENLEAF, VOGEL, FONTANA, ARGALL, COSTA, BREWSTER, BOSCOLA, SCHWANK, WHITE and BROWNE presented to the Chair **SB 422**, entitled:

An Act establishing the Regional Efficiency Aid Program; providing for powers and duties of the Department of Community and Economic Development and the Department of Revenue; and establishing the Regional Efficiency Aid Program Fund.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, February 9, 2015.

Senators HUGHES, TEPLITZ, FONTANA, BREWSTER, COSTA, BOSCOLA and TARTAGLIONE presented to the Chair **SB 423**, entitled:

An Act providing for hepatitis C testing and treatment and for duties of the Department of Health.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 9, 2015.

Senators HUGHES, FONTANA, TEPLITZ, ARGALL, SCHWANK, BREWSTER, MENSCH, YUDICHAK, COSTA and TARTAGLIONE presented to the Chair **SB 425**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, changing the name of the Department of Public Welfare to the Department of Human Services; and deleting obsolete provisions.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 9, 2015.

#### February 11, 2015

Senators BAKER, VULAKOVICH, EICHELBERGER, YAW, FONTANA, SCHWANK, BOSCOLA, YUDICHAK, ALLOWAY, RAFFERTY, PILEGGI, WARD and BROWNE presented to the Chair **SB 35**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency management services, further providing for definitions and for purposes of part; providing for penalty for false application; extensively revising provisions relating to Commonwealth services and to local organizations and services; further providing for disaster duties, for acceptance, for interstate arrangements, for immunity, for special powers, for workers' compensation and for penalties; providing for authority of Federal law enforcement officers, for confidentiality, for adverse interests and for public health emergency measures; establishing a system for the use of volunteer health practitioners; providing reasonable safeguards to assure that health practitioners are appropriately licensed and regulated to protect the public's health; providing for limitations on civil liability and for applicability of workers' compensation and occupational disease law; repealing act 227 of 2002.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 2015.

Senators TEPLITZ, BLAKE, VULAKOVICH, SCHWANK, SMITH, FOLMER, BOSCOLA, RAFFERTY and PILEGGI presented to the Chair **SB 182**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for audit of accounts of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, BLAKE, SMITH and BOSCOLA presented to the Chair **SB 183**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Department of the Auditor General, providing for audit of accounts of the General Assembly; and repealing Act 151 of 1970.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, VOGEL, VULAKOVICH, BLAKE, SCHWANK, FOLMER, BREWSTER, STEFANO and WARD presented to the Chair **SB 184**, entitled:

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for cost-of-living adjustment for members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, VOGEL, VULAKOVICH, BLAKE, SCHWANK, FOLMER, BREWSTER, STEFANO and WARD presented to the Chair **SB 185**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, SCHWANK, BOSCOLA, FOLMER, TARTAGLIONE and VULAKOVICH presented to the Chair **SB 186**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in the Legislature, further providing for sessions.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, VULAKOVICH, VOGEL, BLAKE, FONTANA, BOSCOLA, SMITH, WARD, WHITE and PILEGGI presented to the Chair **SB 187**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth budget procedures, providing for general appropriation bill compensation suspension.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, HUTCHINSON, GREENLEAF, BREWSTER, VULAKOVICH, TARTAGLIONE, COSTA, VANCE, VOGEL, FOLMER, RAFFERTY and WARD presented to the Chair **SB 188**, entitled:

An Act prohibiting the use of taxpayer funds for certain contracts.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, BLAKE and BOSCOLA presented to the Chair **SB 192**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in qualifications of electors, further providing for qualifications of electors at primaries; in party organization, further providing for only enrolled electors to vote at primaries or hold party offices; and, in nomination of candidates, providing for procedure for unenrolled electors to cast primary ballots.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

Senators TEPLITZ, HUGHES, SCHWANK, COSTA, FONTANA, BOSCOLA, TARTAGLIONE, BREWSTER, WILLIAMS and BROWNE presented to the Chair **SB 193**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in charter school, further providing for State Charter School Appeal Board.

Which was committed to the Committee on EDUCATION, February 11, 2015.

Senators TEPLITZ, GREENLEAF, BLAKE, COSTA, FOLMER, SMITH and BROWNE presented to the Chair **SB 194**, 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 residual funds.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 2015.

#### February 12, 2015

Senators SCHWANK, FOLMER, TEPLITZ, FARNESE, LEACH, YUDICHAK, WOZNIAK, McILHINNEY and SMUCKER presented to the Chair **SB 50**, entitled:

An Act establishing an industrial hemp industry in this Commonwealth.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 12, 2015.

Senators WOZNIAK, TEPLITZ, SMITH, BREWSTER, COSTA, FARNESE, YUDICHAK, WILLIAMS, RAFFERTY and BROWNE presented to the Chair **SB 100**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Pennsylvania Educated and Employed Loan Forgiveness Program; and imposing powers and duties on the Pennsylvania Higher Education Assistance Agency.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators WILLIAMS, TEPLITZ, FONTANA, WOZNIAK, COSTA, FARNESE, SMITH, HUGHES, AUMENT, BOSCOLA, YUDICHAK, RAFFERTY and BROWNE presented to the Chair **SB 101**, 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, further providing for subjects of instruction and flag code and for economic education and personal financial literacy programs; providing for personal finance instruction and for capstone course in personal finance as graduation requirement; establishing the Personal Finance Education Fund; and making an appropriation.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators WILLIAMS, KITCHEN, COSTA, FONTANA, FARNESE, YUDICHAK and BOSCOLA presented to the Chair **SB 102**, entitled:

An Act establishing a pilot program to provide scholarship grants to students to support on-time graduation at universities within the State System of Higher Education and community colleges; imposing duties on the State System of Higher Education; and making an appropriation.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators DINNIMAN, FARNESE, FONTANA, TARTAGLIONE, HUGHES, YUDICHAK, BREWSTER, WILLIAMS and RAFFERTY presented to the Chair **SB 103**, entitled:

An Act making an appropriation to the Department of Education to promote activities and services to increase the preparation, enrollment and success of low-income students in postsecondary education.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators DINNIMAN, FARNESE, FONTANA, TARTAGLIONE, HUGHES, BREWSTER, COSTA, GORDNER, BOSCOLA, WILLIAMS, RAFFERTY and BROWNE presented to the Chair **SB 104**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for the Dual Enrollment Expansion Task Force.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators SMITH, WILLIAMS, TEPLITZ, BREWSTER, VULAKOVICH, TARTAGLIONE, FONTANA, SCHWANK, ALLOWAY, RAFFERTY, COSTA, YUDICHAK, MENSCH, KITCHEN, BOSCOLA and FARNESE presented to the Chair **SB 105**, 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, providing for contributions for Tuition Account Programs.

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators HUGHES, TEPLITZ, FARNESE, TARTAGLIONE, FONTANA, BREWSTER, COSTA, SCHWANK, BOSCOLA, WILLIAMS and BROWNE presented to the Chair **SB 106**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Health-Related Industries Educational Scholarship Program and the Health-Related Industries Educational Scholarship Program Fund.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators TEPLITZ, BROWNE, TARTAGLIONE, FONTANA, AUMENT, HUGHES, SMITH, COSTA, SCHWANK and WILLIAMS presented to the Chair **SB 107**, entitled:

An Act authorizing the incurrence of indebtedness by the Commonwealth, upon electorate approval, for the establishment of a fund to benefit eligible students pursuing postsecondary education; creating a special fund in the State Treasury to be known as the Science, Technology, Engineering and Math Higher Education Loan Program Trust Fund; establishing the Science, Technology, Engineering and Math Higher Education Loan Program; and conferring powers and imposing duties on the Pennsylvania Higher Education Assistance Agency.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators TEPLITZ, BOSCOLA, TARTAGLIONE, FONTANA, FARNESE, HUGHES, SCHWANK, YUDICHAK, WILLIAMS, VULAKOVICH, BROWNE and WILEY presented to the Chair **SB 108**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for powers and duties of the Secretary of Education.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators BOSCOLA, COSTA, WILLIAMS, FONTANA, FARNESE, BROWNE, BREWSTER, SMITH, TARTAGLIONE, TEPLITZ, WOZNIAC and RAFFERTY presented to the Chair **SB 109**, entitled:

An Act providing for academic excellence scholarships for persons entering a college or university within this Commonwealth and for powers and duties of the Pennsylvania Higher Education Assistance Agency.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators BOSCOLA, COSTA, HUGHES, WILLIAMS, FONTANA, FARNESE, YUDICHAK, BREWSTER, TARTAGLIONE, TEPLITZ, MENSCH and RAFFERTY presented to the Chair **SB 110**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a work-based learning tax credit.

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators FARNESE, FONTANA, BREWSTER, COSTA, SMITH, HUGHES, YUDICHAK and WILLIAMS presented to the Chair **SB 111**, entitled:

An Act providing for Pennsylvania Pathways to College Act, for grant program, for grant application, for use of funds, for technical assistance, for reporting requirements, for reporting of data, for evaluations by grantees and for report; imposing duties on the Department of Education; and making an appropriation.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators TEPLITZ, BLAKE, COSTA, FOLMER, WILLIAMS and BROWNE presented to the Chair **SB 189**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in administrative organization, further providing for gubernatorial appointments.

Which was committed to the Committee on STATE GOVERNMENT, February 12, 2015.

Senators TEPLITZ, BLAKE, SCHWANK, COSTA, FOLMER, FARNESE, BREWSTER, RAFFERTY, YUDICHAK and WILLIAMS presented to the Chair **SB 190**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for investigations by commission.

Which was committed to the Committee on STATE GOVERNMENT, February 12, 2015.

Senators TEPLITZ, COSTA, BREWSTER, SMITH, RAFFERTY and WILLIAMS presented to the Chair **SB 191**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in bribery and corrupt influence, further providing for the offense of bribery in official and political matters and providing for the offense of acceding to corruption.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators FONTANA, GREENLEAF, BREWSTER, BOSCOLA, VULAKOVICH, YUDICHAK, MENSCH, GORDNER, SCHWANK, HUGHES, COSTA, BROWNE, SMITH, WILEY, BLAKE, FARNESE, WOZNIAK, DINNIMAN and LEACH presented to the Chair **SB 223**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for an angel investment tax credit.

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators EICHELBERGER, BOSCOLA, SCARNATI, ARGALL, GORDNER, WAGNER, FOLMER, MENSCH, VULAKOVICH, GREENLEAF, STEFANO, VANCE, ALLOWAY, WHITE, AUMENT, YUDICHAK, RAFFERTY and BROWNE presented to the Chair **SB 333**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for leave and compensation mandates.

Which was committed to the Committee on LOCAL GOVERNMENT, February 12, 2015.

Senators BAKER, YAW, SCAVELLO, KITCHEN, BLAKE, FONTANA, VOGEL, VULAKOVICH, TEPLITZ, WILEY, ARGALL, SCHWANK, BREWSTER, VANCE, MENSCH, YUDICHAK, PILEGGI, AUMENT, SMITH, WARD, ALLOWAY, COSTA, RAFFERTY, BOSCOLA and TARTAGLIONE presented to the Chair **SB 405**, entitled:

An Act designating Exit 30 from Interstate 84 onto State Route 402, in Pike County, as the Corporal Bryon K. Dickson, II, Exit.

Which was committed to the Committee on TRANSPORTATION, February 12, 2015.

Senator ALLOWAY presented to the Chair **SB 413**, entitled:

An Act amending Titles 2 (Administrative Law and Procedure), 4 (Amusements) and 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, extensively revising provisions on practice and procedure of Commonwealth agencies; establishing the Office of Administrative Hearings; extensively revising provisions on judicial review of Commonwealth agency action; making editorial changes; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, February 12, 2015.

Senators BREWSTER, KITCHEN, TEPLITZ, FONTANA, YUDICHAK, VULAKOVICH, SMITH, COSTA, TARTAGLIONE, SCHWANK, ALLOWAY and WARD presented to the Chair **SB 417**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in development, further providing for use of safety devices.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 12, 2015.

Senators BREWSTER, KITCHEN, TEPLITZ, FONTANA, YUDICHAK, VULAKOVICH, SMITH, COSTA, TARTAGLIONE, SCHWANK, ALLOWAY and WARD presented to the Chair **SB 418**, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, requiring the use of steel products made in the United States.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 12, 2015.

Senators BREWSTER, KITCHEN, TEPLITZ, FONTANA, YUDICHAK, VULAKOVICH, SMITH, COSTA, TARTAGLIONE, SCHWANK, ALLOWAY and WARD presented to the Chair **SB 419**, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, in development, further providing for well reporting requirements.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 12, 2015.

Senators VULAKOVICH, SMITH, ARGALL, BAKER, BOSCOLA, BREWSTER, BROWNE, COSTA, FONTANA, HUGHES, MENSCH, RAFFERTY, TARTAGLIONE, TEPLITZ and BARTOLOTTA presented to the Chair **SB 426**, entitled:

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

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators GREENLEAF, McGARRIGLE, VULAKOVICH, BAKER, SCHWANK, WHITE, HUGHES, MENSCH, RAFFERTY and STEFANO presented to the Chair **SB 427**, entitled:

An Act amending the act of February 24, 1984 (P.L.92, No.17), referred to as the Precious Metal Sale Regulation Law, further providing for dealer's retention of precious metal and availability for inspection.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators WARD, WILEY, VULAKOVICH, STEFANO, GORDNER, FONTANA, RAFFERTY, FARNESE, SCHWANK and HUGHES presented to the Chair **SB 428**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of criminal trespass.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators HUGHES, COSTA, HAYWOOD, TARTAGLIONE, WOZNIAK and LEACH presented to the Chair **SB 429**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school finances, further providing for distress in school districts of the first class.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators HUGHES, TEPLITZ, FONTANA, TARTAGLIONE, VULAKOVICH, BREWSTER, COSTA, GREENLEAF, SCHWANK and BROWNE presented to the Chair **SB 430**, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in State intermediate punishment, further providing for definitions, for referral to State intermediate punishment program, for drug offender treatment program and for written guidelines and regulations; imposing duty on Department of Corrections; and further providing for reports and for construction.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators HUGHES, TEPLITZ, FONTANA, TARTAGLIONE, GREENLEAF, SCHWANK, LEACH, WILLIAMS and HAYWOOD presented to the Chair **SB 431**, entitled:

An Act providing for employer prescreening and for administration of act and rulemaking authority; establishing Ex-offender Increased Access to Employment Enforcement Fund; making an appropriation; and providing for construction of act.

Which was committed to the Committee on LABOR AND INDUSTRY, February 12, 2015.

Senators BROOKS, AUMENT, BAKER, BOSCOLA, FOLMER, HUTCHINSON, McILHINNEY, MENSCH, PILEGGI, RAFFERTY, VOGEL, VULAKOVICH, WAGNER, WHITE and YAW presented to the Chair **SB 432**, entitled:

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

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators BROOKS, AUMENT, BAKER, BOSCOLA, FOLMER, HUTCHINSON, McILHINNEY, MENSCH, PILEGGI, RAFFERTY, VOGEL, VULAKOVICH, WAGNER, WHITE and YAW presented to the Chair **SB 433**, entitled:

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

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators BREWSTER, WOZNIAC, TEPLITZ, FONTANA, HUGHES, BLAKE, SMITH, COSTA, TARTAGLIONE and BROWNE presented to the Chair **SB 434**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, providing for background checks for applicants and recipients.

Which was committed to the Committee on AGING AND YOUTH, February 12, 2015.

Senators BREWSTER, GREENLEAF, FONTANA, SCHWANK, SMITH, HUGHES, YUDICHAK, COSTA, FARNESE, BOSCOLA, WOZNIAC, SCAVELLO, RAFFERTY, DINNIMAN and VULAKOVICH presented to the Chair **SB 435**, entitled:

An Act requiring insurers that approve claims for emergency services to directly reimburse organizations that provide such services.

Which was committed to the Committee on BANKING AND INSURANCE, February 12, 2015.

Senators BROOKS, SCARNATI, FOLMER, VOGEL, WAGNER and WHITE presented to the Chair **SB 436**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for application of act.

Which was committed to the Committee on LABOR AND INDUSTRY, February 12, 2015.

Senators BROOKS, VOGEL, BAKER, FOLMER, RAFFERTY, VULAKOVICH and WARD presented to the Chair **SB 437**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in retail food facility safety, further providing for required licenses.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 12, 2015.

Senators WHITE and WARD presented to the Chair **SB 438**, entitled:

An Act designating a bridge on that portion of State Route 982 over the Loyalhanna Creek, Westmoreland County, as the Lance Corporal Joseph E. Roble Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, February 12, 2015.

Senators BAKER, ARGALL, BROWNE, RAFFERTY, VANCE, TEPLITZ, FONTANA, SCHWANK, HUGHES, SMITH, WARD, McILHINNEY and WOZNIAC presented to the Chair **SB 439**, 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 advertising.

Which was committed to the Committee on STATE GOVERNMENT, February 12, 2015.

Senators FOLMER, VULAKOVICH, TEPLITZ, GREENLEAF, EICHELBERGER, BARTOLOTTA, VOGEL, GORDNER, WARD, AUMENT, BOSCOLA, HUTCHINSON, BAKER, STEFANO, BROWNE and RAFFERTY presented to the Chair **SB 442**, entitled:

An Act requiring notification in advertising.

Which was committed to the Committee on STATE GOVERNMENT, February 12, 2015.

Senators BROOKS, AUMENT, BARTOLOTTA, BOSCOLA, BROWNE, FOLMER, HUTCHINSON, PILEGGI, RAFFERTY, STEFANO, VOGEL, VULAKOVICH, WAGNER, WARD and WHITE presented to the Chair **SB 443**, 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 imposition of tax.

Which was committed to the Committee on FINANCE, February 12, 2015.



Senators BROOKS, HUTCHINSON, SCARNATI, FOLMER, VOGEL, VULAKOVICH, WARD, WHITE and YAW presented to the Chair **SB 444**, entitled:

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

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 12, 2015.

Senators WILLIAMS, FONTANA, HUGHES, TARTAGLIONE, FARNESE and LEACH presented to the Chair **SB 445**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for sale or transfer of firearms and for registration of firearms.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators BOSCOLA, HUGHES, WILLIAMS, HAYWOOD, FONTANA, BROWNE, BREWSTER and FARNESE presented to the Chair **SB 448**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for registration of domestic violence predators; establishing the Domestic Violence Predator Assessment Board; and imposing powers and duties on the Pennsylvania State Police and on the Pennsylvania Board of Probation and Parole.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators BOSCOLA, COSTA, FONTANA, BROWNE, VULAKOVICH and FARNESE presented to the Chair **SB 449**, 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 blood donation education.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators BOSCOLA, BROWNE, BREWSTER and VULAKOVICH presented to the Chair **SB 450**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases, providing for collection from persons accepted from other jurisdictions, and further providing for procedures for withdrawal, collection and transmission of DNA samples and for expungement.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators BOSCOLA, HUGHES, WILLIAMS, FONTANA, BROWNE, BREWSTER and VULAKOVICH presented to the Chair **SB 451**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for assessment and counseling of chronic runaway children.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators BOSCOLA, COSTA, SCARNATI, WOZNIAK, EICHELBERGER, FOLMER, HUTCHINSON, McGARRIGLE, RAFFERTY, SCAVELLO, STEFANO and VULAKOVICH presented to the Chair **SB 452**, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, providing for inmate postage policy.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators BOSCOLA, STEFANO, ALLOWAY, TEPLITZ, HUTCHINSON, RAFFERTY, VOGEL and VULAKOVICH presented to the Chair **SB 453**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in administration and enforcement, further providing for automated teller machines.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, February 12, 2015.

Senators BOSCOLA, HUGHES, WOZNIAK, HUTCHINSON, VULAKOVICH and FARNESE presented to the Chair **SB 454**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in proceedings prior to petition to adopt, further providing for grounds for involuntary termination.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators RAFFERTY, FONTANA, BROWNE, VULAKOVICH, TARTAGLIONE, YUDICHAK, SCHWANK, HUGHES, COSTA and BOSCOLA presented to the Chair **SB 455**, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, in enforcement and remedies, further providing for criminal penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 12, 2015.

Senators RAFFERTY, BROWNE, TARTAGLIONE and VANCE presented to the Chair **SB 456**, entitled:

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for registration, qualifications and supervision of pharmacy technicians and pharmacy technician trainees.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 12, 2015.

Senators RAFFERTY and VULAKOVICH presented to the Chair **SB 457**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for definitions; providing for the offense of tampering with package or receptacle; and prescribing a penalty.

Which was committed to the Committee on JUDICIARY, February 12, 2015.

Senators RAFFERTY, GREENLEAF, YUDICHAK and AUMENT presented to the Chair **SB 458**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, providing for growth supplement for 2015-2016 school year; and making an appropriation.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators RAFFERTY, KITCHEN, GREENLEAF, BREWSTER, TARTAGLIONE, YUDICHAK, SCHWANK, BROWNE, BOSCOLA, McILHINNEY and HAYWOOD presented to the Chair **SB 459**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators RAFFERTY and BROWNE presented to the Chair **SB 461**, entitled:

An Act prohibiting the use of State funds for relocation of licensed facilities.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, February 12, 2015.

Senators RAFFERTY, GREENLEAF, YAW, TARTAGLIONE, YUDICHAK and BROWNE presented to the Chair **SB 462**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in miscellaneous provisions, establishing the Mcare Commission.

Which was committed to the Committee on BANKING AND INSURANCE, February 12, 2015.

Senators RAFFERTY, GREENLEAF, BREWSTER, BROWNE, VULAKOVICH, TARTAGLIONE, YUDICHAK, HUGHES, SMITH, COSTA, LEACH, SCARNATI and HUTCHINSON presented to the Chair **SB 464**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions relating to taxation.

Which was committed to the Committee on FINANCE, February 12, 2015.

Senators RAFFERTY, BROWNE, TARTAGLIONE and HUGHES presented to the Chair **SB 465**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for records of distribution of controlled substances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 12, 2015.

Senators RAFFERTY, BROWNE, VULAKOVICH, TARTAGLIONE, HUGHES and BAKER presented to the Chair **SB 466**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for automatic changes to schedules of controlled substances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 12, 2015.

Senators RAFFERTY, FONTANA, BROWNE, TARTAGLIONE, YUDICHAK and SCHWANK presented to the Chair **SB 467**, entitled:

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," further providing for notices.

Which was committed to the Committee on BANKING AND INSURANCE, February 12, 2015.

#### February 13, 2015

Senators VOGEL, TOMLINSON, TEPLITZ, VULAKOVICH, SCAVELLO, TARTAGLIONE, HUTCHINSON, STEFANO, MENSCH, FONTANA, SCHWANK, RAFFERTY, BAKER, BROOKS, SMITH, YUDICHAK, BREWSTER, VANCE, AUMENT, BLAKE, GREENLEAF, KITCHEN, COSTA, BOSCOLA, HUGHES, WOZNIAK, DINNIMAN and LEACH presented to the Chair **SB 440**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for the definition of "income."

Which was committed to the Committee on FINANCE, February 13, 2015.

Senators GORDNER, BARTOLOTTA, ALLOWAY, VOGEL, McGARRIGLE, AUMENT, VULAKOVICH, WARD, YUDICHAK, SMITH, BOSCOLA, SCHWANK, TEPLITZ, HAYWOOD and BLAKE presented to the Chair **SB 441**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, establishing the Workforce Development Commission and providing for its powers and duties.

Which was committed to the Committee on LABOR AND INDUSTRY, February 13, 2015.

Senators FONTANA, TEPLITZ, BLAKE, BREWSTER, YUDICHAK, SMITH and COSTA presented to the Chair **SB 447**, entitled:

An Act amending Titles 53 (Municipalities Generally), 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in first class cities, further providing for definitions; in general provisions, further providing for definitions; in powers and duties, further providing for power of commission to require insurance; in contract carrier by motor vehicle and broker, further providing for declaration of policy and definitions; providing for transportation network services; in registration of vehicles, further providing for application for registration.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 2015.

Senators RAFFERTY, ALLOWAY and FOLMER presented to the Chair **SB 460**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in boards and offices, providing for nominations.

Which was committed to the Committee on STATE GOVERNMENT, February 13, 2015.

Senators RAFFERTY, TEPLITZ, FONTANA, GORDNER, SCHWANK, VANCE, BOSCOLA, WHITE, SCARNATI and PILEGGI presented to the Chair **SB 468**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preparation for conduct of primaries and elections, further providing for the meeting of election officers on election day.

Which was committed to the Committee on STATE GOVERNMENT, February 13, 2015.

Senators RAFFERTY and BROWNE presented to the Chair **SB 469**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding and changing definitions; further providing for the unified judicial system; establishing the appellate division of the Medical Professional Liability Court; further providing for transfers between intermediate appellate courts, for lien of judgments for money, for direct appeals to the Supreme Court from courts of common pleas, for allowance of appeals from Superior Court and Commonwealth Court, for appeals to Superior Court from courts of common pleas, for original jurisdiction of the Commonwealth Court and for appeals to the Commonwealth Court from courts of common pleas; providing for the jurisdiction of the appellate division of the Medical Professional Liability Court and for the organization and jurisdiction of the Medical Professional Liability Court; establishing the Medical Professional Liability Qualifications Commission and prescribing its powers and duties; further providing for selection of judicial officers, for vacancies in judicial offices and for retention election of judicial officers; providing for selection and retention of judges of the Medical Professional Liability Court and for salaries of judges of the Medical Professional Liability Court; establishing the Medical Professional Liability Court Fund and providing for receipts and payments; and further providing for right to appellate review and for appeals generally; and making editorial changes.

Which was committed to the Committee on JUDICIARY, February 13, 2015.

Senators RAFFERTY, EICHELBERGER, FONTANA, BREWSTER, BROWNE, TARTAGLIONE, SMITH, VOGEL, BOSCOLA and WILLIAMS presented to the Chair **SB 470**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, providing for limitation for life of victim and further providing for no limitation applicable and for other offenses.

Which was committed to the Committee on JUDICIARY, February 13, 2015.

Senators RAFFERTY, FONTANA, BREWSTER, BROWNE, VULAKOVICH, SMITH, VOGEL, BOSCOLA and WILLIAMS presented to the Chair **SB 471**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, further providing for infancy, insanity or imprisonment.

Which was committed to the Committee on JUDICIARY, February 13, 2015.

Senators RAFFERTY, YUDICHAK, TEPLITZ, VULAKOVICH, TARTAGLIONE and BOSCOLA presented to the Chair **SB 472**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for records of distribution of controlled substances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 13, 2015.

Senators RAFFERTY, GREENLEAF, YUDICHAK, BROWNE, TARTAGLIONE, VULAKOVICH and BOSCOLA presented to the Chair **SB 473**, entitled:

An Act providing for tax credits to employers against their corporate net income tax liability for hiring employees 55 years of age or older for full-time employment.

Which was committed to the Committee on FINANCE, February 13, 2015.

Senators RAFFERTY, EICHELBERGER, TEPLITZ, BROWNE, VULAKOVICH, SCHWANK, AUMENT, VANCE, VOGEL, FOLMER, WHITE and BAKER presented to the Chair **SB 474**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for gubernatorial appointments.

Which was committed to the Committee on TRANSPORTATION, February 13, 2015.

Senators RAFFERTY, YUDICHAK, GREENLEAF, BROWNE, VULAKOVICH, SCHWANK, FOLMER, BOSCOLA and BAKER presented to the Chair **SB 475**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 2015.

Senators RAFFERTY, BROWNE and SCARNATI presented to the Chair **SB 476**, entitled:

An Act prohibiting employment of illegal aliens; requiring participation in the Basic Pilot Program as a condition for Commonwealth contracts or grants; prohibiting business tax deductions for certain compensation; requiring suspension of licenses, registrations and certificates of incorporation under certain circumstances; and authorizing a private cause of action.

Which was committed to the Committee on LABOR AND INDUSTRY, February 13, 2015.

Senators RAFFERTY, GREENLEAF and BROWNE presented to the Chair **SB 477**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, in subjects of taxation, further providing for subjects of taxation and repealing provisions relating to limitation upon taxation; in triennial and inter-triennial assessments, repealing provisions relating to valuation of mobilehomes or house trailers; and further providing for recorder of deeds in certain counties to furnish record of conveyances and compensation.

Which was committed to the Committee on FINANCE, February 13, 2015.

Senators RAFFERTY, FONTANA, GREENLEAF, YUDICHAK, BREWSTER, BROWNE, VULAKOVICH, TARTAGLIONE, SMITH, VOGEL, COSTA, SCARNATI and HUTCHINSON presented to the Chair **SB 478**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions relating to taxation.

Which was committed to the Committee on FINANCE, February 13, 2015.

Senators GORDNER, ARGALL, TOMLINSON, YAW, SCHWANK, MENSCH, GREENLEAF, YUDICHAK, WARD, ALLOWAY, COSTA, RAFFERTY, KITCHEN and TARTAGLIONE presented to the Chair **SB 479**, entitled:

An Act designating the Department of Conservation and Natural Resources' Resource Management Center, located in Conyngham Township, Columbia County, as the Edward W. Helfrick Resource Management Center.

Which was committed to the Committee on STATE GOVERNMENT, February 13, 2015.

Senators VOGEL, SCAVELLO, STEFANO, WARD and WOZNIAK presented to the Chair **SB 480**, entitled:

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

Which was committed to the Committee on FINANCE, February 13, 2015.

Senators VANCE, BAKER, GREENLEAF, FONTANA, MENSCH, VULAKOVICH, DINNIMAN, HUTCHINSON, SCHWANK, YUDICHAK, GORDNER and COSTA presented to the Chair **SB 481**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "certified registered nurse anesthetist" and for certified registered nurse anesthetists.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 2015.

Senators BREWSTER, ARGALL, TEPLITZ, WILLIAMS, McGARRIGLE, STEFANO, GORDNER, SCHWANK, WARD, VULAKOVICH, COSTA, WOZNIAK, RAFFERTY, FARNESE and YAW presented to the Chair **SB 482**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in sale of property, providing for Optional County Demolition and Rehabilitation Fund.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 13, 2015.

Senators BREWSTER, WOZNIAK, VULAKOVICH, ALLOWAY, COSTA, BOSCOLA and LEACH presented to the Chair **SB 483**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 13, 2015.

Senators SCARNATI, COSTA, GREENLEAF, BROWNE, ALLOWAY, ARGALL, SCAVELLO, VULAKOVICH,

HUTCHINSON, McGARRIGLE, WHITE, WARD, AUMENT, RAFFERTY, FONTANA and SCHWANK presented to the Chair **SB 485**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of impersonating a notary public or a holder of a professional or occupational license.

Which was committed to the Committee on JUDICIARY, February 13, 2015.

Senators ARGALL, KITCHEN, BREWSTER, WILLIAMS, WHITE, SCHWANK, COSTA, YUDICHAK, TEPLITZ, McGARRIGLE, STEFANO and WOZNIAK presented to the Chair **SB 486**, entitled:

An Act amending the act of April 8, 1982 (P.L.310, No.87), referred to as the Recorder of Deeds Fee Law, authorizing an additional fee to be imposed and used for demolition of dilapidated buildings on blighted property; and making an editorial change.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 13, 2015.

Senators McILHINNEY, ARGALL, GORDNER, FONTANA, BREWSTER, TARTAGLIONE, ALLOWAY, COSTA, RAFFERTY, BOSCOLA and SMITH presented to the Chair **SB 487**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for limits on copayments for insured medical services provided by a physical therapist, chiropractor and occupational therapist.

Which was committed to the Committee on BANKING AND INSURANCE, February 13, 2015.

Senators VOGEL, SMITH, TEPLITZ, ARGALL, VULAKOVICH, BOSCOLA, BARTOLOTTA, COSTA, PILEGGI, BREWSTER, ALLOWAY, AUMENT, WOZNIAK, STEFANO, SCHWANK, WHITE, RAFFERTY, YUDICHAK, BAKER, WARD and BROWNE presented to the Chair **SB 488**, entitled:

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

Which was committed to the Committee on STATE GOVERNMENT, February 13, 2015.

Senators YAW, ALLOWAY, WHITE and MENSCH presented to the Chair **SB 489**, entitled:

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, further providing for definitions, for authority of department, for conditions for licensing and for fees and charges; and providing for recovery of losses due to theft and fraudulent misrepresentation.

Which was committed to the Committee on BANKING AND INSURANCE, February 13, 2015.

Senators YUDICHAK, FONTANA, KITCHEN, TEPLITZ, SCAVELLO, BLAKE, GORDNER, SCHWANK, BREWSTER, SMITH, VULAKOVICH, TARTAGLIONE, HUGHES, COSTA, RAFFERTY, WILEY, BOSCOLA, BROOKS and LEACH presented to the Chair **SB 491**, entitled:

An Act providing for peer-to-peer support for veterans; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 13, 2015.

Senators YUDICHAK, RAFFERTY, TEPLITZ, BREWSTER, FONTANA, SCHWANK, WILLIAMS, SMITH, VULAKOVICH, COSTA, FARNESE and BLAKE presented to the Chair **SB 492**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for short title of chapter, for purpose and for definitions; providing for establishment and operation of nominating committee, for Pennsylvania Public Integrity Commission, for limitations on activities by commissioners and employees, for powers and duties of commission, for authority, qualification, training and identification of investigative employees designated as law enforcement officers, for photo identification, for immunity of witnesses and for enforcement of subpoenas; further providing for restricted activities, for statement of financial interests required to be filed, for State Ethics Commission, for its powers and duties, for investigations by commission and for penalties; providing for costs, restitutions and forfeiture; further providing for wrongful use of chapter; and providing for disclosure of executive session testimony and investigative records, for privileged statements and reports, for commission disclosure of economic interests and for applicable statutes.

Which was committed to the Committee on STATE GOVERNMENT, February 13, 2015.

Senators LEACH, HAYWOOD and HUGHES presented to the Chair **SB 493**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting use of the death penalty.

Which was committed to the Committee on JUDICIARY, February 13, 2015.

Senators WARD, EICHELBERGER, SCAVELLO, VULAKOVICH, WHITE, FOLMER, PILEGGI, TARTAGLIONE and WOZNAK presented to the Chair **SB 494**, entitled:

An Act amending the act of July 11, 1996 (2nd Sp.Sess., P.L.1879, No.10), known as the Flood Insurance Education and Information Act, further providing for flood insurance education and information.

Which was committed to the Committee on BANKING AND INSURANCE, February 13, 2015.

#### February 17, 2015

Senators EICHELBERGER, WOZNAK, FONTANA, TARTAGLIONE, COSTA, VULAKOVICH, YUDICHAK, RAFFERTY and BROWNE presented to the Chair **SB 294**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for the offense of cruelty to animals; and, in humane society police officers, further providing for Humane Society Police Officer Advisory Board.

Which was committed to the Committee on JUDICIARY, February 17, 2015.

Senators SCAVELLO, TOMLINSON, ALLOWAY, COSTA, ARGALL, TEPLITZ, VOGEL, RAFFERTY, WILEY, YUDICHAK, VULAKOVICH, WARD, BOSCOLA and BAKER presented to the Chair **SB 446**, entitled:

An Act providing for Select Committee on Institutions of Purely Public Charity, for establishment of committee, for responsibility of committee, for composition of committee, for determination and recommendations, for hearings and for findings.

Which was committed to the Committee on FINANCE, February 17, 2015.

### **RESOLUTIONS INTRODUCED AND REFERRED**

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

#### February 12, 2015

Senators WILLIAMS, TEPLITZ, FONTANA, SCHWANK, HUGHES, FARNESE, COSTA, SMITH, FOLMER, AUMENT, GREENLEAF, YUDICHAK, KITCHEN and BOSCOLA presented to the Chair **SR 22**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the costs associated with the State's establishment K-12 academic standards for the instruction of personal finance education and conducting a study of the funding models used by other states with comparable programs.

Which was committed to the Committee on EDUCATION, February 12, 2015.

Senators FONTANA, TEPLITZ, FARNESE, BREWSTER, COSTA, SMITH, TARTAGLIONE and WILLIAMS presented to the Chair **SR 23**, entitled:

A Resolution amending Senate Rule XIV.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 12, 2015.

### **HOUSE MESSAGES**

#### **HOUSE BILLS FOR CONCURRENCE**

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

#### February 6, 2015

**HB 49, 152 and 157** -- Committee on Veterans Affairs and Emergency Preparedness.

**HB 127, 131 and 139** -- Committee on Education.

**HB 159** -- Committee on Banking and Insurance.

#### February 13, 2015

**HB 89, 90 and 215** -- Committee on Judiciary.

**HB 150, 178 and 179** -- Committee on Transportation.

**HB 192** -- Committee on State Government.

**HB 224** -- Committee on Education.

**GENERAL COMMUNICATIONS****ANNUAL REPORT OF THE FIREARM  
EDUCATION AND TRAINING COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Firearm Education and Training Commission

January 21, 2015

Section 5 (6) of the County Probation and Parole Officers' Firearm Education and Training Law (Act Number 1994-158), which created the County Probation and Parole Officers' Firearm Education and Training Commission (FETC), provides for the issuance of: *"...an annual report to the Governor and to the General Assembly concerning: (i) the administration of the program; and (ii) the activities of the commission together with any recommendations for executive or legislative actions."*

Section 5 (16) of the County Probation and Parole Officers' Firearm Education and Training Law (Act Number 1994-158), which created the County Probation and Parole Officers' Firearm Education and Training Commission (FETC), provides for the issuance of: *"...reports to the president judges of the courts of common pleas relating to compliance with this act."*

This report, which is prepared and submitted in accordance with Act 158, contains statistics and data, which are current as of the end of Fiscal Year 2013-14.

Respectfully Submitted,

KEITH GRAYBILL  
Chairman

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

**AUDITOR GENERAL'S CERTIFICATE**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of the Auditor General  
Harrisburg, PA 17120-0018

February 10, 2015

The Honorable Joseph Scarnati  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear President Scarnati:

In accordance with the provisions of Article VIII, Section 7(a)(4) of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999, as amended), I am providing you with the accompanying certification in connection with the general obligation bond sale of January 27, 2015.

A duplicate original of the Auditor General's Certificate is enclosed.

Sincerely,

EUGENE A. DePASQUALE  
Auditor General

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**AUDITOR GENERAL'S CERTIFICATE**

Pursuant to  
ARTICLE VIII, Section 7(a)(4)

of the  
CONSTITUTION OF PENNSYLVANIA  
and

Section 304 of the Capital Facilities Debt Enabling Act

To the Governor and the General Assembly:

I, Eugene A. DePasquale, Auditor General of the Commonwealth of Pennsylvania, pursuant to Article VIII, Section 7(a)(4) of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999, as amended), certify as follows:

The amount of outstanding net debt  
as of February 12, 2015 ..... \$9,662,057,429

The difference between the limitation  
upon all net debt outstanding as provided  
in Article VIII, Section 7(a)(4) of the  
Constitution of the Commonwealth  
of Pennsylvania and the amount of  
outstanding net debt as of  
February 12, 2015 ..... \$51,672,507,547

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 12th *[sic]* day of February 2015.

EUGENE A. DePASQUALE  
Auditor General  
Commonwealth of Pennsylvania

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

**APPOINTMENTS BY THE  
PRESIDENT PRO TEMPORE**

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

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

Senator Michele Brooks as a member of the Legislative Budget and Finance Committee.

Senator Thomas McGarrigle as a member of the Legislative Budget and Finance Committee.

Senator Robert B. Mensch as a member of the Legislative Budget and Finance Committee.

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

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

Mr. Martin J. Silverstein as a member of the Board of Trustees of the University of Pennsylvania.

**APPOINTMENTS BY THE MINORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Senator John Blake as a member of the Local Government Task Force for State Mandates, as a member of the Pennsylvania Military Community Protection Commission, and as a member of the Pennsylvania Workforce Investment Board.

Senator Jay Costa as a member of the Judicial Council of Pennsylvania, and as a member of the Pennsylvania Interscholastic Athletic Oversight Committee.

Senator Andrew Dinniman as a member of the Pennsylvania Historical and Museum Commission, as a member of the Ben Franklin Technology Development Authority, as a member of the Education Commission of the States, to serve in his stead as a member of the Pennsylvania Higher Education Facilities Authority, and to serve in his stead as a member of Pennsylvania's State Public School Building Authority.

Senator Lawrence Farnese as a member of the Joint State Government Task Force on Real Property Law, as a member of the Legislative Data Processing Committee, as a member of the Joint State Government Task Force and Advisory Committee to Review Current Alternative Dispute Resolution Services, and as a member of the Pennsylvania Housing Advisory Committee.

Senator Wayne Fontana as a member of the Joint State Government Task Force on Real Property Law, as a member of the Joint State Government Task Force and Advisory Committee to Study the Current System for Providing Services to Indigent Criminal Defendants, and as a member of the Small Business Council.

Senator Arthur L. Haywood III as a member of the Children's Health Advisory Council.

Senator Shirley Kitchen as a member of the Joint State Government Task Force and Advisory Committee to Study the Distribution and Use of Methadone, and as a member of the Joint State Government Task Force and Advisory Committee to Study the Current System for Providing Services to Indigent Criminal Defendants.

Senator Daylin Leach as a member of the Joint State Government Task Force and Advisory Committee to Review Current Alternative Dispute Resolution Services.

Senator Sean Wiley as a member of the Community Service Advisory Board, and as a member of the Hardwoods Development Council.

Senator Anthony H. Williams as a member of the Legislative Data Processing Committee, and as a member of the Joint State Government Task Force and Advisory Committee to Study the Distribution and Use of Methadone.

Senator John Wozniak as a member of the Small Business Council.

Senator John Yudichak as a member of the Environmental Quality Board of Environmental Resources, and as a member of the Recycling Fund Advisory Committee.

Mr. Cliff Reiders as a member of the Patient Safety Authority.

### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Permission has been granted for the Committee on Transportation to meet today off the floor for the purpose of considering the following bills: SB 42, SB 61, SB 385, SB 405, HB 178 and HB 179 in the Rules room.

### **LEGISLATIVE LEAVES**

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Tomlinson.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Haywood and Senator Kitchen.

The PRESIDENT. Senator Corman requests a legislative leave for Senator Tomlinson.

Senator Costa requests legislative leaves for Senator Haywood and Senator Kitchen.

Without objection, the leaves will be granted.

### **LEAVE OF ABSENCE**

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

### **SENATE CONCURRENT RESOLUTION**

#### **JOINT SESSION**

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

In the Senate, February 17, 2015

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, March 3, 2015, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Tom Wolf; 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 CORMAN and were as follows, viz:

#### **YEA-48**

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

### SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators SMITH, DINNIMAN, TEPLITZ, HAYWOOD, FARNESE, FONTANA, BOSCOLA, BREWSTER, KITCHEN, TARTAGLIONE, AUMENT, RAFFERTY, MENSCH and COSTA, by unanimous consent, offered **Senate Resolution No. 24**, entitled:

A Resolution designating February 22, 2015, as "Diffuse Intrinsic Pontine Glioma Awareness Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator SMITH. Mr. President, I rise to request unanimous support for my resolution naming February 22, 2015, as "Diffuse Intrinsic Pontine Glioma (DIPG) Awareness Day" in Pennsylvania. DIPG is a high-grade glioma malignant tumor that operates in the brain stem and is extremely difficult to treat due to its location. Surgery is rarely possible, and the most common course of treatment is radiation and chemotherapy. DIPG occurs almost exclusively in children and, sadly, 90 percent of patients die within 2 years of diagnosis.

Many individuals in my senatorial district became aware of this form of childhood cancer when 8-year-old Bethel Park resident Joey Fabus was diagnosed and began his battle with the disease last summer. Joey spent the next 8 months inspiring others and displaying strength well beyond his years. It was Joey's dream to become a police officer. He received that wish last June when he was made an honorary member of the Bethel Park Police Department. His courage battling this cruel disease captured the hearts of the entire community.

DIPG and other childhood cancers remain the leading disease-related cause of death in children. According to the National Cancer Institute at the National Institutes of Health, in 2014 nearly 16,000 children and adolescents from ages birth to 19 were diagnosed with cancer. Unfortunately, nearly 2,000 children and adolescents lose their battle with cancer on an annual basis. Joey would have celebrated his ninth birthday this Sunday, February 22, but tragically passed away on January 21. He was buried in his police uniform and was granted an officer's funeral, attended by dozens of law enforcement and public safety personnel.

My goal with this resolution designating DIPG Awareness Day is to bring knowledge of Joey's journey to this Chamber and the entire Commonwealth. It is also my hope that greater awareness will increase donations to various organizations raising money to research and combat DIPG and other childhood cancers.

Mr. President, I am joined today by Joey's family: parents, David and Cindy Fabus; sisters, Clarissa and Olivia; and brothers, Joshua and Nickolas, seated in the gallery. Even as they mourn the loss of their son, something no parent can imagine, they have tirelessly worked to keep Joey's memory alive through the establishment of the Joey Fabus Childhood Cancer Foundation.

I want to thank my colleagues who joined me in a moment of silence to honor Joey on January 27, and those who signed on to

support this resolution, and urge the entire Senate to unanimously pass this resolution to underscore the impact of DIPG and other childhood cancers by marking February 22, Joey's birthday, as Diffuse Intrinsic Pontine Glioma Awareness Day in Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. Will the Senate please join, at Senator Smith's request, in a moment of silence for Joey.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of JOSEF GIOVANNI FABUS.)

### GUESTS OF SENATOR MATTHEW H. SMITH PRESENTED TO THE SENATE

The PRESIDENT. The Chair thanks Senator Smith for his important resolution. Senator Smith, at this time, would you introduce your guests.

Senator SMITH. Mr. President, as I said, I am joined by Joey's family in the gallery: parents, David and Cindy Fabus; sisters, Clarissa and Olivia; and brothers, Joshua and Nickolas. Please give them a warm Senate welcome.

(Applause.)

The PRESIDENT. We thank the guests for being here and honoring us with your presence.

And the question recurring,

Will the Senate adopt the resolution?

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

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tomlinson has returned, and his legislative leave is cancelled.

### SPECIAL ORDER OF BUSINESS LINCOLN DAY ADDRESS

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

Senator CORMAN. Mr. President, yesterday we here in the Commonwealth and around the nation celebrated President's Day. One of the traditions we have in the Senate Republican Caucus is to honor President Lincoln, the 16th President of the United States, with an address by one of our newer Members of our Caucus on their thoughts on one of the greatest Presidents in the history of the United States, Abraham Lincoln. So with that, as a special order of business, I ask you to recognize the Senator from Washington County.

The PRESIDENT. As a special order of business, the Chair recognizes the gentlewoman from Washington, Senator Bartolotta. I know that the Senator is a Daughter of the American Revolution, and we look forward to hearing her address.

Senator BARTOLOTTA. Mr. President, in observance of President's Day, I rise today to pay tribute to two of our nation's greatest leaders, George Washington and Abraham Lincoln. It has been a tradition in this Chamber to address the legacy of President Lincoln in commemoration of his birthday, but as a proud Member of the Daughters of the American Revolution, I would be remiss to ignore the contributions of President Wash-



ington as well. Washington has deep roots in southwestern Pennsylvania - as a landowner, his march to Fort Duquesne, rafting across the frozen Allegheny River, and quashing the Whiskey Rebellion, which took place in my own hometown of Monongahela.

The historical significance of George Washington's improbable victory in the Revolutionary War and the defining characteristics of his presidency are well documented, but we do not often speak of his role in setting the gold standard for all of those who have followed him in public service. Washington and the Founding Fathers realized that no individual could match the collective wisdom of a group of citizens dedicated to their communities. Thanks to the steadfast defense of democratic ideals, we have a system of governance that allows a small business owner like myself to join with farmers, lawyers, nurses, and other professionals to solve the greatest problems facing the Commonwealth. This system does not always function as it was intended. Many citizens grow frustrated with the pace of government, the misuse of tax dollars, the stories of corruption, and the negative tone of many political campaigns, but Washington understood that all of these obstacles can be overcome, so long as there are still principled, community-minded individuals who are committed to good government and willing to work on behalf of their fellow citizens.

As Washington formed us out of battles and established our independence, Lincoln gave us a vision of what to do with it. By now we all know the story of Lincoln's grim determination to save the union and abolish slavery. He said, "As I would not be a slave, so I would not be a master. This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy." Today we no longer fight to dissolve slavery, but will always fight against that character which made us accept slavery or turn a blind eye to slavery. The sloth and dominance of mankind who seeks to have another work for us and then take what that other has sweat for and claim it as our own is the mind of the master that Lincoln knew was the foundation of slavery. You cannot make a weak man strong by making a strong man weak. You cannot lift up the wage-earner by pulling down the wage-payer.

It is easy to forget what he risked in the name of freedom and equality. He did not accept what was easy. He made us stand for what was just. He did not advocate for the rights of some, he struggled for the rights of all. When faced with the dissolution of our great nation, and the continued subjugation of the enslaved, Lincoln stood strong on the principle that we are one nation made up of citizens who should all have the same rights and freedoms. This message of unity and inclusiveness should continue to serve as a guiding force for every elected official at every level of public service today.

In my first 6 weeks in office, I have been fortunate to meet colleagues from both sides of the aisle who hold a deep passion for improving the lives of Pennsylvanians. Based on the collective experience, knowledge, and passion in this Chamber, I have no doubt that we are capable of making great progress on behalf of the people whom we represent. It is unrealistic to believe that we will all agree on every issue, and oftentimes our deep-seated beliefs will lead to spirited debates and heated disagreements, but

we must be willing to navigate these differences and explore alternatives for cooperation, and we can be very thankful to our greatest leaders who have taught us that we can do so in a way that promotes cooperation without compromising the values we hold dear.

I am hopeful that as we tackle the issues before us in this General Assembly, we can remember the lessons of Washington and Lincoln and put them to good use in this Chamber. For I know that in our work as public servants, our goal echoes that of President Lincoln's that he spoke of so long ago, that this nation under God shall have a new birth of freedom, that government of the people, by the people, and for the people shall not perish from the earth.

Thank you, Mr. President.

(Applause.)

The PRESIDENT. The Chair thanks the Senator for her very eloquent speech.

## 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 purposes of meetings in the Rules room of the Committee on Appropriations, the Committee on Judiciary, and the Committee on Transportation, to be immediately followed by a Republican caucus to be held in the first floor caucus room.

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

Senator COSTA. Mr. President, at the conclusion of the three scheduled meetings noted by the Majority Leader, Senate Democrats will meet in the rear of the Chamber for a caucus.

The PRESIDENT. For purposes of the scheduled meetings, 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.

## LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request a legislative leave for Senator Alloway.

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

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

The PRESIDENT. Senator Corman requests a legislative leave for Senator Alloway.

Senator Costa requests legislative leaves for Senator Hughes, Senator Williams, and Senator Yudichak.

Without objection, the leaves will be granted.

## LEAVE CANCELLED

The PRESIDENT. Senator Farnese has returned, and his personal leave is cancelled.

## CALENDAR

## THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 4 (Pr. No. 168)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for criteria for institutions of purely public charity.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Aument.

Senator AUMENT. Mr. President, it is my privilege to rise in support of final passage of Senate Bill No. 4. Senate Bill No. 4 is a straightforward proposal to address a separation of power issue that was created by a 2012 Pennsylvania Supreme Court ruling. In that very close 4-3 decision, the Pennsylvania Supreme Court ruled that the General Assembly does not have the sole constitutional authority to create purely public charity standards. I, along with my colleagues in support of this bill, believe that it is the role of the General Assembly to create this test and to clarify that authority, and a constitutional amendment is needed.

For as much discussion as this proposal has received, one would think that Senate Bill No. 4 is page upon page of bureaucratic jargon, when, in fact, the bill totals just four lines. The bill in its entirety reads, "The General Assembly may, by law: Establish uniform standards and qualifications which shall be the criteria to determine qualification as institutions of purely public charity under clause (v) of subsection (a) of this section."

As you can see, this proposal is very direct and it is plain-spoken. To address some of the most common claims about this legislation, Senate Bill No. 4 does not change the guidelines or parameters of what constitutes a purely public charity. Senate Bill No. 4 does not limit a municipality's ability to challenge a tax-exempt status or negotiate a payment in lieu of taxes. Senate Bill No. 4 only clarifies, by amending our Pennsylvania Constitution, that it is solely the role of the General Assembly, and not the courts, to decide what a purely public charity is in Pennsylvania. In fact, most of the concerns, many of the legitimate concerns that I have heard expressed, actually have nothing to do with Senate Bill No. 4 itself. Rather, those concerns lie within the specific parameters, many of the concerns lie with Act 55 that was adopted in 1997, and I think we should have that conversation at an appropriate time.

I think it is important to understand how we got to where we are today. The history of the topic is actually pretty simple. From 1995 to 1997 a judicially created assessment, known as the HUP test, was used to determine tax-exempt status in Pennsylvania. In the years when the HUP test was used, confusion and inconsistency thrived, and countless dollars were spent on costly litigation as the system relied upon the local court's interpretations of this HUP test. A clear set of standards was needed to benefit both our nonprofits and local government taxing authorities all across this State.

So, in 1997, the Institutions of Purely Public Charity Act, Act 55, was passed unanimously by the Senate 47 to 0, and in the House of Representatives 194 to 0. By building off of the five-prong HUP test, Act 55 established realistic and objective criteria for what is a purely public charity. I think it is important to note that the work done, the passage of this act, was the culmination of 21 months of work by Members of both Chambers, by various stakeholders from the nonprofits and the private and public sectors. The House Committee on Finance held six public hearings in all corners of the State, in addition to several meetings where negotiations took place and amendments were agreed upon.

I had the opportunity to review the Journals of the House and the Senate from the debate as Act 55 was considered, and there was unanimous agreement that change was necessary, that the inconsistency had led to costly litigation, and great uniformity all across our Commonwealth. I believe those Legislative Journals, the debate on Act 55, tell a clear story and two lessons. One, it is possible to set politics aside and craft a fair set of standards. Two, the HUP did not work from 1985 to 1997, and it will not work in 2015 and beyond.

While I understand many of the arguments being made regarding the problems of Act 55, that debate is not appropriate to Senate Bill No. 4. As a former borough council member myself, I understand and appreciate the issues and challenges facing our local governments, and the seemingly shrinking tax base, and certainly would not sponsor a proposal that would fiscally impair our local governments. However, those issues, which I agree need to be resolved, and they should be resolved here by the General Assembly and not by the courts, should occur at the appropriate time and during the analysis of that legislation.

In the end, I think everyone would agree a clear and fair set of standards is needed for purely public charities in the State. It is my opinion that the people of the Commonwealth, through their elected General Assembly, should have the authority to decide what constitutes a purely public charity, and not a judge. I ask this Senate to adopt Senate Bill No. 4 on final passage, send this bill to the House, and ultimately send it to the voters of this Commonwealth to insure that the General Assembly has the authority to determine what constitutes a purely public charity.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I just have a few remarks about Senate Bill No. 4. I want to commend my colleague, Senator Aument. I commended him at the hearing that we had for his thoughtfulness and his research, and I actually want to also thank Senator Eichelberger, Republican chair of the Committee on Finance, for having a hearing which was very telling on this matter. I have been a purist on this issue, Mr. President. I voted in the affirmative on this bill five times, at least, in committee and on this floor because I believe, as my colleague just described, that perhaps the courts did overstep and that they were making law instead of just interpreting law. But I am also pragmatic and practical, and despite my concerns about litigation that I think could occur as it had in the past, as was mentioned by Senator Aument, there are other learnings that came from the committee hearing that I think need to be aired here.

We had two constitutional experts, constitutional attorneys who were able to take a look at Senate Bill No. 4 and they both

concluded that it may be unnecessary. Further, they concluded that it may not even be worded properly to fulfill its intention. I have always been, again, of the opinion that this is a separation of powers issue. I was just handed a legal opinion by our very esteemed team at the Legislative Reference Bureau indicating, however, that this issue on Senate Bill No. 4 is, in fact, not an issue of separation of powers conflict, which is contradictory to my prior opinion.

I think there are a couple of concerns I have as it relates to Act 55, and this is the bill that Senator Aument just mentioned. It was done by many Members of this Chamber, as the Senator mentioned, almost 2 years' worth of work, and he noted that there were six hearings on that bill. We are considering a constitutional amendment, which is the most important document, the compact between the people of this Commonwealth and its government, and unfortunately, we have only had one hearing, Mr. President. I do not think we have had a chance to get all of the facts out on the parties who are irate on this matter. We should be doing law by reasserting our constitutional authority on Act 55 and properly exercise that authority in determining what is, in fact, a purely public charity and who and what should be tax-exempt. That is not the argument we are having here.

It is important to note that the courts did not determine that Act 55 was unconstitutional, very important, because that, in effect, gives us the opening to exercise our constitutional authority in writing the law, which is what we should do because the scenario in 1997 as it related to nonprofits and the relationship with our municipalities is very different in 2015.

If Senate Bill No. 4 passes this Chamber, goes to the House, and is ultimately approved by the voters, it would posit a bill signed into law in 1997 to prevail as the law of the land after a change in the Constitution, which I expect will prompt a legal challenge as to the validity of Act 55. The courts will then ultimately render a decision on that and we may be required at that point to revisit Act 55 anyway as a result of the ruling of the court. I do not like to see our communities posited or pitted against our nonprofits. I do not like our nonprofits pitted against the communities in which they operate. I do think, Mr. President, that the constitutional amendment that we are considering here is being done in somewhat of a rush fashion. The administration has expressed concerns about this, and there are concerns. Even though they are nominal, there are certain costs associated with this in a very difficult budget cycle.

I believe, again, in the legal opinion that we just received from the Legislative Reference Bureau, that there are some contradictions, there are some citations of legal authority that precede the *Pike County* case, which, I think, bring into question the validity of those citations. For all of these reasons and more, Mr. President, I think that we are rushing into an amendment to our Constitution that need not happen in February of 2015. We have a 2-year legislative Session here and we have had promises of hearings not only by my distinguished friend and colleague, the chairman of the Senate Committee on Finance, but also by the Auditor General to get a different opportunity for testimony on this matter because it is so momentous. I just wanted to let my colleagues know I think we are going a little too fast here.

Thank you, Mr. President.

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

Senator EICHELBERGER. Mr. President, we did have a hearing and had a lively discussion about the bill before us. I would remind my colleagues that this bill was passed last Session, so the need to get into a great amount of work and detail at this point after this bill has been around for over 2 years, and already voted on on two different occasions by the Senate, is unnecessary at this point. We have already been exposed to it, we have already had many discussions about it, and we have already voted on it. This is the third time we would vote on this bill. I would not expect anybody to think that we need to spend more time exploring it.

What we will do, though, is we made a commitment, and my colleague, Senator Blake, and I have had this discussion about having further hearings in one format or another, either through a commission or through the Senate Committee on Finance, to work on language in the event that this constitutional amendment would be passed by the voters of the Commonwealth. We would have language prepared and we would continue to work on that language to further clarify the tax-exempt policies of Pennsylvania. We currently have a situation now that is a process that is driven by the courts, it is inconsistent. Everybody, including the law professors who testified at the hearing, acknowledged that the current situation is in violation of the uniformity clause of the Pennsylvania Constitution. We have this erratic patchwork of court decisions across the Commonwealth that is not proper and not an appropriate tax policy that we are charged to correct. In the separation of powers act, the separation of powers situation that we are in is a very important issue for the legislature to address. And we have addressed this on several occasions in the past with other matters, and we have always been successful in doing that, and I do not see any reason to believe that currently we would not be successful in addressing this problem that is a very important issue for local taxing jurisdictions and for nonprofits across our Commonwealth. We have to have a fair and just system for everybody involved and one that they can count on so that they do not have to rely on a judicial opinion in one county that will vary from another judicial opinion in another county, that will be dragged through the court process on appeals to a higher court to make another decision. We cannot have that system in Pennsylvania. It is too costly and not fair.

I ask my colleagues to approve the bill today without any amendments and know that they are doing the right thing by the people of this great State.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, before I begin remarks, I would like to introduce comments from Senator Haywood, who is on legislative leave today, but I have remarks that he would like to have entered into the record.

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentleman from Montgomery, Senator HAYWOOD:)*

Mr. President, our Constitution permits real estate exemption for purely public charities. (Article VIII section 2). On February 4, 2015, the Senate Committee on Finance, of which I am a member, heard from two law professors, Nicholas Cafardi and Katherine Pearson, and a

national expert in charitable legislation, David Thompson, on Senate Bill No. 4. The two law professors concluded that Senate Bill No. 4, if passed, will have no impact because in our constitutional democracy it is the courts not the legislature that interprets the Constitution. Moreover, the national expert in charitable legislation stated that no State legislature in the nation has sought to take the power from the courts as this legislation appears to propose, albeit ineffectively. Therefore I vote "no" and encourage all Senators to do the same so that we can avoid the embarrassment of voting for a law which will have no effect and attempts to usurp the power of the courts.

Thank you, Mr. President.

Senator COSTA. Mr. President, in addition to Senator Haywood's remarks, I ask that we incorporate the remarks of the individuals who testified at the hearing of the Committee on Finance which was referenced. I believe that it was Professor Pearson's testimony, as well as the testimony of Auditor General Eugene DePasquale, because I think their testimony supports the reason that this side of the aisle, 19 of us, will be voting "no" on this amendment, because we deem that it is inappropriate and not something that needs to be addressed at this time.

Contrary to the remarks of my colleagues on the other side of the aisle, it is not a fair and just outcome as it relates to confusion reigning over the years. I think what has taken place and what will continue to take place for the next several years through this legislative process, but also through what we believe will be a very protracted legal process as it relates to the validity of Act 55 and whether or not steps that we have taken were appropriate. We believe that confusion will continue to reign because what will take place is there will be uncertainty with respect to what law applies. Is it the old Act 55? Is the HUP test still engaged? While that case is being challenged, there will be that uncertainty.

I want to really focus on some of the issues that were raised by my colleagues, and the one that stuck out to me, while this purports to be a very simple, clean piece of legislation, it has very, very few words. It is something that, I think, will have a profound effect on a number of our communities throughout this Commonwealth, the people whom we represent all of the time. We talk about wanting to make certain that we assist and work with our local authorities in particular to make certain that what we do will not unduly burden them. Folks, I will tell you that what we are trying to do today, what you all are trying to do today, is pass legislation that amends our Constitution, that at the end of the day becomes a burden to our local governments and our local officials. Their hands are going to be tied. There is a reason why just about every single statewide organization representing local governments and a variety of other folks are opposed to this legislation. It is because we are tying their hands behind their backs. For the past couple of years, now that they have had the opportunity to exercise under the HUP test, they have been able to sit down and negotiate with a number of nonprofits, and again, the large nonprofits.

Some said it was fair and just, that Act 55 was a fair and just piece of legislation, and I supported it. I was one of those 47 people who supported it, and at the time, it was. But I think as we look at particularly our large nonprofits and large charitable organizations, they do not look like that today. I think we all know that. We see the combination and the integration of insurance, healthcare, and a variety of other things that are taking place in these public charities that have changed the dynamic of

what we thought we had in 1997 and what we have today. I think the court in the *Pike County* case saw that. They recognize it as well.

I think if we move forward, we believe it would be unfair and unjust to the people of Pennsylvania. At the end of the day, what we are saying to our local governments is that we believe that the Act 55 test was appropriate. It was not. If it was the appropriate test, then I think you would see. To me, the most glaring example would be payment in lieu of taxes. Our local governments have lost the ability to sit down across the table to fairly, reasonably, and responsibly work with the other side to figure out the best way to reach a common ground as it relates to providing resources to that local government as it relates to paying for the services that are being provided by those local municipal officials in the municipalities along those lines. That is not happening today. As I said before many times here, the list of payment in lieu of taxes could stretch from the floor to where my hand is at. Today, they are nonexistent, and the reason is that Act 55 shifted that balance away from our local governments. What we are going to do with this legislation is shift it back and put the power back in our large institutions to allow them the opportunity to really squeeze our local governments.

What we want to be able to do, and I appreciate the comments from the chairman of the Committee on Finance, that we will be looking at the Act 55 amendment and looking at and discussing Act 55. As we go through that process, it is imperative that we take the time to look at what it is in terms of things along the lines of openness, transparency, and accountability. All of those things that we say to folks back home that we are going to come to Harrisburg and make sure they take place. By reenacting Act 55, all we are doing is allowing the same unfair and unjust opportunity to exist throughout this Commonwealth as it relates to how we define public charities. We need to change that. This is our opportunity to change that. This is your opportunity to stand with local governments and with your taxpayers back home and say to them that we are going to stand and we are going to work to make sure that we have an opportunity that we level the playing field for our nonprofits and for our local officials.

Senator Blake is right. We should not be pitting charities versus the public sector. That is not what we should be doing. We should be working together to a common ground that is going to allow us to do that. We have the opportunity to do that today. The 19 Members of this Senate Democratic Caucus support that notion and we are going to go through that process as we go forward. But I am asking and imploring upon my Members of this Chamber to join me in voting "no" on this very, very important piece of legislation.

Before I conclude, Mr. President, I want to provide the testimony of Eugene DePasquale, Professor Pearson, and I also have the testimony of Duquesne University Professor Nick Cafardi, in light of the fact that we believe that this is going to end up in litigation and we want to make certain that this record reflects what testimony was provided at the hearing of the Committee on Finance, and we ask that that language be adopted as a part of the remarks that I am providing as we go forward.

Thank you, Mr. President.

The PRESIDENT. Without objection, the documents will be spread upon the record.

*(The following submitted testimonies were made part of the record at the request of the gentleman from Allegheny, Senator COSTA:)*

**Opening Statement of  
Auditor General Eugene A. DePasquale  
Wednesday, Feb. 4, 2015  
Hearing on Senate Bill 4**

**Before the Senate Finance Committee  
The Honorable John H. Eichelberger Jr., Chairman  
The Honorable John P. Blake, Democratic Chairman**

Thank you Chairman Eichelberger and Chairman Blake for holding this hearing today on issues related to tax exemptions for institutions and organizations operating as purely public charities and the constitutional amendment proposed by Senate Bill 4.

As the state's chief elected fiscal watchdog, I am committed to ensuring that taxpayer dollars are spent properly and efficiently. Local government officials across Pennsylvania continue to voice concerns about their dwindling tax base and ever-increasing operational costs, while citizens still expect quality services such as fire, police, and schools.

What's more, it is no secret that the state itself is facing a \$2 billion budget hole, which forces all of us to evaluate any other possible methods for revenue generation.

In light of these financial concerns, I tasked my staff with reviewing the local property tax exemptions granted to non-profit entities throughout the commonwealth. I realized this could be a dauntingly large undertaking, so the report focused on a 10 county sample. This information gave us a snapshot of the issues faced by all counties in Pennsylvania.

The report, released in December, shows that more than \$1.5 billion in potential property tax revenue for school districts, county and local governments are unrealized. Keep in mind, this report only covered 10 of Pennsylvania's 67 counties, but it covered a cross-section of urban, suburban and rural communities.

The purpose of my report is to underscore what is at stake in this debate. Any legislation that deals with tax exemptions for purely public charities should be carefully considered due to the huge potential fiscal impact to local governments, school districts, and the charities themselves.

In reference to Senate Bill 4, the public needs the maximum opportunity to engage in discussion about a constitutional amendment of this magnitude. Taxpayers in every county, and every corner of the state, will be affected by Senate Bill 4 and they deserve full and fair opportunity to learn the pros and cons of how such a constitutional amendment could affect their schools and local government operations.

In the interest of transparency, let me be clear that I believe all constitutional amendments should only be considered on a general election ballot in the fall. Because Pennsylvania has a closed-primary system, it is not enough to say, we hope that every voter would show up in a primary election to cast a vote on this single issue.

If the General Assembly carefully considers this issue and decides to send it to voters, I implore you to hold this important constitutional amendment question until the Nov. 3 general election ballot to better ensure that more voters, including unaffiliated independent voters who often skip primary elections, have their voices heard.

Today's hearing is a great start toward transparency.

As you know, I plan to assist in the public education effort by holding four balanced and independent public informational meetings starting in Pittsburgh next month. As I am sure you are doing today, I will include a balance of presentations for and against the proposed changes so that the public can weigh both sides of the issue before they cast a vote.

Again, thank you for the opportunity to speak to the committee today. I will answer any questions that the members might have for me.

Testimony of Katherine C. Pearson  
Professor of Law  
Dickinson Law  
Pennsylvania State University  
Pennsylvania State Finance Committee  
February 4, 2014 *[sic]*

**IDENTIFYING QUESTIONS POSED BY  
SENATE BILL No. 4 - 2015  
TO AMEND THE PENNSYLVANIA *[sic]* STATE  
CONSTITUTION TO PROVIDE  
GENERAL ASSEMBLY AUTHORITY WITH REGARD TO  
EXEMPTIONS FROM TAXATION FOR  
INSTITUTIONS OF PURELY PUBLIC CHARITY**

**Proposal:**

Senate Bill No. 4 (2015, PN 168) would amend the Pennsylvania State Constitution.

The Constitution presently states at Article 8, Section 2 (a) (5) that the General Assembly may by law exempt:

"Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution."

The new language of Senate Bill No. 4 would add a new provision to section (b), creating subsection (b) (vii) of this provision, granting additional authority to the General Assembly, to permit the legislature to:

"Establish uniform standards and qualifications which shall be the criteria to determine qualification as institutions of purely public charity under clause (v) of subsection (a) of this section."

**Impact:**

The proposed change is presented as consistent with other Constitutional language relative to "Exemptions" authority, granting the General Assembly the power to enact laws that "establish standards and qualifications" for other specific exemptions, such as exemptions connected to land preservation, blighted properties, or relief based on age, disability or poverty.

A desire or need for the additional language is explained by the decision of the Pennsylvania Supreme Court in 2012, in *Mesivtah Eitz Chaim of Bobov, Inc. v. Pike County Board of Assessment Appeals*, 44 A.3d 2 (Pa. 2012) (*Pikes [sic] County*). In that decision, the majority of the court determined that there was a constitutional "minimum" for exemption of taxes, and that although the legislature had the power to enact legislation addressing such charitable exemptions, it could not "lessen the constitutional minimum by broadening the definition of 'purely public charity' in the statute." The proposed amendment would thus seek to give an expressly constitutional grant of authority to the legislature to enact "standards and qualifications," which appears intended to give the legislature greater power to determine the parameters of "institutions of purely public charity."

The constitutional minimum, as determined by the Pennsylvania Supreme Court, was described in *Hospital Utilization Project v. Commonwealth*, 487 A.2d 206 (Pa. 2007), and has come to be known as the HUP test, defining an institution of purely public charity by the following criteria:

- (a) Advances a charitable purpose;
- (b) Donates or renders gratuitously a substantial portion of its services;

- (c) Benefits a substantial and indefinite class of persons who are legitimate subjects of charity;
- (d) Relieves the government of some of its burden; and
- (e) Operates entirely free from private profit motive.

The *Pikes [sic] County* case confirmed the continued validity of the HUP test, despite or notwithstanding the legislature's enactment of Act 55 as the "Institutions of Purely Public Charity Act," 10 P.S. Sections 371-386, that specifically addresses, attempts to clarify, and, arguably, redefines or narrows the grounds for purely public charities as set forth in the HUP test.

#### Open Questions:

1. If adopted, does Senate Bill 4 validate the actions of the legislature, at least for the future, for defining, through legislation, institutions of purely public charity?
2. Would there still be a "constitutional minimum" for "institutions of purely public [sic] charity" that is determined "only" by the Pennsylvania judiciary?
3. Could the Pennsylvania Supreme Court evaluate or re-evaluate the "constitutional minimum factors" that are set forth in its HUP test, in light of a grant of express authority for the legislature to adopt "uniform standards and qualifications" for tax-exempt, charitable status?

Of these three questions, in attempting to predict answers, perhaps the most significant question is number 2. The Pennsylvania Supreme Court has consistently held that the state Constitution gives "the ultimate power and authority to interpret the Pennsylvania Constitution" to the judiciary, and "in particular" to the Supreme Court. *Pike County*, supra, 44 A.3d at 8-9; *Stilp v. Commonwealth*, 905 A.2d 918, 948 (Pa. 2008). The new language, added to Article 8, Section 2(b) does not eliminate reference to "institutions of purely public charity" at Section 2(a), and thus, the judiciary may continue to recognize its essential authority to recognize a constitutional "minimum" for such exemptions. During the hearing, I am prepared to discuss potential areas of concern, arising from what appear to be threshold questions.

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**Testimony of  
Nicholas P. Cafardi  
Dean Emeritus and Professor of Law  
Duquesne University School of Law  
before the  
Finance Committee of the Pennsylvania State Senate  
February 4, 2015**

Mr. Chairman, Members of the Senate Finance Committee:

Thank you for inviting me here today. It is an honor to speak to you. I have taught Tax Exempt Organizations, first at Pitt Law School, then at Duquesne Law School for over 20 years now. Before becoming a law professor I was the general counsel for two very large Pittsburgh charities, the Catholic diocese of Pittsburgh and Duquesne University. I know the great, good work that charities do, and I respect and appreciate it.

Lee Derr from Senator Eichelberger's office sent me some questions in advance that I have been asked to address. Let me take them in the order that they were sent to me. Lee asked that I be impartial and educational, and I will try to meet both of those reasonable requests.

First: What is the current state of the law in Pennsylvania with both Act 55 and the HUP case operating concurrently? I am glad that Lee put the question that way. We speak too often of the HUP test, not the HUP case; sometimes the Court itself has referred to HUP as a test - that has caused some unfortunate confusion because it sounds like we have two tests in Pennsylvania for charitable tax exemption - one by the Court in HUP and one by the Legislature in Act 55. I think we need to be more careful in our terminology. We do not have two tests. The HUP case is not a test. HUP establishes the basis for constitutional interpretation pursuant to the Pennsylvania Supreme Court's unique ability to have the final word on what the Pennsylvania Constitution means. The HUP case says that the term "purely public charity" means an organization that

advances a charitable purpose, donates or renders gratuitously a substantial portion of its services, benefits a substantial and indefinite class of persons who are legitimate subjects of charity, relieves the government of some of its burden, and operates entirely free from the private profit motive. That is a very good, very complete definition from the common law of charities. So HUP is a case which interprets the state constitution's use of a particular phrase: institutions of purely public charity and it does so using long-standing notions of the common law, which is the proper place to look for the meaning of a word or phrase in our constitution.

Within the framework of purely public charity, the state constitution assigns to you, the General Assembly, the ability to exempt institutions of purely public charity from state taxation. That phrase in the Constitution does not give the Pennsylvania Supreme Court the right to grant tax exemptions, and in fact the Court cannot grant tax exemptions. Only you, the general Assembly, can do that because the Constitution gives you that power.

This is an exception to the constitutional requirement that all taxes in Pennsylvania are to be uniform. Exemption from taxation is a privilege that may be granted by this body - it is not a right. The state constitution says that you may grant tax exemption to institutions of purely public charity and that you may set the tests for tax exemption - not that you have to grant exemptions, not that any organization has a right to an exemption - but that you may if you chose to, and you can specify the conditions upon which such tax exemptions are available. How you do this is the real test for tax exemption of institutions of purely public charity, and you have done this in Act 55. Act 55 is the test for the tax exemption of purely public charities in Pennsylvania. So the two function together - the constitutional parameters [sic] of the HUP case and the legislative test of Act 55.

Second: What is the effect of the 2012 Pike County case and its impact on both Act 55 and the limits on the General Assembly that the case may place on future attempts to pass legislation? I suspect that we are giving the Pike County case an importance that its facts do not warrant. That case did not say that Act 55 was without any value or that it was unconstitutional. It simply said that the Act 55 test had to be interpreted within the parameters [sic] of the HUP case, in other words within the parameters [sic] of the Pennsylvania Constitution.

There should be nothing surprising that, in a constitutional democracy, any law is subject to judicial review as to its meaning and as to its constitutionality. That is one of the key principles of a constitutional democracy with three branches of government. The judiciary gets to review both the acts of the executive and the acts of the legislature as to their constitutionality. That principle is as old as *Marbury v. Madison* in 1803, and it is one that Americans hold dear. As I said, this notion of the court review of legislative and executive acts is foundational to our notion of a constitutional democracy. The Court in the Pike case did not over-step its bounds. It did not by its own fiat put any limits on what the legislature can do. The limitations that are on you come from the state constitution. That document is the source of your powers, but it also says how far those powers can go. It puts limits on them.

For example, the same section of the constitution that grants you the power to exempt from state taxation institutions of purely public charity also gives you the ability to exempt from state taxation actual places of regularly stated religious worship. Pursuant to this part of the Constitution, you have the ability to write rules for how actual places of regularly stated religious worship can qualify for tax exemption. If you used that power to try to redefine what an actual place of regularly stated religious worship was by, for example, saying that road-side [sic] shrines were places of regularly stated worship, I suspect that the Court would tell you that you have over-stepped your constitutional authority and that would be true, and that is the court's role.

But the Pennsylvania Supreme Court did not say anything like that in the Pike County case. What they said in that case was that your test for the tax exemption of institutions of purely public charity, namely Act 55, had to be read in the context of the Constitution's language, allowing you to exempt from taxation institutions of purely public charity. Just like you could not, by legislation, make my roadside [sic] shrine into a place of regularly stated religious worship, you cannot, by legislation, make what is not an institution of purely public charity into one that is, not because the court says so, but because the constitution says so.

Third: Whether the passage of a constitutional amendment will revert the law entirely back to Act 55 or to Act 55 as limited by the Pike

County case or whether new law will be necessary. The short answer to this question is that I do not believe that SB 4 will do any of that. All SB 4 says is that the General Assembly may by law establish uniform standards and qualifications which shall be the criteria to determine qualifications of institutions of purely public charity under clause (v) of subsection (a) of Article VIII, Section 2(b). But you already have that authority. You used it to write Act 55. Act 55 is a determination of how an institution of purely public charity in Pennsylvania can qualify for tax exemption in Pennsylvania. But Act 55 does not exist in a vacuum. It exists within the context of the state constitution and the ability of the Pennsylvania Supreme Court to interpret that constitution.

Now, if what you meant to say in SB 4 was that the Legislature's definition of "purely public charity," as opposed to **setting standards** for them - which is the language you used - that your **definition** of "purely public charity" should trump the Supreme Court's decision in the HUP case, the amendment needs to say that. But the language of the proposed constitutional amendment, despite its noble intentions, does not say that, so it cannot accomplish that.

Or if you meant to say that, under this constitutional amendment, the Legislature will have the right to establish standards for what is a purely public charity in Pennsylvania, and that the courts may not review those standards, that the courts have no right to review your standards for purely public charities, the standards that you, the legislature set, the language of the amendment ought to have said that, and it does not.

I am not sure what the legislative intent was behind SB 4. I am sure that it was a praiseworthy one. But I fervently hope that SB 4 does not mean you did not mean that, that SB 4 does not mean that the General Assembly, in the area of public charities, is saying that none of its actions may be reviewed by the courts of Pennsylvania. That, I think, that would be an unintended assault on our constitutional democracy. No legislature in this country has the right to review the exercise of its own power. That role is uniquely that of the courts.

But, as I point out, the language of SB 4 does not say that your standards replace those of the Court in interpreting the constitutional phrase "institutions of purely public charity" nor does it say that your actions in setting standards for purely public charities are not reviewable by the courts, so it does not accomplish either one. As we all know, unless the people clearly know what they are voting for when a constitutional amendment is before them, their vote is ineffective.

Fourth: Are there any issues that may pertain to the fact that the 2012 Pike County case discusses the power to "define" what is a "purely public charity" yet the proposed amendment does not use the word "define" but says "establish standards." I think that this question points out the major problem here. The proposed constitutional amendment is ambiguous on this point. You already have the constitutional authority to establish the standards by which an institution of purely public charity can be exempt from taxation in Pennsylvania. That's what Act 55 does.

The power to **define** what an institution of purely public charity is, however, is an entirely different issue. That power lies with the courts because that phrase - "institutions of purely public charity" is the phrase used in the Pennsylvania Constitution, and, in a constitutional democracy, the right to interpret the constitution is the unique role of the judiciary, not the legislature.

So, if the General Assembly wants the people of the Commonwealth to give them the power to define constitutional terms, that is to say the power to to *[sic]* interpret the state Constitution, in other words to take this power away from the courts and to give it to you, you need to ask for it in a much clearer and straightforward manner than the language of SB 4.

I am not without sympathy for public charities and the situation they find themselves in. As I said, I spent a major portion of my professional life working to represent major charitable organizations. I understand that charities want protection from frivolous law suits *[sic]* challenging their tax exempt status and they believe this amendment will help to provide it. As I said, I don't think that it will, but it would be a perfectly valid use of your current authority under the Constitution to protect charities from frivolous lawsuits *[sic]* challenging their tax exempt status. Pursuant to the standard setting ability that you already clearly have under the state constitution, you could create a statute that says that any taxing body that frivolously challenges a charity's tax exempt status and loses must pay the charity's legal fees and costs.

That's how you stop frivolous challenges to tax exempt status and you have that power today.

I also understand that charities are worried about frequent, repetitive challenges to their tax exempt status. Again, you currently have the authority to handle that under the constitution. You can legislate a uniform system which says that tax exempt status, once granted, is presumably valid for 3 years, 5 years, 10 years, as you choose, and that it cannot be challenged during that period. You could do that now.

And, you know, periodic review of exempt status is not a bad idea. Public charities ebb and flow. It's good to have to be re-certified every so often, because, after all, we are talking about a privilege and not a right.

I hope this testimony has been helpful to you in the difficult task you have before you. I know that each of you is a talented and dedicated person, who has taken on public service as a calling. I admire you for that and I thank you for it.

I would be happy to take any questions.

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

Senator RAFFERTY. Mr. President, I voted "yes" on this amendment last Session; however, the other week I voted "no" in the Committee on Appropriations on this amendment because of major concerns I had involving local governments, the county commissioners, township commissioners, township supervisors, and borough and city officials. I have had continued discussions with both Senator Scarnati, Senator Corman, and with both Senator Eichelberger and Senator Browne about some of my concerns and meeting my concerns and working with those groups as we go forward.

What this particular piece of legislation in front of us here today addresses is the constitutional function between the legislative branch and what has become the judicial branch's role. This puts the definition back into the legislative branch. I have no intention of going back to the old Act 55 and weakening it. In fact, I want to see something become even stronger and tougher as far as these so-called public charities that are anything but public charities, that receive benefits under current law. I think that we should take a good, hard look at that, and this legislative body with 253 Members, 50 in this hall right here, can continue to work and fashion that legislation. Next week, I believe, coming out of committee will be Senator Scavella's piece of legislation forming this committee to help draft the statute that is needed. This is not a statute. This is a constitutional amendment saying, yes, we want it back in the hands of the General Assembly rather than the court. I could tell you, Mr. President, as one who had to rule on many of these cases for 8 1/2 years, they wind up in the court of common pleas; 67 counties are spending time in the court of common pleas ruling on these assessment cases for purely public charities.

I think what needs to be done--and I followed the HUP test, I am well aware of the HUP test of the Pennsylvania Supreme Court--but what needs to be done is, we are now in 2015, to look forward as to what we can do to assist our municipalities. I have talked to townships and I have talked to township managers. I am aware of a township right now that has three organizations that are tax-exempt that use the fire and the police more than any of the residents combined. I think that it is time for us to take a good, hard look at this to say that there has to be something going to those municipalities to assist them to offset their costs and to help them with their resources. This, to me, is the only way--absent continuing court challenges--to go forward and knowing that following on the heels of this is a group that is

going to start working on the statute to put the words together for the Senate and the House to get to the Governor's desk for his signature that we will then, once again, exercise our constitutional function.

Do I think that there will be challenges to this? Absolutely. That is why we have a judiciary. There will be challenges, but I think with the intent now of this legislature, this is not strictly where we are going to put this up for a constitutional amendment, vote "yes" or "no." We are following through with statutes to help clarify that. I think that has convinced me to vote "yes" on this piece of legislation at this time, and I will do so. And I ask for an affirmative vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognize the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I rise to support Senate Bill No. 4 and the efforts of my colleagues to advance this measure to provide some clarity and certainty in an area that has been, over a long history, a point of a lot of confusion in terms of not only standards but the obligations of the different divisions of government in Pennsylvania. In doing so, I must first respectfully disagree with my colleague on the other side of the aisle as to what this means. In that regard, it does not stand for any particular standard that this body has adopted or will adopt in the future. It stands for something very simple, and that is reinforcing something that I have believed and was understood very clearly by this Assembly and the courts 18 years ago, and that is, whose responsibility is it? Which division of government's responsibility is it to define what a purely public charity is and what exemptions they receive under State statute?

For years prior to the conversation on Act 55, for decades, there was a process in place in the Commonwealth where local governments and charities were constantly at odds in regards to what that definition was. It led to an extraordinary amount of confusion and lack of uniformity across this State. After many, many years, the Assembly decided to step forward on what was their understood obligation under the Constitution, something that was understood by the courts in the HUP case. If you read the case that is being talked about as the standard that the court would use, they mentioned specifically that because there is not a statute out there for us to follow, we will have to look at our case law. So in the HUP case, the Supreme Court was referring to a lack of statute, understanding what the Constitution was saying, and had to go back to their case law because the General Assembly did not act.

So everyone understood, going into 1997, there was one fundamental question that was already answered, and that was it was the General Assembly's responsibility to decide what institutions in this State would be qualified as purely public charities. We went forward with that in 1997 and set a standard, Act 55. Something that everyone, I believe, you know, we are talking 18 years ago, but at least in terms of the productivity of this Assembly, which is often questioned, should be very proud of because it led to something that was unanimously supported in this body and in our House, as well, and by all parties that are now a part of this conversation, all of our local governments. They were all hungry because of the confusion that was rampant around the State and the lack of uniformity around this State given the fact that there was not a single standard. They were absolutely hungry for the Assembly to step forward and set that one standard,

and because of that, there was a 12-year process that went forward bringing all stakeholders, the courts, the charities, local governments of all kinds, and coming forward with a standard that, at that time, was seen as the best standard to balance the interests of local governments and charities.

Now, of course, that was 18 years ago. Any statute we put in place can be--and anytime we act on our own authority--can be changed. There is no reason to believe that this is anything but whose responsibility it is to act. It is not about Act 55, because this Assembly, like they did credibly in 1997, can go back into this statute and change it. That interest can come forward to us and have the trust based on that action in 1997 that we will take their interests seriously and consider amendments to Act 55 so that the interests of local government are protected. There is no reason not to trust that, because 18 years ago this Assembly acted in a way that proved that. Now, do we always have that type of success? No. But in this regard we did, and there are many still in this Chamber and across the building who never remember that.

The fact that we are questioning the constitutional obligation of the Assembly, and this is what it comes down to, should not be used as leverage against this Assembly that changed that standard. It should only be who has that responsibility and who does not? That is the only question before us. Every Member of this Assembly, based on our experience and in our relationships with our local governments and our relationships with our charities, should be able to stand with confidence with those who are concerned about this - our constituents, our local governments, and our charities - and say that we can work collaboratively, like we did in the past, to make sure that all interests are protected, 18 years since we passed the last statute.

I ask our Members to consider what this really is. I ask those who are watching today to consider what this really is, and I ask our local governments and our charities to consider what this really is, that the General Assembly, when given the responsibility which we have under the Constitution to act on their behalf, has been successful, and we will be successful again.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, I offer two documents for the record, if I could, please. I want to offer the testimony of February 4 at the hearing of the Committee on Finance, Mr. David L. Thompson, the Vice President of Public Policy for the National Conference of Nonprofits. Also, I would like to offer this legal memorandum that was produced by the Legislative Reference Bureau.

Thank you, Mr. President.

The PRESIDENT. Without objection, the documents will be spread upon the record.

*(The following submitted testimonies were made part of the record at the request of the gentleman from Centre, Senator CORMAN:)*

**Commonwealth of Pennsylvania  
Senate Finance Committee**

**February 4, 2015**

**Public Hearing on  
Purely Public Charities and Senate Bill 4**



**Written Statement of  
David L. Thompson, Vice President of Public Policy,  
National Council of Nonprofits**

Chair Eichelberger, Minority Chair Blake, and Members of the Committee:

It is an honor to testify today on an issue of great importance to charitable nonprofit organizations throughout the United States. I readily accepted your written invitation to appear today to share insights regarding the law on nonprofit property-tax exemption at the local and state levels. The National Council of Nonprofits actively tracks developments in this area of the law<sup>1</sup> and works closely with our nonprofit state association members to ensure that charitable nonprofits, policymakers, the public, and the news media are fully informed about the impact and consequences of policy changes. The National Council of Nonprofits is the nation's largest network of charitable organizations, and is proud to claim the Pennsylvania Association of Nonprofit Organizations (PANO) as one of our founding members.

Today's hearing is dedicated to exploring issues related to property-tax exemptions for charitable organizations. At the outset, I would like to recommend that all participants engaged in the debate over nonprofit property-tax exemptions read the 2010 article "All Charities are Property-Tax Exempt, But Some Charities are More Exempt Than Others" by Professor Evelyn Brody.<sup>2</sup> This law review article summarizes the jurisprudence on property-tax exemption and provides an appendix detailing the constitutional, statutory, and court interpretations from each state.

From this singular work, I suspect that interested parties on all sides of these issues can pull powerful quotes and talking points to support their positions. Which is the primary point I hope to convey here today: The case law, constitutional terminology, and statutory regimes dealing with nonprofit property-tax exemptions are all over the map, both literally and figuratively. The separation of powers question is treated differently in different states, sometimes regarding the same wording. Some states are more proscriptive and others are much less so. The tests for which charitable nonprofits are exempt from property taxes, and which are not, vary from state to state. Because of the vagaries of property tax assessments, interpretations of individual state laws can actually vary from county to county, and even from assessor to assessor.

Individuals can marvel at the inconsistencies across the country and acknowledge that the *status quo* is more a factor of history and politics than intent and policy. Looked at from the perspective of charitable nonprofits, however, as I have been asked to do here today, the view is less of marvel and more of concern about the consequences, the costs, and the concern about the ongoing ability of charitable nonprofits to serve individuals and communities. What keeps nonprofit executives, employees, and board members awake at night is not knowing when the vagaries of the political process and the whims of individual decision-makers will undermine longstanding practices. Through my remarks today, I intend to provide the committee with as much clarity as possible, with the hope of promoting certainty and discouraging further vagueness.

**Issues Addressed**

I was invited to testify for the purpose of addressing several questions regarding nonprofit property-tax exemptions in the various states. I will highlight the range of treatments, but start with the two most important commonalities.

- **First, every state exempts the property of charitable nonprofits from taxation.**<sup>3</sup> The tests vary by state for determining which types of charitable nonprofits and which parcels of property are eligible for exemption from taxation, but it is important to recognize that state exemption of charitable nonprofits from property taxes is the norm.
- **Second, every state limits the exemption to properties that are both owned by a charitable nonprofit and used for the charitable purpose of the organization.** Ownership by

the nonprofit is not enough; the property must be used to advance the mission of the nonprofit. Several states continue to apply the exemption when a nonprofit owner rents the facility to another charitable nonprofit, thus preserving the charitable use requirement.

**Authority to Grant and Define Exemptions**

The source of authority for exempting the property of charitable nonprofits from taxation falls into three categories. In 18 states, the exemption for charitable nonprofits is mandated in their state constitutions. Twenty-five other state constitutions, including the constitution of Pennsylvania, grant the legislature the authority to exempt nonprofit properties from taxation. Most often, the constitutions of states in this second category express a general rule that all taxes shall be uniformly applied to classes of taxpayers, but instruct the legislature to make exceptions for charitable and other organizations.<sup>4</sup> Seven state constitutions have no provision for taxes or exemptions.<sup>5</sup>

The constitutional question in Pennsylvania that motivates this hearing is not unique to the Commonwealth. Indeed, the above-referenced article, "All Charities are Property-Tax Exempt," summarizes the fundamental question of who has final say on the exemption - the courts or the legislature - and why it matters:

The reference in some state constitutions to exemption for "institutions of purely public charity" (or some similar phrase) has been interpreted by their state supreme courts as requiring the satisfaction of a multi-factor test. In a few other states, a multi-factor test appears in the statute. These tests create problems for compliance and application, however. The factors are not quantitative and data - such as level of donations - may vary from year to year, raising the possibility of flipping in and out of exemption. Nor do the courts weigh the factors, some of which overlap. Other uncertainties - such as whether the charity's receipt of government support means the charity is not lessening the burdens of government, or whether the presence of for-profit competitors means the charity should charge lower prices - lead different courts to reach different conclusions. Most importantly, the courts generally describe the factors collectively as suggestive, raising the question of whether any one or more factor is mandatory.<sup>6</sup>

Three states are at the center of the constitutional question of which branch of government determines what is a charity deserving of the property-tax exemption. For comparison purposes and the convenience of Senators on the Committee, I have compiled in **Appendix 1** the relevant constitutional language, the test of the state supreme court, and statutory language for Pennsylvania, Illinois, and Minnesota. Now, I offer the context for the issues with which Illinois and Minnesota wrestled.

The Illinois Constitution permits the General Assembly to exempt from property taxes the property used for "charitable purposes." That term was interpreted by the Illinois Supreme Court by applying a six-part test.<sup>7</sup> The legislature subsequently enacted a detailed property-tax statute exempting certain categories based on specific criteria or tests. The tests were not consistent with the standard established by the court. As in the 2012 *Camp Moshava* case in Pennsylvania, the Illinois Supreme Court rejected the claims of tax exemption by a nonprofit. The Illinois court ruled: "It is for the courts, and not for the legislature, to determine whether property in a particular case is used for a constitutionally specific purpose."<sup>8</sup>

In Minnesota, a constitutional crisis arose in 2007 when the Minnesota Supreme Court narrowed the definition of the term "institutions of purely public charity" that had developed in case law since the *North Star* decision.<sup>9</sup> *North Star* outlined six factors to be considered by assessors in determining whether an organization was an "institution of purely public charity." Under the *North Star* test, no one factor was determinative over the others and not all had to be satisfied. The 2007 decision in *Under the Rainbow Childcare Center v. Goodhue County*<sup>10</sup> changed this rule and declared that one of the factors must be met in order for an organization to qualify as an institution of purely public charity.

That factor asks whether the recipients of the "charity" are required to pay for the assistance received in whole or in part. The nonprofit community, led by the Minnesota Council of Nonprofits, demonstrated that the decision, if applied broadly, would have significantly undermined the stability of nonprofits in the state as well as the services upon which millions of residents relied. The legislature responded by codifying the six-part *North Star* test. Important to the debate pending in Pennsylvania, the new statute provided clear instructions on how each of the six factors (listed in Appendix 1) was to be weighed:

**A charitable organization must satisfy the factors in clauses (1) to (6) for its property to be exempt under this subdivision, unless there is a reasonable justification for failing to meet the factors in clause (2), (3), or (5), and the organization provides to the assessor the factual basis for that justification.** If there is reasonable justification for failing to meet the factors in clause (2), (3), or (5), an organization is a purely public charity under this subdivision without meeting those factors. After an exemption is properly granted under this subdivision, it will remain in effect unless there is a material change in facts.<sup>11</sup> (Emphasis added)

The Minnesota solution to the challenge of authority to determine property-tax exemption, therefore, was to adopt the Supreme Court's six-part test virtually verbatim and then provide clarity to nonprofits, tax assessors, and the courts on how those factors are to be weighed in light of the purposes of the longstanding public policy.<sup>12</sup>

#### **Standards for Property Tax Exemptions**

Each state has its own set of criteria for determining which charitable nonprofits are eligible for a property-tax exemption. In **Appendix 2**, I have compiled the relevant constitutional and statutory language for each of Pennsylvania's neighboring states.

The five-part tests in Pennsylvania, whether the *HUP* test or Act 55, incorporate the most common elements for property tax exemptions that exist across the country. Generally, these require that the nonprofit 1) pursue of a charitable purpose; 2) operate free from private profit motive; 3) provide benefits to the public or an indefinite class of persons; 4) donate services free or at reduced costs, and 5) relieve government of some of its burdens.

Some states apply fewer standards. New Jersey, for instance, asks three questions: 1) is the nonprofit organized exclusively for a charitable purpose; 2) is the property actually used for such a charitable purpose; and 3) is the use and operation of the property for nonprofit, as opposed to for profit, purposes. Many states, such as Maryland, apply these first two requirements, and rely on the courts rather than statute to define "charity."

As noted earlier, Illinois and Minnesota apply six-part tests. Illinois courts add a condition that no obstacles are placed in the way of those seeking benefits. Similarly, in Minnesota, the additional question is whether the beneficiaries of the charity are restricted or unrestricted, and, if restricted, whether the class of persons to whom the charity is made available is one having a reasonable relationship to the charitable objectives.<sup>13</sup>

It is important to note here that while the tests in Pennsylvania, and in particular Act 55, address commonly reviewed criteria, the standard in the Commonwealth is considered by many in the broader nonprofit community to be one of the most restrictive in the United States. Act 55 is certainly the most detailed statute in the country and provides relatively clear criteria for each of the five parts of the test for property-tax exemption. Although I have not sought data to support this proposition, the common presumption within the nonprofit community outside of Pennsylvania is that Act 55 disqualifies far more nonprofits than any other state statute. And for those that do meet the test, the law's specificity may force nonprofits to alter their operations in order to satisfy the tests rather than focusing on the needs of their communities or the more direct pursuit of their missions.

A case in point is the Community Service standard. Act 55 provides that an "institution must donate or render gratuitously a substantial portion

of its services." This can be satisfied by meeting one of seven separate calculations, many of which are extremely complex. In a changing economic and social environment, the tests potentially cause nonprofits to alter their operations or fail to address immediate needs in order [data missing] retain the property-tax exemption. Under Act 55, precision and ease of governmental administration is favored over actual services addressing real needs in communities - which is the reason charitable nonprofits exist.

Likewise, the Governmental Service provision is potentially and unnecessarily burdensome. Act 55 requires that "[t]he institution must relieve the government of some of its burden." The relief of government, while a common criteria in the states, is elevated to a higher level of scrutiny and obligation in Pennsylvania and appears to be more burdensome than elsewhere.

Of the six alternative ways of satisfying the test, I'll focus on the one requiring nonprofits to be paid less than full costs for the services they provide on behalf of governments. Sadly, government contracting policies and procedures in Pennsylvania almost guarantee that a nonprofit will satisfy this test. Recent data from the Urban Institute show that the failure of governments in the commonwealth to pay the full costs of contracted services is a problem for the nonprofits with government contracts and grants.<sup>14</sup> Particularly problematic is the imposition of arbitrary caps on the reimbursement of nonprofits for their necessary indirect or administrative costs. Underfunding nonprofits, and forcing charitable organizations to subsidize local and state governments, is a significant burden that governments unfairly impose on their nonprofit partners, but not their for-profit partners. And it is one that is not sustainable.<sup>15</sup>

Nothing in my comments are intended to suggest that Pennsylvania nonprofits have expressed concerns to me about Act 55 or are seeking revisions. Rather, as an outside observer who tracks the trends and challenges to nonprofit success on a daily basis, I observe that Pennsylvania law is stricter and less open to nonprofit property-tax exemption. In deciding whether to set up shop in the Commonwealth, it is my view that any reasonable nonprofit executive must factor in the heightened risk of paying property taxes, as well as the simmering hostility toward nonprofits exhibited by some in local governments.

#### **Procedures for Granting Exemptions**

As a final question, I've been asked to address the process for acquiring a property-tax exemption across the states.

Similar to the issue of what qualifies as tax exempt, there is no uniform process for qualifying for tax exemption. Montana nonprofits need only apply for the tax exemption with the state Department of Revenue for each piece of property, rather than filing at the county level. In Minnesota, nonprofit organizations apply once every three years using a statewide application developed by the Minnesota Department of Revenue.<sup>16</sup> Washington State has a common "Application for Property Tax Exemption" that identifies necessary documentation and includes an intriguing "Exemption Matrix" for determining which criteria apply to the applicant.<sup>17</sup>

In Utah each county requires registration and proof of eligibility for the exemption. Similarly, the process reportedly varies from county to county in North Carolina, depending upon how much proof each county requires that the nonprofit meet to satisfy the statutory requirements for property tax exemption. Colleagues in Connecticut report that the process for acknowledging the exemption is different for every town or city; some jurisdictions provide a blanket exemption, while in others a charitable nonprofit must apply to the city/town for an exemption.

West Virginia seeks to provide some consistency by mandating in statute that "Real property which is exempt from taxation by subsection (a) of this section shall be entered upon the assessor's books, together with the true and actual value thereof, but no taxes may be levied upon the property or extended upon the assessor's books." The law further provides that the "Tax Commissioner shall, by issuance of rules, provide each assessor with guidelines to ensure uniform assessment practices statewide to effect the intent of this section."<sup>18</sup>

In conclusion, I thank the Committee for this opportunity to review the law on nonprofit property-tax exemptions across the country, as well as the experiences of my nonprofit colleagues. I stand ready to answer your questions and look forward to participating in this important discussion.

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The National Council of Nonprofits is a trusted resource and advocate for America's charitable nonprofits. Through our powerful network of State Associations and 25,000-plus members - the nation's largest network of nonprofits - we serve as a central coordinator and mobilizer to help nonprofits achieve greater collective impact in local communities across the country. We identify emerging trends, share proven practices, and promote solutions that benefit charitable nonprofits and the communities they serve. Learn more at [www.CouncilofNonprofits.org](http://www.CouncilofNonprofits.org).

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<sup>1</sup> Taxes, Fees, and PILOTs (Payments in Lieu of Taxes), National Council of Nonprofits website.

<sup>2</sup> *New England Law Review*, New England School of Law (2010). <http://www.nesl.edu/userfiles/file/lawreview/Vol44/3/Brady.pdf>.

<sup>3</sup> Woods Bowman & Marion R. Fremont-Smith, *Nonprofits and State and Local Governments*, in *Nonprofit and Government: Collaboration and Conflict* 181, 203 (Boris & Steuerle eds., 2d ed. 2006).

<sup>4</sup> See, for example Ohio Constitution Article XII, section 2: "Land and improvements thereon shall be taxed by uniform rule according to value... Without limiting the general power, subject to the provisions of Article I of this constitution, to determine the subjects and methods of taxation or exemptions therefrom, general laws may be passed to exempt burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, ...."

<sup>5</sup> "All Charities are Property-Tax Exempt," at 672.

<sup>6</sup> Ibid at 635.

<sup>7</sup> *Methodist Old Peoples Home v. Korzen*, 233 N.E.2d, 537 (Ill. 1968).

<sup>8</sup> *Eden Retirement Center, Inc. v. Department of Revenue*, 821 N.E.2d 240 (Ill. 2004).

<sup>9</sup> *North Star Research Inst. v. County of Hennepin*, 236 N.W.2d 754 (Minn. 1975).

<sup>10</sup> 741 N.W.2d 880 (2007).

<sup>11</sup> MINN. STAT. §722.02(7)(a) (2009).

<sup>12</sup> See also the *Property Tax Exemption Guide*, developed by the Minnesota Council of Nonprofits to help organizations determine whether they qualify for the exemption.

<sup>13</sup> It is worth noting that Minnesota uses the phrase "institution of purely public charity," but only as a catchall after listing several specific types of exempt entities: "public burying grounds, public school houses, public hospitals, academies, colleges, universities, all seminaries of learning, all churches, church property, houses of worship, institutions of purely public charity, and public property used exclusively for any public purpose." Minn. Const. art. X, Sec.1; see Minn. Stat Sec. 272.02(7) (2009).

<sup>14</sup> National Study of Nonprofit-Government Contracts and Grants: Pennsylvania Profile, Urban Institute (2014) (documenting, among other problems, that governments in Pennsylvania are the fourth worst in the country in terms of paying nonprofits later than under the contracted terms and fourteenth worst for not paying the full cost of what it takes to perform the contracted services).

<sup>15</sup> See *Toward Common Sense Contracting: What Taxpayers Deserve*; National Council of Nonprofits (May 2014); *Investing for Impact: Indirect Costs Are Essential for Success*, National Council of Nonprofits (September 2013).

<sup>16</sup> Institution of Purely Public Charity Property Tax Exemption Application, Form CR-IPPC, Minn. Dept. of Rev.

<sup>17</sup> Washington Department of Revenue Form REV 63 0001 (11/27/12).

<sup>18</sup> W. VA. CODE ANN. § 11-3-9(c) and (e).

## APPENDIX 1

### Authority to Grant and Define Exemptions

*Text and summaries of three state constitutions, Supreme Court tests, and statutory language.*

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## Pennsylvania Constitution

### Article VIII: TAXATION AND FINANCE

#### Exemptions and Special Provisions

##### Section 2.

(a) The General Assembly may by law exempt from taxation:

(v) **Institutions of purely public charity**, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

#### Pennsylvania Supreme Court Standards (HUP)

a) "Advances a charitable purpose;  
b) Donates or renders gratuitously a substantial portion of its services;  
c) Benefits a substantial and indefinite class of persons who are legitimate subjects of charity;  
d) Relieves the government of some of its burden; and  
e) Operates entirely free from private profit motive."

- *Hosp. Utilization Project v. Commonwealth*, 507 Pa. 7, 22, 487 A.2d 1306 (1985).

#### Statutory Standards (Act 55)

a) General Rule: entities meeting b) through f) "shall be considered to be funded, endowed and maintained by public or private charity."  
b) Charitable Purpose (defined);  
c) Private Profit Motive (defined);  
d) Community Service (defined);  
e) Charity to Persons (defined);  
f) Government Service ("relieve the government of some of its burden" (defined); ....

- The Institution of Purely Public Charity Act 55, §5, 10 P.S. §375 (1997).

## Illinois Constitution

### Article IX: REVENUE

#### Section 6. EXEMPTIONS FROM PROPERTY TAXATION

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and **charitable purposes**. The General Assembly by law may grant homestead exemptions or rent credits.

#### Methodist Old Peoples Home Test

a) the benefits extend to an indefinite number of persons for their general welfare or in some way reduce the burdens on government;  
b) the organization have no capital, capital stock, or shareholders, and does not profit from the enterprise;  
c) funds derive mainly from private and public charity, and are held in trust for the objects and purposes expressed in the organization's charter;  
d) charity is dispensed to all who need and apply for it;  
e) no obstacles are placed in the way of those seeking the benefits; and  
a) the exclusive (i.e., primary) use of the property is for charitable purposes

- *Methodist Old Peoples Home v. Korzen*, 39 Ill 2d 149, 157, 233 NE2d 537, 542 (1968).

#### Statutory Test

All property of the following is exempt when actually and exclusively used for charitable or beneficent purposes, and not leased or otherwise used with a view to profit:  
a) Institutions of public charity.  
NOTE: Illinois Public Act 097-0688 created new Section 200/15-86 which imposes a special test for nonprofit hospitals.

- 35 Ill. Comp. Statutes 200/15-65

## Minnesota Constitution

### Article X: TAXATION

#### Section 1. Power of taxation; exemptions; legislative powers.

... "Taxes shall be uniform upon the same class of subjects and shall be levied and collected for public purposes, but public burying grounds, public school houses, public hospitals, academies, colleges, universities, all seminaries of learning, all churches, church property, houses of worship, **institutions of purely public charity**, and public property used exclusively for any public purpose, shall be exempt from taxation except as provided in this section. ..."

#### North Star Six-Part Test

- a) whether the stated purpose of the undertaking is to be helpful to others without immediate expectation of material reward;
- b) whether the entity involved is supported by donations and gifts in whole or in part;
- c) whether the recipients of the "charity" are required to pay for the assistance received in whole or in part;
- d) whether the income received from gifts and donations and charges to users produces a profit to the charitable institution;
- e) whether the beneficiaries of the "charity" are restricted or unrestricted and, if restricted, whether the class of persons to whom the charity is made available is one having a reasonable relationship to the charitable objectives;
- f) whether dividends, in form or substance, or assets upon dissolution are available to private interests.

#### Statutory Test

Factors for consideration:

- a) whether the stated purpose of the undertaking is to be helpful to others without immediate expectation of material reward;
  - b) whether the institution of public charity is supported by material donations, gifts, or government grants for services to the public in whole or in part;
  - c) whether a material number of the recipients of the charity receive benefits or services at reduced or no cost, or whether the organization provides services to the public that alleviate burdens or responsibilities that would otherwise be borne by the government;
  - d) whether the income received, including material gifts and donations, produces a profit to the charitable institution that is not distributed to private interests;
  - e) whether the beneficiaries of the charity are restricted or unrestricted, and, if restricted, whether the class of persons to whom the charity is made available is one having a reasonable relationship to the charitable objectives; and
  - f) whether dividends, in form or substance, or assets upon dissolution, are not available to private interests.
- A charitable organization must satisfy the factors in clauses (1) to (6) for its property to be exempt under this subdivision, unless there is a reasonable justification for failing to meet the factors in clause (2), (3), or (5), and the organization provides to the assessor the factual basis for that justification.** If there is reasonable justification for failing to meet the factors in clause (2), (3), or (5), an organization is a purely public charity under this subdivision without meeting those factors. After an exemption is properly granted under this subdivision, it will remain in effect unless there is a material change in facts. (Emphasis added)

- *North Star Research Inst. v. County of Hennepin*, 236 N.W.2d 754, 757 (Minn. 1975)

- MINN. STAT. §272.02(7)(a) (2009).

## APPENDIX 2

### Nonprofit Property-Tax Exemption Laws of Neighboring States

#### Selected State Constitutional and Statutory Language

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### Delaware

#### Article VIII: REVENUE AND TAXATION

##### § 1. Uniformity of taxes; collection under general laws; exemption for public welfare purposes.

All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, except as otherwise permitted herein, and shall be levied and collected under general laws passed by the General Assembly. County Councils of New Castle and Sussex Counties and the Levy Court of Kent County are hereby authorized to exempt from county taxation such property in their respective counties as in their opinion will best **promote the public welfare**.

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##### Del. Code Ann. Title 9, § 8105 Property owned by governmental, religious, educational or charitable agency.

Property belonging to ... any church or religious society, and not held by way of investment, or any college or school and used for educational or school purposes, except as otherwise provided, shall not be liable to taxation and assessment for public purposes by any county or other political subdivision of this State. ... Corporations created for charitable purposes and not held by way of investment that are in existence on July 14, 1988, together with existing and future charitable affiliates of such corporations that are also not held by way of investment, shall not be liable to taxation and assessment for public purposes by any county, municipality or other political subdivision of this State.

### Maryland

No constitutional provision

##### MD. CODE ANN., TAX-PROP. § 7-202

b. 1. Except as provided in subsection (c) of this section, property is not subject to property tax if the property:

- i. is necessary for and actually used exclusively for a charitable or educational purpose to promote the general welfare of the people of the State, including an activity or an athletic program of an educational institution; and
- ii. is owned by:
  1. a nonprofit hospital;
  2. a nonprofit charitable, fraternal, educational, or literary organization including:
    - A. a public library that is authorized under Title 23 of the Education Article; and
    - B. a men's or women's club that is a nonpolitical and nonstock club;
  3. a corporation, limited liability company, or trustee that holds the property for the sole benefit of an organization that qualifies for an exemption under this section; or
  4. a nonprofit housing corporation.

c. 1. Except for a nonprofit hospital, not more than 100 acres of real property owned by an exempt organization and appurtenant to the premises of the exempt organization is exempt from property tax, if the property is located outside of a municipal corporation or Baltimore City.

2. Not more than 100 acres of real property of a nonprofit hospital that is appurtenant to the hospital is exempt from property tax.  
*See generally Sections 7-201 through 7-307.*

### New Jersey

#### Article VIII TAXATION AND FINANCE

Section 1, paragraph 2:

Exemptions from taxation may be altered or repealed, except those exempting real and personal property used exclusively for religious, educational, **charitable** or cemetery **purposes, as defined by law**, and owned by any corporation or association organized and conducted exclusively for one or more of such purposes and not operating for profit.

\*\*\*\*\*

**N.J. Stat. Ann. 54:4-3.6.**

The following property shall be exempt from taxation under this chapter: ... all buildings actually used in the work of associations and corporations organized exclusively for religious purposes, including religious worship, or charitable purposes, provided that if any portion of a building used for that purpose is leased to a profit-making organization or is otherwise used for purposes which are not themselves exempt from taxation, that portion shall be subject to taxation and the remaining portion shall be exempt from taxation, and provided further that if any portion of a building is used for a different exempt use by an exempt entity, that portion shall also be exempt from taxation ...

**New York**

**Article XVI  
TAXATION**

**Section 1.** ... Exemptions from taxation may be granted only by general laws. Exemptions may be altered or repealed except those exempting real or personal property used exclusively for religious, educational or **charitable purposes as defined by law** and owned by any corporation or association organized or conducted exclusively for one or more of such purposes and not operating for profit.

\*\*\*\*\*

**§ 420-a. Nonprofit organizations; mandatory class.** 1. (a) Real property owned by a corporation or association organized or conducted exclusively for religious, charitable, hospital, educational, or moral or mental improvement of men, women or children purposes, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes either by the owning corporation or association or by another such corporation or association as hereinafter provided shall be exempt from taxation as provided in this section.

(b) Real property such as specified in paragraph (a) of this subdivision shall not be exempt if any officer, member or employee of the owning corporation or association shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees; or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

**Ohio**

**Article XII  
FINANCE AND TAXATION**

**Section 2. Limitation on tax rate; exemption.**

... Land and improvements thereon shall be taxed by uniform rule according to value, ... Without limiting the general power, subject to the provisions of Article I of this constitution, to determine the subjects and methods of taxation or exemptions therefrom, general laws may be passed to exempt burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, and public property used exclusively for any public purpose, but all such laws shall be subject to alteration or repeal; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.

\*\*\*\*\*

**5709.12 Exemption of property used for public or charitable purposes.**

(B) ... Real and tangible personal property belonging to institutions that is used exclusively for charitable purposes shall be exempt from taxation....

**5709.121 [Effective 3/23/2015] Exclusive charitable or public purposes defined.**

(A) Real property and tangible personal property belonging to a charitable or educational institution or to the state or a political subdivision, shall be considered as used exclusively for charitable or public purposes by such institution, the state, or political subdivision, if it meets one of the following requirements:

(1) It is used by such institution, the state, or political subdivision, or by one or more other such institutions, the state, or political subdivisions under a lease, sublease, or other contractual arrangement:

(a) As a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein;

(b) For other charitable, educational, or public purposes.

(2) It is made available under the direction or control of such institution, the state, or political subdivision for use in furtherance of or incidental to its charitable, educational, or public purposes and not with the view to profit.

(3) It is used by an organization described in division (D) of section 5709.12 of the Revised Code. If the organization is a corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year, "used," for the purposes of this division, includes holding property for lease or resale to others.

**West Virginia**

**Article X  
TAXATION**

**Section 2. Limitation on tax rate; exemption.**

No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value; ... but property used for educational, literary, scientific, religious or charitable purposes ... shall be exempted from taxation.

\*\*\*\*\*

**§11-3-9. Property exempt from taxation.**

(a) All property, real and personal, described in this subsection, and to the extent limited by this section, is exempt from taxation:

(12) Property used for charitable purposes and not held or leased out for profit;

\*\*\*

(d) Notwithstanding any other provisions of this section, this section does not exempt from taxation any property owned by, or held in trust for, educational, literary, scientific, religious or other charitable corporations or organizations, including any public or private nonprofit foundation or corporation existing for the support of any college or university located in West Virginia, unless such property, or the dividends, interest, rents or royalties derived therefrom, is used primarily and immediately for the purposes of the corporations or organizations.

**Commonwealth of Pennsylvania  
Legislative Reference Bureau**

**February 17, 2015**

**LEGAL OPINION**

**This opinion is issued to the requestor and the requestor's staff for individual use. The Legislative Reference Bureau issues only advisory opinions and does not issue rulings or binding legal opinions.**

**VINCENT C. DeLIBERATO, JR.  
Director**

**SUBJECT:** Effectiveness of Senate Bill 4 of 2015 to Authorize the General Assembly to Define the Constitutional Term "Institution of Purely Public Charity."

**TO:** Drew Crompton  
General Counsel  
Majority Caucus

**FROM:** PETER KLEIN  
Drafting Attorney  
DUANE SEARLE  
Senior Counsel  
BARBARA LANE  
Assistant Director

### QUESTION PRESENTED

Whether Senate Bill No. 4, Printer's No. 168 (2015) would effectively amend the Constitution of Pennsylvania to vest the General Assembly with the authority to define "institutions of purely public charity" for the purposes of the property tax exemption found in Article VIII, section 2(a), of the Constitution of Pennsylvania?

### STATEMENT OF FACTS

By letter dated February 12, 2015, to Vince DeLiberato, Director of the Legislative Reference Bureau, Drew Crompton, General Counsel to the Majority Caucus of the Senate, requested a legal opinion from the Bureau on whether Senate Bill No. 4, Printer's No. 168 (2015) [hereinafter referred to as Senate Bill 4] would effectively amend the Constitution of Pennsylvania to vest the General Assembly with the authority to define "institution of purely public charity" for the purposes of the property tax exemption in Article VIII, section 2(a), of the Constitution of Pennsylvania.

The Pennsylvania Supreme Court decision in *Mesivtah Eitz Chaim of Bobov, Inc. v. Pike County Board of Assessment Appeals*, 615 Pa. 463, 44 A.3d 3 (2012), limited the ability of the act of November 26, 1997 (P.L. 508, No. 55), known as the Institutions of Purely Public Charity Act, 10 P.S. § 371 *et seq.* (1999) [hereinafter referred to as Act 55] to determine which institutions qualify as purely public charities. The *Pike County* Court held that, as an undefined constitutional term, the interpretation of the term "institution of purely public charity" properly fell to the courts, and ultimately, the Pennsylvania Supreme Court.

In response to the *Pike County* decision, the General Assembly passed Senate Bill No. 4, Printer's Number 347 (2013) to amend the State Constitution to vest the General Assembly with the authority to establish uniform standards and qualifications as criteria to determine which institutions qualify as purely public charities. The joint resolution is now before the General Assembly for second passage as Senate Bill 4.

At a Senate Finance Committee hearing on February 4, 2015, questions were raised about the efficacy of Senate Bill 4. In particular, it was suggested that the language of Senate Bill 4 merely authorizes the General Assembly to set standards for which institutions qualify as purely public charities instead of authorizing the legislature to define the constitutional term "institution of purely public charity." As a result, the constitutional provision falls short of explicitly conferring power on the General Assembly to define the term and fails to preclude judicial interpretation of the term's meaning.

The Majority Caucus of the Senate is seeking guidance on whether Senate Bill 4, now on its second passage, indeed resolves the issue of judicial prerogative to interpret the constitutional term at issue in the *Pike County* case.

### DISCUSSION

**Does Senate Bill No. 4, Printer's No. 168 (2015) effectively amend the Constitution of Pennsylvania to vest the General Assembly with the authority to define "institution of purely public charity" for the purposes of the property tax exemption in Article VIII, section 2(a) of the Constitution of Pennsylvania?**

In *Mesivtah Eitz Chaim of Bobov, Inc. v. Pike County Board of Assessment Appeals*, 615 Pa. 463, 44 A.3d 3 (2012), the Supreme Court of Pennsylvania held that the General Assembly does not have the authority to displace the Court's interpretation of constitutional terms. *Pike County*, 615 Pa. at 470, 44 A.3d at 7. *Mesivtah Eitz Chaim of Bobov* [hereinafter referred to as *Mesivtah*] is a not-for-profit religious entity that operates a summer camp in Pike County for students to learn about the Orthodox Jewish faith. It requested a property tax exemption as an institution of purely public charity, which the Constitution of Pennsylvania provides for under Article VIII, section 2(a) (v).

The Pike County Board of Appeals [hereinafter referred to as the Board of Appeals] denied *Mesivtah*'s request. In *Pike County*, the Board of Appeals argued that *Mesivtah* did not qualify as an institution of purely public charity under a test formulated by the Court in *Hospital Utilization Project v. Commonwealth*, 507 Pa. 1, 487 A.2d 1306 (1985) [hereinafter referred to as the HUP test]. The HUP test delineates five requirements that an institution must meet to qualify as an institution of purely public charity.

In 1997 the General Assembly passed Act 55. The General Assembly's purpose in enacting Act 55 was "to eliminate inconsistent application of eligibility standards for charitable tax exemptions ... by providing standards to be applied uniformly in all proceedings throughout this Commonwealth for determining eligibility for exemption from State and local taxation." Section 2(b) of Act 55.

Act 55 arguably expands the HUP test to include more institutions of public charity by broadening the scope of activities that satisfy the element of relieving the government of some of its burden, a required component of the HUP test. An institution is able to satisfy this element by advancing or promoting religion as an institution owned and operated by a corporation or other entity as a religious ministry and otherwise satisfies the criteria set forth in Act 55. See section 5(f)(5) of Act 55. *Mesivtah* argued that Act 55 supplanted the HUP test and controlled whether *Mesivtah* qualified for the tax exemption.

The Court disagreed with *Mesivtah*. It held that "[t]he General Assembly cannot displace our interpretation of the constitution because 'the ultimate power and authority to interpret the Pennsylvania Constitution rests with the Judiciary, and in particular with this Court.'" *Pike County*, 615 Pa. at 470, 44 A.3d at 7. Article VIII, section 2, according to the Court, was designed to limit legislative ability to create tax exemptions. Therefore, allowing Act 55 to supplant the HUP test would mean the General Assembly could extend the tax exemption to any institution it wanted, thereby abrogating the purpose of Article VIII, section 2.

The General Assembly introduced a joint resolution in 2013 to amend the State Constitution. The amendment is intended to restore the power of the General Assembly to determine what constitutes an institution of purely public charity in this Commonwealth. The joint resolution, J.R. 2013-2, passed as Senate Bill No. 4, Printer's Number 347 (2013), would amend Article VIII, section 2(b) of the Constitution of Pennsylvania to authorize the General Assembly to "[e]stablish uniform standards and qualification which shall be the criteria to determine qualifications as institutions of purely public charity under clause (v) of subsection (a) of this section." Senate Bill No. 4, Printer's No. 347 (2013), p.1. The joint resolution was introduced with the same bill number in 2015 for second passage.

Senate Bill 4 effectively resolves the issue raised by *Pike County*. The term "institution of purely public charity" is no longer a term that must be defined exclusively by a judicial decision. The Constitution, as amended by Senate Bill 4, would place the authority to define "institution of purely public charity" squarely in the hands of the General Assembly. By authorizing the General Assembly to establish uniform standards and qualifications as the basis for determining whether an institution qualifies as a purely public charity, Senate Bill 4 clearly and unequivocally authorizes the General Assembly to define what constitutes a purely public charity.

Almost identical language, permitting the General Assembly to "establish standards and qualifications" for various tax exemptions, is found in Article VIII, section 2(b)(i), (ii), (iii) and (v), of the Constitution of Pennsylvania. Commonwealth Court examined the General Assembly's authority under Article VIII, section 2(b)(i), to establish standards and qualifications for private forest reserves. *Hess v. Montgomery County Board of Assessment Appeals*, 75 Pa. Commonwealth Ct. 69, 461 A.2d 333 (1983). The court held that the General Assembly, in exercising its constitutional power to establish standards and qualifica-

tions for forest reserves, has the clear constitutional power to define a forest reserve for special tax treatment and may by statute require that a forest reserve contain 10 acres or more to qualify for tax exemption. *Id.* at 74, 461 A.2d at 335. If the power exists in the General Assembly under that provision, it is inconceivable that the General Assembly would not have the same authority, if Senate Bill 4 is approved by the electorate, to do so in the area of institutions of purely public charity.

Senate Bill 4 does not need to expressly authorize the General Assembly to define the term "institution of purely public charity" in order to displace the HUP decision. Generally, a constitutional provision authorizing the General Assembly to enact implementing legislation is interpreted "as establishing general guidelines for the forthcoming legislation rather than mandatory directives as to its content." *Pennsylvania State Troopers Association v. Commonwealth*, 145 Pa. Commonwealth Ct. 291, 297, 603 A.2d 253, 256 (1992) (quoting *School Districts of Deer Lakes and Allegheny Valley v. Kane*, 463 Pa. 554, 564, 345 A.2d 658, 663 (1975)), *aff'd*, 553 Pa. 111, 619 A.2d 1355 (1993).

*Pennsylvania State Troopers Association*, in part, dealt with the General Assembly's partial repeal of a statute which was sanctioned by Article III, section 31, of the Constitution of Pennsylvania, *e.g.*, giving authority to the General Assembly to enact laws establishing binding arbitration for police officers and firefighters. The court held that "the content of that legislation was left to the legislature" and, thus, open to amendment. *Pennsylvania State Troopers Association*, 134 Pa. Commonwealth Ct. at 297, 603 A.3d at 256. Senate Bill 4 similarly sanctions legislation, *e.g.*, giving authority to the General Assembly to enact laws establishing qualifications for status as a purely public charity. The holding in *Pennsylvania State Troopers Association* supports the conclusion that the General Assembly has wide latitude in the development of implementing legislation for Senate Bill 4.

It should be noted that Senate Bill 4 does not implicate a constitutional separation of powers conflict. A constitutional amendment granting authority to the General Assembly to enact laws that were previously under the purview of the judicial branch does not violate the separation of powers doctrine. *Bergdoll v. Commonwealth*, 858 A.2d 185, 202-03 (Pa. Commonwealth 2004), *aff'd*, 583 Pa. 44, 874 A.2d 1148 (2005). In *Bergdoll*, petitioners filed suit to void two amendments to the Constitution of Pennsylvania passed by popular vote in 2003. The salient amendment altered Article V, section 10(c) of the Constitution of Pennsylvania to include the following provision: "Notwithstanding the provisions of this section, the General Assembly may by statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television." Article V, section 10(c).

The *Bergdoll* court held that while rulemaking authority typically lies with the judiciary, the people have the power to adjust the separation of powers by constitutional amendment under Article I, section 2 of the Constitution of Pennsylvania. *Bergdoll*, 858 A.2d at 202. Thus, an amendment granting the General Assembly authority to legislate in a particular area of law previously undertaken by the judicial branch is a proper exercise of the people's power under the Constitution.

If the constitutional amendment proposed by Senate Bill 4 is adopted again by the General Assembly and approved by the electorate, the General Assembly will have the constitutional authority to define by statute what constitutes an institution of purely public charity for tax-exempt status. If the General Assembly acts to do so, the statute may be identical to or different from the HUP test. Regardless of the level of detail in such act of the General Assembly, it will effectively abrogate the HUP test. At that time, the HUP test will be inapplicable, and the standards and qualifications specified by act of the General Assembly will determine the criteria for qualification of an institution as a purely public charity in this Commonwealth.

## CONCLUSION

Senate Bill No. 4, Printer's No. 168 (2015) effectively amends the Constitution of Pennsylvania to vest the General Assembly with the authority to define "institutions of purely public charity" for the purposes of the property tax exemption found in Article VIII, section 2(a) of the Constitution of Pennsylvania. If approved by the electorate, Senate Bill 4 would be a proper exercise of the people's power to amend the Constitution; and there is no legal authority that would prohibit the General Assembly from abrogating judicial interpretation by establish-

ing uniform standards and qualifications for determining which institutions qualify as purely public charities.  
PWK/alg

## LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Ward and Senator White.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator Ward and Senator White. Without objection, the leaves will be granted.

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-30

Alloway	Eichelberger	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Aument	Gordner	Scarnati	Wagner
Baker	Greenleaf	Scavello	Ward
Bartolotta	Hutchinson	Smucker	White
Brooks	McGarrigle	Stefano	Yaw
Browne	McIlhinney	Tomlinson	
Corman	Mensch	Vance	

### NAY-19

Blake	Farnese	Leach	Wiley
Boscola	Fontana	Schwank	Williams
Brewster	Haywood	Smith	Wozniak
Costa	Hughes	Tartaglione	Yudichak
Dinniman	Kitchen	Teplitz	

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

### BILLS OVER IN ORDER

**SB 9, SB 82, SB 161 and SB 179** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

### BILL REREFERRED

**SB 180 (Pr. No. 112)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in anatomical gifts, further providing for definitions, for persons who may execute anatomical gift, for persons who may become donees and purposes for which anatomical gifts may be made, for manner of executing anatomical gifts, for amendment or revocation of gift, for rights and duties at death, for requests for anatomical gifts, for use of driver's license or identification card to indicate organ or tissue donation, for the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions, for the Governor Robert P. Casey Memorial Organ and

Tissue Donation Awareness Trust Fund, for confidentiality requirement and for prohibited activities; providing for promotion of organ and tissue donation; establishing the Donate Life PA Registry; providing for facilitation of anatomical gift from decedent who death is under investigation, for collaboration among departments and organ procurement organizations, for information relative to organ and tissue donation, for requirements for physician and nurse training relative to organ and tissue donation and recovery, for uniformity of application and construction and for relation to Electronic Signatures in Global and National Commerce Act; and repealing provisions relating to corneal transplants.

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

#### BILL OVER IN ORDER

**SB 290** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION

**SB 316 (Pr. No. 206)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in general provisions, providing for public access to procurement records; and, in source selection and contract formation, further providing for sole source procurement and for emergency procurement.

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

#### BILLS REPORTED FROM COMMITTEE

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

##### **SB 166 (Pr. No. 102)** (Rereported)

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.

##### **SB 279 (Pr. No. 444)** (Amended) (Rereported)

An Act establishing the Pennsylvania Grade Crude Development Advisory Council; and providing for duties of the Pennsylvania Grade Crude Development Advisory Council and the Department of Environmental Protection and for administrative support.

##### **SB 293 (Pr. No. 304)** (Rereported)

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

##### **SB 397 (Pr. No. 305)** (Rereported)

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.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

#### BILL ON SECOND CONSIDERATION

**SB 279 (Pr. No. 444)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Grade Crude Development Advisory Council; and providing for duties of the Pennsylvania Grade Crude Development Advisory Council and the Department of Environmental Protection and for administrative support.

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

### UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

##### **SB 42 (Pr. No. 23)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for issuance and content of driver's license.

##### **SB 61 (Pr. No. 40)**

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

##### **SB 385 (Pr. No. 298)**

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.

##### **SB 405 (Pr. No. 378)**

An Act designating Exit 30 from Interstate 84 onto State Route 402, in Pike County, as the Corporal Bryon K. Dickson, II, Exit.

##### **HB 178 (Pr. No. 308)**

An Act designating the interchange of State Route 43 at the Mon-Fayette Expressway Interchange with State Route 88, known as Exit 28, in Washington County as the Marine Cpl. Thomas R. Matty Memorial Interchange; designating a bridge on that portion of State Route 1013, known as Knupp Road, over the Hypocrite Creek, Fairfield Township, Westmoreland County, as the PFC LeRoy D. "Whitey" Schaller Bridge;

and designating a portion of State Route 711 in New Florence Borough through St. Clair Township, Westmoreland County, as the Veterans Highway.



**HB 179 (Pr. No. 173)**

An Act designating a bridge on that portion of S.R. 88 over Muddy Creek, Cumberland Township, Greene County, as the Army Corporal Richard W. Kowalewski, Jr., Memorial Bridge.

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

**SB 43 (Pr. No. 24)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in proprietary and official rights, further providing for wearing of uniforms and insignia.

**SB 130 (Pr. No. 77)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentence of community service.

**SB 427 (Pr. No. 368)**

An Act amending the act of February 24, 1984 (P.L.92, No.17), referred to as the Precious Metal Sale Regulation Law, further providing for dealer's retention of precious metal and availability for inspection.

**HB 89 (Pr. No. 79)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in discipline, removal and retirement of judicial officers, further providing for automatic retirement on age.

**HB 90 (Pr. No. 251)**

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation and retirement of justices, judges and justices of the peace.

**SENATE RESOLUTIONS ADOPTED**

Senators TARTAGLIONE, HAYWOOD, WOZNIAK, KITCHEN, BAKER, TEPLITZ, GREENLEAF, DINNIMAN, SCHWANK, FARNESE, FONTANA, BREWSTER, PILEGGI, COSTA, AUMENT, WHITE, VANCE, SMITH, VULAKOVICH, HUGHES, ALLOWAY, RAFFERTY and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 25**, entitled:

A Resolution recognizing February 6, 2015, as "National Wear Red Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, too often, women are the caretakers in their family. They take care of their children, spouses, and everyone around them, but they do not take care of themselves. When faced with a heart attack, women are the last to get help, and the first to suffer the ultimate conse-

quence - death. Not only does heart disease claim the lives of more women than men each year, it also is the most deadly of diseases among women. This year, Senator Baker and I hope to change these odds. As part of the American Heart Association's "Go Red" campaign, we are offering this resolution to insure women understand the risks of heart disease. We are encouraging every family, every female in this State to become more aware and proactive in maintaining their own cardiovascular health.

Mr. President, we are asking everyone in the Senate to please wear their red pins that Senator Baker and I have placed on their desks in support of this important cause. We are asking for an affirmative vote on this resolution so that women may continue their outreach efforts until we reach every mother, daughter, sister, and friend in the Commonwealth.

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 BAKER, VULAKOVICH, HAYWOOD, DINNIMAN, WOZNIAK, GREENLEAF, ARGALL, BREWSTER, KITCHEN, TEPLITZ, FONTANA, EICHELBERGER, PILEGGI, ALLOWAY, COSTA, YAW, SCHWANK, SMITH, FARNESE, AUMENT, HUGHES, RAFFERTY, MENSCH and WHITE, by unanimous consent, offered **Senate Resolution No. 26**, entitled:

A Resolution designating the week of February 22 through 28, 2015, as "Automated External Defibrillator (AED) Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator BAKER. Mr. President, over the course of a legislative Session, we approve a substantial number of resolutions with good purpose. Many of these are commendatory or congratulatory in nature, recognizing notable achievements and worthy causes, but the most serious resolutions are those aimed at promoting public awareness of health-related issues and lifesaving matters. I was very pleased to join with Senator Tartaglione in sponsoring the other resolution, Go Red for Women. February is when we commemorate American Heart Month.

The last week in February is when we in Pennsylvania are aware of the critical lifesaving role of automated external defibrillators, mercifully referred to as AEDs. Many people do not realize the frequency with which sudden cardiac arrest occurs. The reality is that there are hundreds of thousands of cases each year. The ages and circumstances vary widely by the number of victims. Using an accessible AED is instrumental to survival. The average response time to a 911 call is simply too long to save many who are stricken. So we want to encourage the acquisition of AEDs, alert people to the locations where they are available, and urge people to use them in emergencies. Because of the attention paid to the situation and some concerted advocacy over the years, AEDs have become more accessible in their use and more prominent. But we cannot be satisfied until the

technology and use is such that we are saving all of those who have a chance at life. It can just be that simple: prepare for today to save a life for tomorrow.

So I urge an affirmative vote as we recognize "AED Awareness Week" in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Donna Sedor by Senators Baker and Yudichak.

Congratulations of the Senate were extended to Edward P. Battle and to Aaron Ellis Kerzell by Senator Brewster.

Congratulations of the Senate were extended to Evan Andrew Genay, Alexander John Gebhardt and to Zachary Douglas Gebhardt by Senator Browne.

Congratulations of the Senate were extended to Ziebach Carl Cane by Senator Fontana.

Congratulations of the Senate were extended to Dorothy J. Newnham by Senator Greenleaf.

Congratulations of the Senate were extended to William Johannesen by Senator Pileggi.

Congratulations of the Senate were extended to Anfernee Brice, Alternative Rehabilitation Communities, Inc., and to SDC Boutique by Senator Teplitz.

### 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 Dr. Timothy H. Daniels by Senator Dinniman.

Condolences of the Senate were extended to the family of the late William M. Gunser, Jr., and to the family of the late Jay M. Godshall by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late James E. Davis by Senator Yudichak.

### BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. 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 42, SB 43, SB 61, SB 130, SB 385, SB 405, SB 427, HB 89, HB 90, HB 178 and HB 179.**

And said bills having been considered for the first time,

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

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### WEDNESDAY, FEBRUARY 18, 2015

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on E-911 Reauthorization; and House Bill No. 152)	Hrg. Rm. 1 North Off.
9:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 487, 489 and 494; and House Bill No. 159)	Room 461 Main Capitol
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

#### TUESDAY, FEBRUARY 24, 2015

10:30 A.M.	JUDICIARY (public hearing to discuss the many collateral consequences of being convicted of a crime) <b>C A N C E L L E D</b>	Hrg. Rm. 1 North Off.
12:30 P.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 201 and 352)	Room 461 Main Capitol

#### WEDNESDAY, FEBRUARY 25, 2015

9:00 A.M.	STATE GOVERNMENT (public hearing on Senate Bill No. 3)	Hrg. Rm. 1 North Off.
1:30 P.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on veterans' issues)	Room 8E-A East Wing

#### 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.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Independent Fiscal Office - Economic Outlook & Revenue Overview)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Hrg. Rm. 1 North Off.

#### TUESDAY, MARCH 17, 2015

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

#### 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.	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 Drug & Alcohol Programs)	Hrg. Rm. 1 North Off.	3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Banking & Securities)	Hrg. Rm. 1 North Off.
<u>THURSDAY, MARCH 19, 2015</u>			<u>TUESDAY, MARCH 31, 2015</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.	9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue/Lottery)	Hrg. Rm. 1 North Off.
1:30 P.M.	APPROPRIATIONS (Budget Hearing - PA State System of Higher Education)	Hrg. Rm. 1 North Off.	11:00 A.M.	APPROPRIATIONS (Budget Hearing - Historical & Museum Commission)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Community Colleges)	Hrg. Rm. 1 North Off.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Hrg. Rm. 1 North Off.
<u>MONDAY, MARCH 23, 2015</u>			3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Hrg. Rm. 1 North Off.
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.	<u>WEDNESDAY, APRIL 1, 2015</u>		
1:00 P.M.	APPROPRIATIONS (Budget Hearing - SERS/PSERS)	Hrg. Rm. 1 North Off.	9:30 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Hrg. Rm. 1 North Off.	11:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Hrg. Rm. 1 North Off.
<u>TUESDAY, MARCH 24, 2015</u>			1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veteran Affairs)	Hrg. Rm. 1 North Off.
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Insurance)	Hrg. Rm. 1 North Off.	<b>PETITIONS AND REMONSTRANCES</b>		
11:00 A.M.	APPROPRIATIONS (Budget Hearing - Thaddeus Stevens College of Technology)	Hrg. Rm. 1 North Off.	The PRESIDENT. Although the Senator from Montgomery County is not wearing red, I think he is going to talk about something having to do with that color.		
1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Hrg. Rm. 1 North Off.	The Chair recognizes the gentleman from Montgomery, Senator Rafferty.		
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Hrg. Rm. 1 North Off.	Senator RAFFERTY. Mr. President, I will be brief. Today, as we are shoveling out 4 to 6 inches of snow in the eastern part of the State, as we are battling frigid temperatures, I am mindful that tomorrow it begins - pitchers and catchers report to spring training. So the Philadelphia Phillies, along with the Pittsburgh Pirates, will be in spring training for the new season.		
<u>WEDNESDAY, MARCH 25, 2015</u>			Mr. President, even though we have seen our home team, the Philadelphia Phillies, not get favorable press as of late, I think it was last year when they said the Kansas City Royals were going to be nothing, and look at what happened to them. They went all the way to the World Series. So, I think it behooves all of us to remember that in spring training anything can happen, and it is a long season. I look forward to, once again, hearing the crack of the bat and baseball beginning in Philadelphia and in Pittsburgh. Again, it will be another summer of people coming up to me on the street and mistaking me for my twin brother, Chase Utley, but I can get through that. Mr. President, I wish the Phillies well, I wish the Pittsburgh Pirates well in spring training, and I look forward to an exciting, suspense-filled baseball season.		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Hrg. Rm. 1 North Off.	Thank you, Mr. President.		
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections/Office of Probation and Parole)	Hrg. Rm. 1 North Off.	The PRESIDENT. The Chair thanks the very optimistic gentleman from Montgomery County.		
3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA Liquor Control Board)	Hrg. Rm. 1 North Off.			
<u>THURSDAY, MARCH 26, 2015</u>					
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.			
<u>MONDAY, MARCH 30, 2015</u>					
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Hrg. Rm. 1 North Off.			

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Ward has returned, and her temporary Capitol leave is cancelled.

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I move that the Senate do now recess until Wednesday, February 18, 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 5:14 p.m., Eastern Standard Time.