

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, JUNE 24, 2015

SESSION OF 2015 199TH OF THE GENERAL ASSEMBLY

No. 42

## SENATE

WEDNESDAY, June 24, 2015

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

## PRAYER

The Chaplain, Reverend Monsignor KENNETH P. McATEER, of Saint Ephrem Catholic Church, Bensalem, offered the following prayer:

Thank you, Lieutenant Governor. Good Morning. I am honored to be here. I would like to thank my Senator, Senator Tomlinson, and also Senator McIlhinney and Monica Riddle who made this possible for me. I want to salute Lieutenant Governor Stack. Back in the day, Mike was best man when I officiated at his brother Pat's wedding to Beth, and I salute their great mom, Judge Faye Stack.

The PRESIDENT. Thank you, Monsignor.

Let us pray.

O God, our Father in heaven, bless our Lieutenant Governor and the Senators of our Commonwealth of Pennsylvania. Bless their staff and all who assist them to accomplish their tasks. Direct their actions by Your holy inspiration and strengthen them in their deliberations. Enable our Senators to conduct their legislation in good health. Let them rejoice in their successes, and encourage them in difficult times. Allow them to use their talents and abilities for the good of the citizens of our Keystone State. O divine being, bless this hallowed Chamber and our Capitol, the most beautiful in the United States of America. Bless all of those who strive to work here on behalf of the people. May all that is accomplished here reflect the glory and honor due to Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Monsignor McAteer, who is the guest today of Senator Tomlinson. We are so delighted to have him, and thank you for your kind words, Monsignor.

## PLEDGE OF ALLEGIANCE

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

## BILLS INTRODUCED AND REFERRED

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

June 24, 2014

Senators WHITE, BARTOLOTTA, FOLMER, STEFANO, WARD, HUTCHINSON, AUMENT, ALLOWAY, MENSCH, WAGNER and VOGEL presented to the Chair **SB 909**, 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 taxation by school districts, further providing for definitions, for adoption of preliminary budget proposals, for information to school districts, for property tax limits on reassessment and for public referendum requirements for increasing certain taxes.

Which was committed to the Committee on FINANCE, June 24, 2015.

Senators BROWNE, BAKER, WILLIAMS, FONTANA, ALLOWAY, TARTAGLIONE, BREWSTER, VULAKOVICH, RAFFERTY, COSTA, DINNIMAN, MENSCH and HUGHES presented to the Chair **SB 917**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for interagency information sharing.

Which was committed to the Committee on JUDICIARY, June 24, 2015.

Senators BROWNE, GREENLEAF, TEPLITZ, SCAVELLO, WILLIAMS, FONTANA, ARGALL, ALLOWAY, TARTAGLIONE, BREWSTER, YUDICHAK, STEFANO, VULAKOVICH, WHITE, YAW, COSTA, WARD, DINNIMAN and MENSCH presented to the Chair **SB 918**, entitled:

An Act providing for the tax sale of abandoned properties.

Which was committed to the Committee on FINANCE, June 24, 2015.

Senators BROWNE, ALLOWAY, WHITE, MENSCH, BROOKS, RAFFERTY and AUMENT presented to the Chair **SB 919**, 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, providing for a sales and use tax discount for motor vehicle registered dealers.

Which was committed to the Committee on FINANCE, June 24, 2015.

Senators BROWNE, FONTANA, KITCHEN, ALLOWAY, TARTAGLIONE, BREWSTER, VULAKOVICH, BROOKS, RAFFERTY, AUMENT and HUGHES presented to the Chair **SB 920**, 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 the sales and use tax.

Which was committed to the Committee on FINANCE, June 24, 2015.

Senators BROWNE, YUDICHAK, VULAKOVICH, FOLMER, MENSCH, VOGEL, RAFFERTY, AUMENT and WARD presented to the Chair **SB 921**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in source selection and contract formation; further providing for sole source procurement and for competitive selection procedures for certain services.

Which was committed to the Committee on STATE GOVERNMENT, June 24, 2015.

Senators BROWNE, TEPLITZ, VULAKOVICH, RAFFERTY and COSTA presented to the Chair **SB 922**, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, in the agency, further providing for agency membership; and making an editorial change.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 24, 2015.

Senator STEFANO presented to the Chair **SB 923**, entitled:

An Act designating Exit 26 from the Mon-Fayette Expressway in Luzerne Township, Fayette County, as the Ronald F. DeSalvo Memorial Interchange.

Which was committed to the Committee on TRANSPORTATION, June 24, 2015.

Senators AUMENT, SCARNATI, RAFFERTY, ALLOWAY, BLAKE, GORDNER, BAKER, YUDICHAK, SCHWANK, ARGALL, MENSCH, DINNIMAN, BROWNE, SCAVELLO and STEFANO presented to the Chair **SB 924**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the E-chievement Program.

Which was committed to the Committee on EDUCATION, June 24, 2015.

Senators RAFFERTY, WOZNAK, PILEGGI, YUDICHAK and COSTA presented to the Chair **SB 925**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in commercial drivers, further providing for definitions, for employer responsibilities, for commercial driver's license qualification standards, for nonresident CDL, for commercial driver's license and for disqualification.

Which was committed to the Committee on TRANSPORTATION, June 24, 2015.

Senators RAFFERTY, VULAKOVICH, GORDNER, BARTOLOTTA, WOZNAK, GREENLEAF, MENSCH, COSTA, WARD and STEFANO presented to the Chair **SB 926**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for display of registration plate.

Which was committed to the Committee on TRANSPORTATION, June 24, 2015.

Senators SCAVELLO, RAFFERTY, PILEGGI, EICHELBERGER, ARGALL, HUTCHINSON and VULAKOVICH presented to the Chair **SB 927**, entitled:

An Act amending the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," further providing for the Delaware River Joint Commission; providing for majority approval; and prohibiting the entrance into a compact until passage of a similar act.

Which was committed to the Committee on TRANSPORTATION, June 24, 2015.

Senators WHITE, HUGHES and RAFFERTY presented to the Chair **SB 928**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in financial responsibility, further providing for definitions; and, in fees, further providing for information concerning drivers and vehicles.

Which was committed to the Committee on BANKING AND INSURANCE, June 24, 2015.

### BILLS REPORTED FROM COMMITTEES

Senator HUTCHINSON, from the Committee on Local Government, reported the following bills:

#### **SB 785 (Pr. No. 1107) (Amended)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for definitions and for subjects of local taxation.

#### **SB 898 (Pr. No. 1064)**

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in fiscal affairs, further providing for limits on counties of the second class.

#### **SB 899 (Pr. No. 1065)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for limitation on tax increase after countywide reassessment.

#### **HB 66 (Pr. No. 1888) (Amended)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority and for transfer of existing facilities to authority and providing for sale or transfer of authority water or sewer infrastructure.

#### **HB 1071 (Pr. No. 1692)**

An Act amending the act of July 9, 2013 (P.L.362, No.54), known as the Development Permit Extension Act, further providing for the definition of "approval" and for existing approval.

Senator EICHELBERGER, from the Committee on Finance, reported the following bills:

**SB 368 (Pr. No. 1106) (Amended)**

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 coal refuse energy and reclamation tax credit; and imposing duties on the Department of Community and Economic Development, the Department of Environmental Protection and the Department of Revenue.

**SB 432 (Pr. No. 383)**

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.

**SB 755 (Pr. No. 1017)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for a municipal alternative retirement plan.

**SB 879 (Pr. No. 1023)**

An Act providing for the establishment of a savings program by the Treasury Department to encourage savings accounts for individuals with disabilities; establishing the Pennsylvania ABLE Savings Program and the ABLE Savings Program Fund; and imposing duties on the Treasury Department.

**HB 239 (Pr. No. 1887) (Amended)**

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for definitions and for supplemental benefits.

**HB 683 (Pr. No. 1427)**

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 definitions.

**HB 1198 (Pr. No. 1750)**

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, providing for amended reports.

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

**SB 23 (Pr. No. 1104) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for multiple-war veteran plate; and, in fees, further providing for exemption of persons, entities and vehicles from fees.

**SB 24 (Pr. No. 9)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for veteran plates and placard.

**SB 648 (Pr. No. 1105) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for restricted account and for Snowmobile and ATV Advisory Committee.

**SB 887 (Pr. No. 1040)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for duty of driver in construction and maintenance areas or on highway safety corridors and for duty of driver in emergency response areas.

**SB 897 (Pr. No. 1087)**

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to Center Square Commons, L.P., certain lands situate in the Township of Whitpain, Montgomery County.

**HB 329 (Pr. No. 1195)**

An Act designating a portion of Pennsylvania Route 22 in Mifflin County as the Corporal John S. Valent Memorial Highway.

**HB 720 (Pr. No. 1198)**

An Act designating a bridge on that portion of State Route 155 over the Allegheny River, Port Allegany Borough and Liberty Township, McKean County, as the Port Allegany Veterans Memorial Bridge; and designating a bridge on that portion of Local Route T-325 over the Allegheny River, Coudersport Borough, Potter County, as the Lt. William E. Daisley, Jr., Memorial Bridge.

**HB 779 (Pr. No. 1320)**

An Act designating a portion of State Route 254 in Northumberland County as the Staff Sergeant Thomas Allen Baysore Memorial Highway.

**LEGISLATIVE LEAVES**

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Aument, and a legislative leave for Senator Smucker.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Aument and a legislative leave for Senator Smucker. Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of May 4, 2015, is now in print.

The Clerk proceeded to read the Journal of the Session of May 4, 2015.

Senator CORMAN. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

#### YEA-49

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

#### NAY-0

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

The PRESIDENT. The Journal is approved.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Aument and Senator Smucker have returned, and their respective leaves are cancelled.

### GUESTS OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes my feisty friend from the Lehigh Valley, the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, thank you, I will take that comment. Today I rise to recognize several guests who have joined us in the Senate gallery. They are officials and educators from Northampton Community College. I would like to welcome the school's president and my good friend, Mark Erickson, who is also a very good neighbor. I would also recognize Helene Whitaker, the vice president of administrative affairs. Mark and Helene are joined by Mark Culp, the director of facilities and public safety; Jeff Kapsos, manager of building services; Deb Bohr, director of the center for civic and community engagement; Kelly Allen, associate professor of English; Jaden Makovsky, public information and community relations intern; and Christine Pense, dean of humanities and social sciences. They are here today to be recognized for winning the National Green Ribbon School award from the U.S. Department of Education. This award is given out to select public and private schools across the nation for excellence in three areas: reducing the environmental impacts of their grounds and facilities, improving health and wellness of students and staff, as well as effective environmental education.

Northampton Community College is an exemplary leader in many areas, and I congratulate them on their continued and responsible efforts in efficiency. They offer fantastic wellness programs and classes. They maintain a thriving community garden on their main campus in Bethlehem Township, and their new "green" Monroe Campus is state of the art. Mr. President, I am very honored to represent such an outstanding community college. They should also feel proud to stand behind all of the good

work they do to reduce their carbon footprint and costs. Senator Scavello and I are joining them today in the Capitol--there is an award ceremony at 1 p.m.--and before that I ask the Senate to give them our usual warm welcome.

The PRESIDENT. Would the guests of Senator Boscola from that great community college, Northampton, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

### GUESTS OF SENATOR PATRICIA H. VANCE PRESENTED TO THE SENATE

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

Senator VANCE. Mr. President, in fact, my guest today is your intern for the summer and he really is a very fine young man. Nathan Larkin, as I said, is your intern this summer but a constituent of mine. I think his title is special assistant, so I am afraid I should not have said intern. He is attending Penn State University in the Schreyer Honors College. He has had lots of political experience and leadership experience as well. I have found him to be absolutely delightful. We have had great conversations and I know he is having a wonderful experience with you. I ask that the Senate give both he and his parents, who are with him, a very warm welcome.

The PRESIDENT. The Chair thanks Senator Vance for giving the Chair a fabulous intern in Nathan, special assistant. Nathan is doing a wonderful job. His parents should be very proud because we are proud to have him. Please rise, Nathan, with your parents and be welcomed by the Pennsylvania Senate.

(Applause.)

### GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, in a striking purple tie, Senator Tomlinson.

Senator TOMLINSON. Mr. President, that purple is for West Chester. It is a West Chester purple.

Mr. President, I would like to introduce Reverend Monsignor Kenneth P. McAteer, of St. Ephrem's Catholic Church, who was our Chaplain today. St. Ephrem's parish was founded in 1966 with about 400 families in the Bensalem area. Monsignor McAteer came to St. Ephrem's in 2002 and has seen and helped the parish grow to over 3,000 families as it serves the community through both its church and school. Over the last 13 years, Monsignor McAteer has also contributed greatly to the growth and well-being of our community, and it is an honor for me to have him here today as our guest Chaplain. I ask the Senate to give him our warm welcome.

The PRESIDENT. Chaplain McAteer, we are so grateful to have you. Thank you for being here. Please receive our welcome.

(Applause.)

### GUEST OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, I rise today to recognize Luke Biersmith, who is serving as an intern in my district

office in Doylestown this summer. Luke recently completed his sophomore year at Penn State, where he is pursuing a bachelor's degree in history, and he is also a cadet in the Penn State Army ROTC program. Please join me in giving Luke a warm Senate welcome.

The PRESIDENT. Luke, will you please rise, the guest of Senator McIlhinney, to be welcomed by the Senate.

(Applause.)

#### **GUESTS OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE**

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

Senator SCHWANK. Mr. President, I am pretty excited about the guests I am going to introduce to you today. One is an old, old friend of mine with whom I have worked over the years in many capacities. I am introducing my friend and Senator Argall's constituent, Doris Evans, and her guests, Judy Guthier and Peg Henderson. Their friendship is quite extraordinary. Back in 1962, four Berks County girls, all Penn-Bernville High School seniors, celebrated their graduation, but also a friendship that went back to sixth grade, and at least for two of the girls, back to first grade. These four women, seniors of another kind now, have remained close for all of these years. In fact, last fall they celebrated their collective 70th birthday with a trip to Charleston, South Carolina, and Savannah, Georgia. Although one of the ladies could not be here today, the other three are here to tour our Capitol building, and to visit Harrisburg, our capital city, and are delighted to be recognized by the Senate, and it is well deserved.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Schwank please rise so that we may welcome you to the Pennsylvania Senate. Hello, ladies.

(Applause.)

#### **GUESTS OF SENATOR DOMINIC F. PILEGGI PRESENTED TO THE SENATE**

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

Senator PILEGGI. Mr. President, it is my pleasure this morning to introduce the Charles F. Patton Middle School faculty who are in Harrisburg today to be recognized by the United States Department of Education at a ceremony in the Capitol Media Center. Recently, the school, located in Kennett Square in Chester County, was selected as a National Green Ribbon School, the only middle school in Pennsylvania to receive this recognition. This award is presented each year by the United States Department of Education, recognizing schools exemplary in energy efficiency, healthy school environments, and environmental education. The school has put in place a number of initiatives contributing to this national recognition, including a solar-powered greenhouse, using green cleaning products, and outdoor classrooms used for investigating vegetation and wildlife.

Mr. President, with us today are the principal, Tim Hoffman; the assistant principal, Jim Fulginiti; the family and consumer science teacher, Betsy Ballard; the school nurse, Sally Palic; and the technology education teacher, Jason Palo. Mr. President, I ask that we extend our traditional warm welcome to these special guests.

The PRESIDENT. Would the guests of Senator Pileggi from the Charles F. Patton Middle School please rise so that we may welcome you.

(Applause.)

#### **GUESTS OF SENATOR MARIO M. SCAVELLO PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I am honored to be here on the floor of the Senate to recognize Cameron Ohrwashel, who has been awarded the 2015 Prudential Spirit of Community Award for exemplary volunteer service. Cameron helped to raise \$47,000 for the Make-A-Wish Foundation. Cameron is here with his parents, Michael and Monique; his sister, Taylor; and his grandmother, Ida. Please join me in a warm Senate welcome to the family. Furthermore, I thank Cameron for giving so much of his time and effort to his community, and much success in his future endeavors.

The PRESIDENT. Would Cameron and his family please rise so that we may welcome you and salute you in the Pennsylvania Senate.

(Applause.)

#### **GUEST OF SENATOR ROBERT F. TEPLITZ PRESENTED TO THE SENATE**

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

Senator TEPLITZ. Mr. President, I would like to recognize one of my constituents who also is currently interning here at the Capitol. Stephanie Savage is an intern in our own Senate Secretary Megan Consedine's office. She is a graduate of my alma mater, Franklin & Marshall College, and is currently studying at Widener University School of Law. I had the opportunity to meet Stephanie last week and was very impressed. I am sure our Secretary and others who have been able to work with her would agree that she is a smart young woman with a bright future ahead of her. I ask my colleagues to join me in welcoming and recognizing Stephanie Savage today.

Thank you, Mr. President.

The PRESIDENT. Would the guest of Senator Teplitz please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

#### **GUEST OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman, who is standing at the microphone and ready to go.

Senator DINNIMAN. Mr. President, when did you ever know me not to be ready?

The PRESIDENT. Never, Senator. Never.

Senator DINNIMAN. Mr. President, we also have one of our summer interns here, and it is a pleasure for me to introduce her. From Avondale, Pennsylvania, which is in my district, part of my new district, Krishna Pathak, is a summer intern with us. She is a rising sophomore at the Elliott School of International Affairs at George Washington University. Krishna is majoring in inter-

national affairs with a concentration in conflict resolution--and that kind of concentration could be very effective for us, do you not think, Mr. President, in the next 2 weeks around here as we try to come to a budget? She is also minoring in law and society, as well as a pre-law track. Krishna is interested in political science, international law, and women and gender studies.

I can tell you she is a very bright and intelligent intern. Every assignment we have given her, she has produced tremendously well. I might humbly add, she got here today despite electricity being out in most of Chester County as a result of the storm yesterday. As you know, a quarter of a million people are without electricity in the Philadelphia region because of trees being down throughout our county. The very fact that she managed to maneuver around all of that and get here is a tribute. I ask that we give her a warm welcome, Mr. President.

The PRESIDENT. Will the guest of Senator Dinniman please rise so that we may welcome you to the Pennsylvania Senate. Thank you for being here.

(Applause.)

### **GUEST OF SENATOR SEAN D. WILEY PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Wiley.

Senator WILEY. Mr. President, it is a great day. I am very proud to introduce the Senate of Pennsylvania to my godson, Charles Angelone. Not only is he an example of the great talent that we have in the Commonwealth in our youth, but he is a great representation of the northwest. So I would like to introduce my colleagues to my godson, Charles Angelone, as our guest Page.

The PRESIDENT. Would Charles Angelone please rise, the guest of Senator Wiley, so that we may welcome you.

(Applause.)

### **GUESTS OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, I would like to introduce Susan Nahvi from Chatham, New Jersey, a student at Penn State University's Schreyer Honors College, interning in the Lieutenant Governor's office, and a student in my political science class this summer. She is an international relations and French major and is doing very, very, very good work this summer. Mr. President, if you would see that the Senate gives her the appropriate recognition, as well as her parents, who are joining her in the gallery.

The PRESIDENT. Would the guest of Senator Argall, my terrific intern, Susan Nahvi, who has done a great job and continues to do a great job, please rise with your parents so that we may welcome you to the Senate.

Thank you, Senator Argall, for giving us such a great intern. (Applause.)

### **RECESS**

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of an off-the-floor meeting of the Committee on Urban Affairs and Housing to be held in the Rules room, followed by a Republican caucus to begin at 12:15 p.m. in the Majority Caucus Room.

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

Senator COSTA. Mr. President, Senate Democrats, at the conclusion of the meeting of the Committee on Urban Affairs and Housing, will meet in the rear of the Chamber for a caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Urban Affairs and Housing, 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.

### **RECESS**

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

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of an off-the-floor meeting of the Committee on Rules and Executive Nominations to be held in the Rules room.

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

### **AFTER RECESS**

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

### **CALENDAR**

#### **THIRD CONSIDERATION CALENDAR**

#### **BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 131 (Pr. No. 1861)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled, as amended, "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," further providing for attendance at State-related and State-owned institutions of higher learning and community colleges; and providing for applicability and eligibility.

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

On the question,  
Shall the bill pass finally?

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

#### YEA-49

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

#### NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

#### BILL OVER IN ORDER

**HB 164** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 189 (Pr. No. 1851)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; in Pennsylvania Liquor Control Board, further providing for general powers of the Pennsylvania Liquor Control Board; in Pennsylvania liquor stores, further providing for sales by Pennsylvania liquor stores; in licenses and regulations, further providing for shipment of wine into Commonwealth, providing for the Pennsylvania Wine Marketing and Research Program Board, and further providing for unlawful acts relative to liquor, alcohol and liquor licensees; and, in distilleries, wineries, warehouses, bailees and transporters, further providing for limited wineries.

On the question,

Will the Senate agree to the bill on third consideration?

#### BREWSTER AMENDMENT A2468 OFFERED

Senator BREWSTER offered the following amendment No. A2468:

Amend Bill, page 1, lines 1 through 27, by striking out all of said lines and inserting:

Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, fur-

nishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," in preliminary provisions, further providing for definitions; in Pennsylvania Liquor Control Board, further providing for general powers of board; in Pennsylvania Liquor Stores, further providing for board to establish State liquor stores, for when sales may be made at Pennsylvania Liquor Stores and for sales by Pennsylvania Liquor Stores; and, in licenses and regulations and liquor and alcohol and malt and brewed beverages, further providing for authority to issue liquor licenses to hotels, restaurants and clubs, for sale of malt or brewed beverages by liquor licensees, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for distributors' and importing distributors' restrictions on sales, storage, etc., for retail dispensers' restrictions on purchases and sales and for renewal of licenses and temporary provisions for licensees in armed service, providing for license auction and further providing for revocation and suspension of licenses and fines and for shipment of wine into Commonwealth, providing for direct shipment of wine and for unlawful acts relative to liquor, malt and brewed beverages and licensees and for premises to be vacated by patrons.

Amend Bill, page 2, lines 2 through 30; pages 3 through 18, lines 1 through 30; page 19, lines 1 through 16; by striking out all of said lines on said pages and inserting:

Section 1. The definitions of "distributor," "holiday," "importing distributor" and "retail dispenser" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended or added May 31, 1996 (P.L.312, No.49) and December 8, 2004 (P.L.1810, No.239), are amended to read:

Section 102. Definitions.--The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

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"Distributor" shall mean any person licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages, except to importing distributors and distributors, in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more, or as provided in section 431(g), which may be sold separately.

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"Holiday" shall mean the first day of January, commonly known as New Year's Day; [the third Monday of January, known as Dr. Martin Luther King, Jr., Day; the third Monday in February, known as Presidents' Day; the last Monday in May, known as Memorial Day;] the fourth day of July, known as Independence Day; [the first Monday of September, known as Labor Day;] the fourth Thursday in November, known as Thanksgiving Day; and the twenty-fifth day of December, known as Christmas Day.

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"Importing distributor" shall mean any person licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers of malt or brewed beverages and importing distributors under this act, and the resale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture, but not for consumption on the premises where sold, and in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more, or as provided in section 431(g), which may be sold separately.

\*\*\*

"Retail dispenser" shall mean any person licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee, with the privilege of selling malt or brewed beverages in quantities not in excess of [one hundred ninety-two fluid ounces in a single sale to one person] three hundred eighty-four ounces in not

more than twenty-four original containers in a single sale to one person as provided in section 407, provided the licensee may not sell a package as prepared for sale or distribution by the manufacturer containing more than twelve containers, to be carried from the premises by the purchaser thereof.

\* \* \*

Section 2. Section 207(a) and (b) of the act, amended November 30, 2004 (P.L.1727, No.221) and December 8, 2004 (P.L.1810, No.239), are amended and the section is amended by adding subsections to read:

Section 207. General Powers of Board.--Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale and sell liquor, alcohol, corkscrews, wine and liquor accessories, trade publications, gift cards, gift certificates, wine- or liquor-scented candles and wine glasses in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the State Treasurer, or his designated deputy. The board shall buy liquor and alcohol at the lowest price and in the greatest variety reasonably obtainable. Such sales and purchases may be to or from persons or entities located both in and outside this Commonwealth.

(b) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act, and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores. Prices shall be [proportional with prices paid by the board to its suppliers and shall reflect any advantage obtained through volume purchases by the board. The board may establish a preferential price structure for wines produced within this Commonwealth for the promotion of such wines, as long as the price structure is uniform within each class of wine purchased by the board.] as set forth by the board so long as the price of a particular item is uniform throughout this Commonwealth. The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors, other than wine, selling such liquors to the board, which are not manufactured in this Commonwealth, to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer shall pay for such permit a fee which, in the case of a manufacturer of this Commonwealth, shall be equal to that required to be paid, if any, by a manufacturer or wholesaler of the state, territory or country of origin of the liquors, for selling liquors manufactured in Pennsylvania, and in the case of a nonresident manufacturer, shall be equal to that required to be paid, if any, in such state, territory or country by Pennsylvania manufacturers doing business in such state, territory or country. In the event that any such manufacturer shall, in the opinion of the board, sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits, the board shall require such person, before purchasing liquors from him or it, to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund. The board shall not purchase any alcohol or liquor fermented, distilled, rectified, compounded or bottled in any state, territory or country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania.

\* \* \*

(l) To be licensed as a lottery sales agent, as set forth in section 305 of the act of August 26, 1971 (P.L.351, No.91), known as the "State Lottery Law," and to take any actions authorized by such designation, except that no bond, insurance or indemnification may be required from the board.

(m) To establish and implement a customer relations management program for the purpose of offering incentives, such as coupons or discounts on certain products, to unlicensed customers of the board.

Section 3. Section 301(b) of the act is amended to read:

Section 301. Board to Establish State Liquor Stores.--\* \* \*

(b) The board may lease the necessary premises for such stores or establishments, but all such leases shall be made through the Department of General Services as agent of the board. Notwithstanding any other provision of law to the contrary, the Department of General Services shall have no more than ninety days from the date the board officially approves a lease recommendation to send the final lease packet to the appropriate agencies for further processing. The Department of

General Services shall be required to submit quarterly reports to the chairman and minority chairman of the Law and Justice Committee of the Senate and the chairman and minority chairman of the Liquor Control Committee of the House of Representatives indicating the number of lease recommendations approved by the board during the preceding quarter and whether the corresponding final lease packets were sent to the appropriate agencies within the ninety-day deadline. If the Department of General Services fails to regularly submit these quarterly reports or fails to regularly meet the ninety-day deadline imposed by this subsection, then the General Assembly may consider legislation that would allow the board to lease premises for its stores without the involvement of the Department of General Services. The board, through the Department of General Services, shall have authority to purchase such equipment and appointments as may be required in the operation of such stores or establishments.

Section 4. Section 304 of the act, amended December 8, 2004 (P.L.1810, No.239), is amended to read:

Section 304. When Sales May Be Made at Pennsylvania Liquor Stores.--(a) Except as provided for in subsection (b), every Pennsylvania Liquor Store shall be open for business week days, except holidays as that term is defined in section 102. The board may, with the approval of the Governor, temporarily close any store in any municipality.

(b) Certain Pennsylvania Liquor Stores operated by the board [shall] may be open for Sunday retail sales between the hours of [noon] nine o'clock antemeridian and [five] nine o'clock postmeridian, except that no Sunday sales shall occur on Easter Sunday or Christmas day. The board shall open [up to twenty-five per centum of the total number of Pennsylvania Liquor Stores at its discretion], at its discretion, as many Pennsylvania Liquor Stores as it deems necessary for Sunday sales as provided for in this subsection. The board shall submit yearly reports to the Appropriations and the Law and Justice Committees of the Senate and the Appropriations and the Liquor Control Committees of the House of Representatives summarizing the total dollar value of sales under this section.

Section 5. Section 305(b) of the act, amended July 6, 2005 (P.L.135, No.39), is amended and the section is amended by adding a subsection to read:

Section 305. Sales by Pennsylvania Liquor Stores.--\* \* \*

(b) Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act; and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. Sales to licensees shall be made at a price that includes a discount of ten per centum from the retail price. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia. The board may sell at special prices under the regulations of the board, to United States Armed Forces facilities which are located on United States Armed Forces installations and are conducted pursuant to the authority and regulations of the United States Armed Forces. All other sales by such stores shall be at retail[.], except that incentives, such as coupons or discounts on certain products, may be offered to unlicensed customers of the board as provided for under sections 207(m) and 493(24)(iii). A person entitled to purchase liquor at wholesale prices may purchase the liquor at any Pennsylvania Liquor Store upon tendering cash, check or credit card for the full amount of the purchase. For this purpose, the board shall issue a discount card to each licensee identifying such licensee as a person authorized to purchase liquor at wholesale prices. Such discount card shall be retained by the licensee. The board may contract through the Commonwealth bidding process for delivery to wholesale licensees at the expense of the licensee receiving the delivery.

\* \* \*

(j) If the board becomes a licensed lottery sales agent, as set forth in section 305 of the act of August 26, 1971 (P.L.351, No.91), known as the "State Lottery Law," then the following shall apply, notwithstanding the provisions of the "State Lottery Law":

(i) The Secretary of Revenue shall permit the board to operate and maintain Pennsylvania lottery instant ticket vending machines, player-activated terminals and technologies or systems subsequently approved by the Department of Revenue for the self-service sale of lottery tickets and games in Pennsylvania Liquor Stores. The board and the Secretary



of Revenue shall mutually agree upon the number and location of the stores authorized to conduct self-service sales of lottery tickets and games.

(ii) The board shall not be required to post any type of bond prior to conducting self-service sales of lottery tickets and games.

(iii) Any commissions, compensation or any type of incentive award based upon the sale of lottery tickets and games shall be deposited by the board into the State Stores Fund.

Section 6. Section 401(a) of the act, amended December 22, 2011 (P.L.530, No.113), is amended to read:

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.--(a) Subject to the provisions of this act and regulations promulgated under this act, the board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and, subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than [one hundred ninety-two fluid ounces in a single sale to one person as provided for in section 407.] three hundred eighty-four ounces in not more than twenty-four original containers in a single sale to one person as provided for in section 407, provided the licensee may not sell a package as prepared for sale or distribution by the manufacturer containing more than twelve containers. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds any public office that involves the duty to enforce any of the penal laws of the United States, this Commonwealth or of any political subdivision of this Commonwealth may have any interest in a hotel or restaurant liquor license. This prohibition applies to anyone with arrest authority, including, but not limited to, United States attorneys, State attorneys general, district attorneys, sheriffs and police officers. This prohibition shall also apply to magisterial district judges, judges or any other individuals who can impose a criminal sentence. This prohibition does not apply to members of the General Assembly, township supervisors, city councilpersons, mayors without arrest authority and any other public official who does not have the ability to arrest or the ability to impose a criminal sentence. This section does not apply if the proposed premises are located outside the jurisdiction of the individual in question.

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Section 7. Section 407(a) of the act, amended June 28, 2011 (P.L.55, No.11), is amended to read:

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.--(a) Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than [one hundred ninety-two fluid ounces in a single sale to one person.] three hundred eighty-four ounces in not more than twenty-four original containers in a single sale to one person, provided the licensee may not sell a package as prepared for sale or distribution by the manufacturer containing more than twelve containers. The sales may be made in either open or closed containers. Provided, however, That a municipality may adopt an ordinance restricting open containers in public places. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only.

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Section 8. Section 431(b) of the act, amended December 8, 2004 (P.L.1810, No.239), is amended and the section is amended by adding a subsection to read:

Section 431. Malt and Brewed Beverages Manufacturers', Distributors' and Importing Distributors' Licenses.--\*\*\*

(b) The board shall issue to any reputable person who applies therefor, and pays the license fee hereinafter prescribed, a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages, not for consump-

tion on the premises where sold, and except as provided for under subsection (g), in quantities of not less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately as prepared for the market by the manufacturer at the place of manufacture. The board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license: And provided further, That, in the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed. The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted. The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under section 470. If the board enters into an agreement with an applicant concerning additional restrictions, those restrictions shall be binding on subsequent holders of the license until the license is transferred to a new location or until the board enters into a subsequent agreement removing those restrictions. If the application in question involves a location previously licensed by the board, then any restrictions imposed by the board on the previous license at that location shall be binding on the applicant unless the board enters into a new agreement rescinding those restrictions. The board shall require notice to be posted on the property or premises upon which the licensee or proposed licensee will engage in sales of malt or brewed beverages. This notice shall be similar to the notice required of hotel, restaurant and club liquor licensees.

Except as hereinafter provided, such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities above specified anywhere within the Commonwealth of Pennsylvania, which, in the case of distributors, have been purchased only from persons licensed under this act as manufacturers or importing distributors, and in the case of importing distributors, have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or from manufacturers or importing distributors licensed under this article. In the case of an importing distributor, the holder of such a license shall be authorized to store and repackaging malt or brewed beverages owned by a manufacturer at a segregated portion of a warehouse or other storage facility authorized by section 441(d) and operated by the importing distributor within its appointed territory and deliver such beverages to another importing distributor who has been granted distribution rights by the manufacturer as provided herein. The importing distributor shall be permitted to receive a fee from the manufacturer for any related storage, repackaging or delivery services. In the case of a bailee for hire hired by a manufacturer, the holder of such a permit shall be authorized: to receive, store and repackaging malt or brewed beverages produced by that manufacturer for sale by that manufacturer to importing distributors to whom that manufacturer has given distribution rights pursuant to this subsection or to purchasers outside this Commonwealth for delivery outside this Commonwealth; or to ship to that manufacturer's storage facilities outside this Commonwealth. The bailee for hire shall be permitted to receive a fee from the manufacturer for any related storage, repackaging or delivery services. The bailee for hire shall, as required in Article V of this act, keep complete and accurate records of all transactions, inventory, receipts and shipments and make all records and the licensed areas available for inspection by the board and for the Pennsylvania State Police, Bureau of Liquor Control Enforcement, during normal business hours.

Each out of State manufacturer of malt or brewed beverages whose

products are sold and delivered in this Commonwealth shall give distributing rights for such products in designated geographical areas to specific importing distributors, and such importing distributor shall not sell or deliver malt or brewed beverages manufactured by the out of State manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which he has been given distributing rights by such manufacturer. Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer.

When a Pennsylvania manufacturer of malt or brewed beverages licensed under this article names or constitutes a distributor or importing distributor as the primary or original supplier of his product, he shall also designate the specific geographical area for which the said distributor or importing distributor is given distributing rights, and such distributor or importing distributor shall not sell or deliver the products of such manufacturer to any person issued a license under the provisions of this act whose licensed premises are not located within the geographical area for which distributing rights have been given to the distributor and importing distributor by the said manufacturer: Provided, That the importing distributor holding such distributing rights for such product shall not sell or deliver the same to another importing distributor without first having entered into a written agreement with the said secondary importing distributor setting forth the terms and conditions under which such products are to be resold within the territory granted to the primary importing distributor by the manufacturer. Nothing herein contained shall be construed to prevent any manufacturer from authorizing the importing distributor holding the distributing rights for a designated geographical area from selling the products of such manufacturer to another importing distributor also holding distributing rights from the same manufacturer for another geographical area, providing such authority be contained in writing and a copy thereof be given to each of the importing distributors so affected.

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(g) (1) In addition to being able to sell in case quantities as provided under subsection (b), a distributor or importing distributor may break the bulk of a case and sell units of any case in quantities of not less than forty-two ounces, provided the distributor or importing distributor sells a package as prepared for sale by the manufacturer.

(2) Before a distributor or importing distributor breaks the bulk of a case for the purpose of selling units, the distributor or importing distributor shall inspect the case for damage and appropriate production date. When the distributor or importing distributor breaks the bulk of a case for the purpose of selling units of the case, the distributor or importing distributor bears the risk of loss and is responsible for the destruction of any malt and brewed beverages that violate the manufacturer's specifications relating to sales by a certain date or within a number of days of the production date.

(3) The term "unit" as used in this subsection means an undamaged bottle or can from a case.

Section 9. Section 441(a) and (b) of the act, amended June 18, 1998 (P.L.664, No.86) and December 9, 2002 (P.L.1653, No.212), are amended to read:

Section 441. Distributors' and Importing Distributors' Restrictions on Sales, Storage, Etc.--(a) No distributor or importing distributor shall purchase, receive or resell any malt or brewed beverages except:

(1) in the original containers as prepared for the market by the manufacturer at the place of manufacture;

(2) in the case of identical containers repackaged in the manner described by subsection (f); or

(3) as provided in section 431(b) and (g).

(b) [No] Except as provided for in section 431(g), no distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than a case or original containers containing one hundred twenty-eight ounces or more which may be sold separately: Provided, That no malt or brewed beverages sold or delivered shall be consumed upon the premises of the distributor or importing distributor, or in any place provided for such purpose by such distributor or import-

ing distributor. Notwithstanding any other provision of this section or act, malt or brewed beverages which are part of a tasting conducted pursuant to the board's regulations may be consumed on licensed premises.

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Section 10. Section 442(a)(1) of the act, amended June 28, 2011 (P.L.55, No.11), is amended to read:

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.--(a) (1) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed. No retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of [one hundred ninety-two fluid ounces.] three hundred eighty-four ounces in not more than twenty-four original containers in a single sale to one person as provided in section 407, provided the licensee may not sell a package as prepared for sale or distribution by the manufacturer containing more than twelve containers. Sales may be made in open or closed containers. Provided, however, That a municipality may adopt an ordinance restricting open containers in public places. No club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

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Section 10.1. Section 470(a) of the act, amended December 22, 2011 (P.L.530, No.113), is amended to read:

Section 470. Renewal of Licenses; Temporary Provisions for Licensees in Armed Service.--(a) All applications for renewal or validation of licenses under the provisions of this article shall be filed with tax clearance from the Department of Revenue and the Department of Labor and Industry and requisite license and filing fees, including an application surcharge of seven hundred dollars (\$700.00), at least sixty days before the expiration date of same: Provided, however, That the board, in its discretion, may accept nunc pro tunc a renewal application filed less than sixty days before the expiration date of the license with the required fees, upon reasonable cause shown and the payment of an additional filing fee of one hundred dollars (\$100.00) for late filing: And provided further, That except where the failure to file a renewal application on or before the expiration date has created a license quota vacancy after said expiration date which has been filled by the issuance of a new license, after such expiration date, but before the board has received a renewal application nunc pro tunc within the time prescribed herein the board, in its discretion, may, after hearing, accept a renewal application filed within two years after the expiration date of the license with the required fees upon the payment of an additional filing fee of two hundred fifty dollars (\$250.00) for late filing. Where any such renewal application is filed less than sixty days before the expiration date, or subsequent to the expiration date, no license shall issue upon the filing of the renewal application until the matter is finally determined by the board and if an appeal is taken from the board's action the courts shall not order the issuance of the renewal license until final determination of the matter by the courts. The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under this section. A renewal application will not be considered filed unless accompanied by the requisite filing [and], license and administrative fees and any additional filing fee required by this section. Unless the board shall have given ten days' previous notice to the applicant of objections to the renewal of his license, based upon violation by the licensee or his servants, agents or employees of any of the laws of the Commonwealth or regulations of the board relating to the manufacture, transportation, use, storage, importation, possession or sale of liquors, alcohol or malt or brewed beverages, or the conduct of a licensed establishment, or unless the applicant has by his own act become a person of ill repute, or unless the premises do not meet the requirements of this act or the regulations of the board, the license of a licensee shall be renewed. Notwithstanding any other provision of this act, a noise violation shall not be the sole basis for objection by the board to the renewal of a license unless the licensee has received six prior adjudicated noise citations within a twenty-four-month period.

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Section 10.2. The act is amended by adding a section to read:

Section 470.3. License Auction.--(a) A restaurant liquor license or eating place retail dispenser license which is subject to the quota restrictions set forth in section 461(a) and which has not been renewed as required by section 470, has been revoked under section 471 or as required by section 474.1, or which the board refused to renew under section 470, shall be offered for auction by the board. The auction shall occur in July of the calendar year after the license becomes available for auction, on a date to be determined by the board. For purposes of this section, a license becomes available for auction the day after the deadline has passed for appealing a decision revoking or nonrenewing the license or the day after the two-year window to file a renewal application nunc pro tunc set forth in section 470, has passed.

(b) By March 1 of each year, the board shall post on its Internet website a listing of all the licenses that shall be available for auction in July of that year. The list shall also be available upon request.

(c) The board shall accept applications from persons interested in bidding at the auction beginning March 1. The application shall be in writing and shall contain such information as the board shall from time to time prescribe. The board shall accept applications until June 15th and may, in its discretion, accept applications after that date.

(d) A person who would be precluded from acquiring a license by sections 411 or 443, or who, in the board's opinion, is not of good repute may not apply for a license under this section.

(e) The auction shall be conducted in the manner set forth by the board, in July at the date and time appointed by the board. After the auction, the board shall provisionally award to the person making the highest bid for the license the right to file an application for the license. However, the board may not accept a bid lower than the following amounts:

(1) In counties of the first through fourth class, one hundred thousand dollars (\$100,000).

(2) In counties of the fifth through eighth class, fifty thousand dollars (\$50,000).

(f) The winning bidder shall pay to the board the bid amount within two weeks. Payment shall be by cashier's check, certified check or any other method acceptable to the board. If the winning bidder does not pay the bid amount within two weeks, the second highest bidder shall be awarded the right to file an application for the license, so long as the bid amount is in accordance with subsection (e).

(g) If there are no bids for a license or if there are no bids that meet the bid amounts set forth in subsection (f), the license shall be revoked and may not be reissued.

(h) Within six months of a bidder being informed that he is the winning bidder and that the winning bid has been processed, the winning bidder shall file an application to transfer the license to itself or to an assignee. The application shall be processed in the same manner as any other transfer application and shall be subject to the same restrictions as any other transfer application, including any conditional licensing agreements, but not including any unpaid fines or unserved suspensions accrued by the previous license holder. The application may be filed on a prior approval basis.

Section 10.3. Section 471(b) of the act, amended July 6, 2005 (P.L.135, No.39), is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.--\* \*

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(b) Hearing on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than [fifty dollars (\$50)] one hundred dollars (\$100) nor more than [one thousand dollars (\$1,000)] two thousand dollars (\$2,000), or both, notifying the licensee by registered letter addressed to his licensed premises. If the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors or sales to a visibly intoxicated person, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or

6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than [one thousand dollars (\$1,000)] two thousand dollars (\$2,000) nor more than [five thousand dollars (\$5,000)] ten thousand dollars (\$10,000), or both. However, if a licensee has been cited and found to have violated section 493(1) as it relates to sales to minors or sales to a visibly intoxicated person but at the time of the sale the licensee was in compliance with the requirements set forth in section 471.1 and the licensee had not sold to minors or visibly intoxicated persons in the previous four years, then the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than [fifty dollars (\$50)] one hundred dollars (\$100) nor more than [one thousand dollars (\$1,000)] two thousand dollars (\$2,000), or both. The administrative law judge shall notify the licensee by registered mail, addressed to the licensed premises, of such suspension, revocation or fine. In the event the fine is not paid within twenty days of the adjudication, the administrative law judge shall suspend or revoke the license, notifying the licensee by registered mail addressed to the licensed premises. Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication during which time the licensee may take an appeal as provided for in this act, except that revocations mandated in section 481(c) shall go into effect immediately. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event a license is revoked, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the adjudication of the administrative law judge, there shall be a right to appeal to the board. The appeal shall be based solely on the record before the administrative law judge. The board shall only reverse the decision of the administrative law judge if the administrative law judge committed an error of law, abused its discretion or if its decision is not based on substantial evidence. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the decision of the board, there shall be a right to appeal to the court of common pleas in the same manner as herein provided for appeals from refusals to grant licenses. Each of the appeals shall act as a supersedeas unless, upon sufficient cause shown, the reviewing authority shall determine otherwise; however, if the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors or sales to a visibly intoxicated person, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises, or if the license has been revoked under section 481(c), its appeal shall not act as a supersedeas unless the reviewing authority determines otherwise upon sufficient cause shown. In any hearing on an application for a supersedeas under this section, the reviewing authority may consider, in addition to other relevant evidence, documentary evidence, including records of the bureau, showing the prior history of citations, fines, suspensions or revocations against the licensee; and the reviewing authority may also consider, in addition to other relevant evidence, evidence of any recurrence of the unlawful activity occurring between the date of the citation which is the subject of the appeal and the date of the hearing. If the reviewing authority is the board, no hearing shall be held on the application for a supersedeas; however, a decision shall be made based on the application, answer and documentary evidence under this subsection. If the application for a supersedeas is for a license that has been revoked under section 481(c), the reviewing authority shall grant the supersedeas only if it finds that the licensee will likely prevail on the merits. No penalty provided by this section shall be imposed for any violations provided for in this act unless the bureau notifies the licensee of its nature within thirty days of the completion of the investigation.

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Section 11. Section 488 of the act, added February 21, 2002 (P.L.103, No.10), is amended to read:

Section 488. Shipment of Wine [into Commonwealth.--(a) The shipment of wine from out-of-State to residents of this Commonwealth is prohibited, except as otherwise provided for in this section.] to Pennsylvania Liquor Stores.--

(b) Notwithstanding any other provision of this act or law to the contrary, a person licensed by another state as a producer, supplier, importer, wholesaler, distributor or retailer of wine and who obtains a [direct wine shipper] direct-to-store wine shipper license as provided for in this section may ship up to nine liters per month of any wine [not included on the list provided for in subsection (c)] on the [Internet] order of any resident of this Commonwealth who is at least twenty-one (21) years of age for such resident's personal use and not for resale.

[(c) Each month, the board shall publish on the Internet a list of all classes, varieties and brands of wine available for sale in the Pennsylvania Liquor Stores. A person holding a direct shipper license may ship only those classes, varieties and brands of wine not included on the list at the time an Internet order is placed.]

(d) [An out-of-State] A direct-to-store wine shipper shall:

(1) Not ship more than nine liters per month on the Internet order of any person in this Commonwealth.

(2) Report to the board each year the total amount of wine shipped [into this Commonwealth] to Pennsylvania Liquor Stores in the preceding calendar year.

(3) Permit the board, the enforcement bureau or the Secretary of Revenue, or their designated representatives, to perform an audit of the [out-of-State] direct-to-store wine shipper's records upon request.

(4) Be deemed to have submitted to the jurisdiction of the board, any other State agency and the courts of this Commonwealth for purposes of enforcement of this section and any related laws, rules or regulations.

(e) A [direct] direct-to-store wine shipper may ship wine on the [Internet] order of a resident into this Commonwealth provided that the wine is shipped to a Pennsylvania Liquor Store selected by the resident. The wine will be subject to taxes in the same manner as wine sold directly by the board. The wine will not be released by the State store until all moneys due, including all taxes and fees, have been paid by the resident.

(f) A person shall sign an affidavit provided by the Pennsylvania Liquor Store where the wine was delivered to stating that the wine will only be used for the person's personal use. Any person who resells wine obtained under this section commits a misdemeanor of the second degree.

(g) The board may promulgate such rules and regulations as are necessary to implement and enforce the provisions of this section. The board may charge the resident a fee to cover the cost associated with processing the [Internet] order.

(h) The board shall submit [monthly] annual reports to the Appropriations Committee and the Law and Justice Committee of the Senate and to the Appropriations Committee and the Liquor Control Committee of the House of Representatives summarizing the number of [direct] direct-to-store wine shipper licenses issued by the board, the quantity of wine sold and shipped by direct-to-store wine shipper licensees pursuant to this section and the total dollar value of sales under this section.

(i) The term "wine" as used in this section shall mean liquor which is fermented from [grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term "wine" shall not include malt or brewed beverages nor shall wine include any products containing alcohol derived from malt, grain, cereal, molasses or cactus] an agricultural commodity as that term is defined in section 505.2(c).

Section 12. The act is amended by adding a section to read:

Section 489. Direct Shipment of Wine.--(a) Notwithstanding any other provision of law, a person licensed by the board or another state as a producer of wine, and who obtains a license as provided for in this section, may ship up to eighteen liters per month of any wine on the order of any resident of this Commonwealth who is at least twenty-one years of age for such resident's personal use and not for resale.

(b) Prior to issuing such a license, the board shall require the person seeking the license to:

(1) File an application with the board.

(2) Pay a registration fee of one hundred dollars (\$100).

(3) Provide to the board a copy of the applicant's current alcoholic beverage license issued by the board or another state, if applicable.

(4) Provide documentation to the board which evidences that the applicant has obtained a sales tax license from the Department of Revenue.

(5) Obtain a tax bond, in the amount of one thousand dollars (\$1,000), such that if the licensee does not pay the taxes imposed under this section when due, the surety of the bond shall pay all taxes and any related penalties, and any interest that may be due or become due.

(6) Provide the board with any other information that the board deems necessary and appropriate.

(c) The licensee shall:

(1) Require proof of age of the recipient, in a manner or format approved by the board, before any wine is shipped to a resident of this Commonwealth.

(2) Ensure that all boxes or exterior containers of wine shipped directly to a resident of this Commonwealth are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY."

(3) Ensure that shipments shall be delivered by an entity holding a valid transporter-for-hire license issued by the board and that such transporter-for-hire shall not deliver any wine unless it does all of the following:

(i) Obtains the signature of the recipient of the wine upon delivery.

(ii) Verifies by inspecting a valid form of photo identification, as provided for in section 495(a), that the recipient is at least twenty-one (21) years of age.

(iii) Determines that the recipient is not visibly intoxicated at the time of delivery.

(4) On a quarterly basis, remit to the Department of Revenue all taxes due on sales to residents of this Commonwealth.

(5) Permit the board, the enforcement bureau or the Secretary of Revenue, or their designated representatives, to perform an audit of the licensee's records upon request.

(6) Be deemed to have submitted to the jurisdiction of the board, any other State agency and the courts of this Commonwealth for purposes of enforcement of this section and any related laws, rules or regulations, including the collection and remission of taxes as required under this section.

(7) Annually renew its license by paying a renewal fee established by the board and report to the board, at the time of renewal, the total amount of wine shipped to residents of this Commonwealth in the preceding calendar year.

(d) Wine delivered under the authority of this section is subject to the sales and use tax imposed by section 202 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," the sales and use tax imposed by Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," the sales and use tax imposed by the act of February 12, 2004 (P.L.73, No.11), known as the "Intergovernmental Cooperation Authority Act for Cities of the Second Class," and the emergency State tax imposed on wines sold by the board under the act of June 9, 1936 (1st Sp. Sess., P.L.13, No.4), entitled "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board."

(e) A transporter for hire shall:

(1) keep records as required under section 512 pertaining to the direct shipment of wine; and

(2) permit the board and the enforcement bureau, or their designated representatives, to inspect such records in accordance with section 513.

(f) Any person who resells wine obtained under this section commits a misdemeanor of the second degree.

(g) Shipments of wine to persons in this Commonwealth from persons who do not possess a license from the board authorizing such shipments are prohibited. Any person who knowingly makes, participates in, transports, imports or receives such shipment commits a misdemeanor.

(h) The board shall submit annual reports to the Appropriations Committee of the Senate and the Law and Justice Committee of the Senate and to the Appropriations Committee of the House of Representatives and the Liquor Control Committee of the House of Representatives summarizing the number of licenses issued by the board under this section, the quantity of wine sold and shipped by licensees pursuant to

this section and the total dollar value of sales under this section.

(i) The board may promulgate such rules and regulations as are necessary to implement and enforce the provisions of this section.

(j) The term "wine" as used in this section shall mean liquor which is fermented from an agricultural commodity as that term is defined in section 505.2(c).

Section 13. Section 493(24) of the act, amended November 29, 2006 (P.L.1421, No.155), is amended and the section is amended by adding a paragraph to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.--The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful--

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(24) (i) Things of Value Offered as Inducement. Except as provided in subclause (ii), for any licensee under the provisions of this article, or the board or any manufacturer, or any employee or agent of a manufacturer, licensee or of the board, to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps, stoppers, corks, stamps or labels taken from any bottle, case, barrel or package containing liquor or malt or brewed beverage, or to offer or give or solicit or receive anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverage, or for any licensee, manufacturer or other person to offer or give to trade or consumer buyers any prize, premium, gift or other inducement to purchase liquor or malt or brewed beverages, except advertising novelties of nominal value which the board shall define. This section shall not prevent any manufacturer or any agent of a manufacturer from offering and honoring coupons which offer monetary rebates on purchases of wines and spirits through State Liquor Stores or purchases of malt or brewed beverages through distributors and importing distributors in accordance with conditions or regulations established by the board. The board may redeem coupons offered by a manufacturer or an agent of a manufacturer at the time of purchase. Coupons offered by a manufacturer or an agent of a manufacturer shall not be redeemed without proof of purchase. This section shall not apply to the return of any monies specifically deposited for the return of the original container to the owners thereof.

(ii) Notwithstanding subclause (i) or any other provision of law, a holder of a restaurant license that is also approved to hold a slot machine license or a conditional slot machine license under 4 Pa.C.S. Part II (relating to gaming) may give liquor and malt or brewed beverages free of charge to any person actively engaged in playing a slot machine.

(iii) Notwithstanding subclause (i) or any other provision of law, the board may establish and implement a customer relations management program for the purpose of offering incentives, such as coupons or discounts on certain products which may be conditioned upon the purchase of liquor, to unlicensed customers of the board.

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(35) Sale of Wine Received by Direct-to-Store or Direct Shipment. For any licensee to sell or offer to sell any wine purchased or acquired, directly or indirectly, from a licensee pursuant to the authority of section 488, or from a licensee pursuant to the authority of section 489.

Section 14. Section 499(a.1) of the act, amended October 5, 1994 (P.L.522, No.77), is amended to read:

Section 499. Premises to be Vacated by Patrons.--\*\*\*

(a.1) Subsection (a) shall not apply to sales of malt and brewed beverages for consumption off the premises when the following conditions are met:

(1) no licensee may sell malt or brewed beverages in excess of [one hundred ninety-two fluid ounces] three hundred eighty-four ounces in not more than twenty-four original containers in a single sale to one person as provided in section 407, provided the licensee may not sell a package as prepared for sale or distribution by the manufacturer containing more than twelve containers, in any one sale for consumption off the premises;

(2) sales and service of malt and brewed beverages for consumption off the premises are made prior to the designated time the licensee is required by this act to cease serving liquor, malt or brewed beverages;

(3) persons who have purchased malt and brewed beverages for consumption off the premises shall remove the malt and brewed beverages from the premises by the designated time as contained in this act that patrons are required to vacate the premises;

(4) no club licensee may sell any malt or brewed beverage for consumption off the premises where sold or to any persons who are not members of the club.

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Section 15. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator BREWSTER. Mr. President, briefly on the amendment, there are two points I think we want to make. The first, I think most important, is that we do not believe House Bill No. 189 goes far enough in terms of the customer requirements that we see as necessary in the Commonwealth of Pennsylvania, and I speak to the convenience that the customers want, the variety, and, of course, the pricing. We do not see that with the direct shipment portion of House Bill No. 189. The second thing is, we believe, and our analysis tells us, that there is going to be at least somewhat of a loss in revenue to the Commonwealth, and we are trying to rectify that with this amendment.

If I may, just briefly, expand a little bit on the amendment as we step forward. We started with what we think is an umbrella effect that will be a comprehensive amendment that hopefully will be law in this Commonwealth at some point in time that will give the customer base, in this case, the taxpayers, what they have asked for and move the LCB system from an 80-year-old agency that now recognizes the need to change. The cultural change is the paradigm shifts that we see in other businesses, we have seen it in the banking industry, and we think it is time to do that here as well. We started with the pricing flexibility. We believe if we give the State Store system flexibility in pricing with changes in the liquor laws, we can produce another \$50 million to \$70 million in revenue. Now, again, it is difficult to quantify these because sales are based on the economy. We have also looked at the store network and talked about changing times, on Sunday sales, for example, from 9:00 to 9:00 instead of noon to 5:00. We talked about a store within a store, which is a concept that we have seen in the banking industry as well, where State Stores will open up near or in grocery stores as a convenience for the consumer. We talked about the sale of Lottery tickets within the State Store system, again, an opportunity to generate more revenue.

Our portion of direct sales of wine preserves the 6-percent State sales tax and also the 18-percent liquor tax, which assures a revenue stream that is consistent with the budget, and as we talked about the budget situation that we are in now, with a structural deficit, it is important that we preserve these line items as we go forward. Any radical changes in deviation from that only exacerbates the problem that we have with the structural deficit.

Package reform at the beer distributors, we have seen in the most recent court order with regard to 18-packs. It now affords an opportunity for our beer distributors to market their product based on manufacturer's production, and we think that is a good thing for the consumer as well and makes our distributors a more productive entity for sales.

We have done some things with regard to the licensees. Currently, for example, any violation in the existing license is a \$1,000 violation. We are changing that to a range of \$2,000 to

\$10,000 at the discretion of the LCB board. We have not changed those laws since 1965. In addition, we are looking at the surcharge, which is currently \$700. That fee has not been changed in 25 years, and we are suggesting that go up in this amendment another \$700.

In addition, there is always an inventory of unsold and archived licenses that are sitting there dormant. In this amendment, we talk about the auctioning of those particular licenses. These are some of the things that we have talked about in the reform as we talk about what we are going to do with liquor.

Now, I know that whatever role liquor plays in this year's budget discussion, I guess, depends on what side of the building you sit on, or what side of the aisle you sit on. But if we really care about what the customers told us, and they said, we want convenience, we want variety, and we want pricing. This amendment, and the modernization bill that we put together as a Caucus bill does those things. It still preserves revenue, which we desperately need, to continue those streams as we get into the budget discussion. So if anyone in this room really believes in what we should do for our constituents, what we should do for the consumers to make us competitive, then this amendment makes sense. Okay? We are very fearful that House Bill No. 189 will deprive the State of existing revenue, which we think is important in this discussion.

So at this point, Mr. President, I ask for an affirmative vote on the amendment.

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

Senator COSTA. Mr. President, I rise to offer my support and ask my colleagues to join my colleague from Allegheny County in supporting the amendment that he has offered to House Bill No. 189. As the gentleman stated, this amendment represents something that Senate Democrats have worked on for a couple of years now and have made a part of this Wine & Spirits conversation that we have had here in Harrisburg for over 4 years now. I think it represents a comprehensive and appropriate response and approach to how we should manage our wine and spirits operation as well as our beer distributors here in Pennsylvania. We have heard a lot about the issue of privatization as the solution, the silver bullet to helping resolve some of our budget crisis, and in fact, that there was a reluctance to even advance anything with respect to how we address other issues that are important to the people of Pennsylvania.

Mr. President, I was happy to see last evening that there is a willingness now from folks on the other side of this building to sort of take off the table, so to speak, and remove from consideration the whole notion of privatization as the roadblock to getting things done. I stood on this Senate floor last Monday and talked about the concern that our Caucus shared with many folks in this Commonwealth and many folks in this building on both sides of the aisle that the issue of a hard-and-fast privatization approach had to be done first, before we could advance anything on other important issues that were important for people in this Chamber. For example, pensions, as well as educational investments and investments in human service programs, investments in job creation, and also property tax relief, which Senate Democrats talked about earlier today.

Mr. President, I was pleased to see that issue will maybe take a step back from the conversations and allow more reasonable and responsible approaches with respect to how we deal with

wine and spirits in our Commonwealth. That is exactly what this proposal offered by Senator Brewster does. It is our Senate Democratic modernization proposal that we have heard a lot about in this Chamber, we have heard from the Governor along those lines, and it does the things that I think we all want to see take place. Senator Brewster referenced convenience for customers, and that is what we have an obligation to provide to our Commonwealth constituents. They want to have the ability to be able to do things like have direct shipment of wine, and not at the expense of the taxpayers of Pennsylvania. They want a responsible, reasonable plan that provides for the ability to do direct shipment to homes, but also special liquor orders as well, an appropriate mechanism and structure that does not deprive the Commonwealth of anywhere from \$20 million to \$40 million, based on our estimates, that we see happening in House Bill No. 189 as proposed. We looked at the issue of direct shipment. We think it is something that needs to be done, and an affirmative vote on this amendment tells the people of Pennsylvania that they too, and we, support direct shipment of wine. That is something that is important to our Members and that is what an affirmative vote today will do on this amendment.

With respect to other areas that we have talked about, flexible pricing: to allow for the opportunity of flexible pricing throughout this Commonwealth for the various reasons that we have heard from Senator Brewster. Sunday sales: enhancing the ability for people to have access to wine and spirits across this Commonwealth by increasing the hours that the product will be available. The co-location of stores in and around our grocery stores, for example, those are the things that this legislation does. Beyond all of that, it also helps to continue to generate revenue for this Commonwealth. We already know that this system, in addition to the tax revenue that we receive from the Wine & Spirits shops today, or the LCB today, this proposal that we are talking about generates almost \$180-some million in additional revenue that could make its way into the Commonwealth, make its way for the very specific purpose, as we work with Governor Wolf to address pension relief. The Governor has proposed a borrowing plan of \$3 billion that allows us the opportunity to address the PSERS pension crisis that we are dealing with and allows for up to a \$5 billion savings across the course of 30 years as it relates to State and school district contributions into a PSERS pension system.

So this approach is very important. It is a timely measure and a timely approach because we are now down to budget crunch time. Clearly, Members on the other side of the aisle in this Chamber and, more importantly, on the other side of the building want to make the wine and spirits conversation part of the budget process. The Governor has made that approach as well. We differ in terms of how we get there. We believe, though, this modernization approach, as submitted by Senator Brewster and the Senate Democratic Caucus, provides for the direct shipment that I have talked about in a better way than what is being offered in House Bill No. 189.

At the end of the day, Mr. President, I think we all recognize, and I hope we all agree, that we have a great asset. We have a wonderful asset with respect to our LCB stores and system. What we want to be able to do is enhance that asset, enhance its value, and enhance its customer-friendly atmosphere to allow greater access and high-quality access to different wines across the country and in Pennsylvania, but give our consumers and our

constituents the opportunity to have a better system where we have enhanced its value, and we are able to use that to be able to take revenue, drive in revenue, to help us address other issues. When we bring in revenue from the wine and spirits modernization proposal to help our pension systems, that means school districts have fewer costs that they have to drive out, the State has fewer dollars we have to drive out, and it allows us to take those dollars and invest them in areas where we want to see investment. Further investments in education, further investments in human service programs that we have talked about that have been dramatically cut for the past several years, further investments in terms of working to make certain that we have job creation proposals that we put forward that encompass what we need to do.

Mr. President, for all of those reasons, but specially as it relates to House Bill No. 189, the notion that an affirmative vote today on House Bill No. 189 and the amendment that is being offered by Senate Democrats is something that would be an affirmative vote for the appropriate way, in our belief, to do direct shipment of wine in Pennsylvania. I ask my colleagues for an affirmative vote.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, very briefly, I want to stand and lend my support to Senator Brewster's amendment, which includes language reflecting a similar proposal to Senate Bill No. 97, which is my bill on direct wine shipment. This is an issue which I have advocated for in several legislative Sessions and it is one that is vitally important to the constituents I represent, and I, of course, support and congratulate Senator Brewster on his efforts. As you know, Mr. President, Senator Ferlo was a former leader on both direct wine shipment and modernization. I appreciate Senator Brewster's seamless leadership on this very important issue. I stand with my Senate Democratic colleagues in continuing our State-run wine and spirits system in Pennsylvania, understanding how important it is that we move away from archaic liquor laws in the Commonwealth.

I know that liquor reform has been a topic we have all supported to one extent or another, and I am pleased that we continue to have that conversation. I urge my colleagues on both sides of the aisle to support Senator Brewster's amendment that would boost recurring revenues to our State liquor system in a holistic way, include bipartisan support of direct wine shipment, and a more equitable taxation rate that is currently included under House Bill No. 189, ahead of a fiscal year when we so desperately need additional dollars to fund our structural deficit. One-time gimmicks are not enough anymore. Let us reform the system in a responsible way, also giving our wine consumers in Pennsylvania what they want, direct shipment of wine.

Thank you, Mr. President.

#### BREWSTER AMENDMENT A2468 TABLED

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, Senator Brewster's amendment represents a sweeping change to the liquor laws in Pennsylvania that could be categorized as the modernization approach. I know there is a lot of discussion about the privatiza-

tion approach, and I know you all are joining me in anticipation of this debate when we get to it in this coming week, but I believe that this amendment would--there are considerable merits in it--but it would be better placed upon the privatization proposal that is about to come. This bill is about direct wine shipping, and through the process with the Committee on Law and Justice and through the Committee on Appropriations we kept it on that issue. We are under a lawsuit, the *Granholm* decision, for 12 years to fix this issue. I think it needs to be fixed before we get into the larger debate on privatization or modernization. So, at this point I move to table this amendment.

Thank you, Mr. President.

#### POINT OF ORDER

Senator HUGHES. Mr. President.

The PRESIDENT. Senator Hughes.

Senator CORMAN. Mr. President, point of parliamentary procedure.

Senator HUGHES. Mr. President, I believe you recognized me first. I think I heard you say "Senator Hughes."

The PRESIDENT. Proceed.

Senator HUGHES. Thank you, Mr. President.

Senator CORMAN. Mr. President, point of parliamentary procedure.

Senator HUGHES. Mr. President, in the spirit of democracy--

The PRESIDENT. The gentleman will yield.

Senator HUGHES. Mr. President, in the spirit of democracy, the issue of trying to raise a particular issue on the floor of the Senate, the motion to table, Mr. President.--

Senator CORMAN. Mr. President.

Senator HUGHES. --is the attempt to thwart the opportunity for the Minority party to have its say.

The PRESIDENT. Senator Hughes, I am going to ask you to yield for one moment. Senator Corman, one moment.

Senator CORMAN. Mr. President, thank you.

The PRESIDENT. The Members, I think, understand under the rules that the motion to table is a nondebatable one. That is the first parliamentary point.

Now, on a point of parliamentary order, I am going to recognize Senator Corman.

Senator CORMAN. Mr. President, just that the motion has been made and we would like to proceed to a vote.

The PRESIDENT. The motion to table is nondebatable, and let us proceed to vote on whether to table the amendment.

Senator McIlhinney has moved to table the amendment, and as I have stated, the motion is not debatable.

On the question,

Will the Senate agree to the motion?

Senator COSTA. Mr. President, if I could be recognized, not to debate the motion to table.

The PRESIDENT. For purposes other than the motion to table, Senator Costa.

Senator COSTA. Mr. President, I am not rising to debate the amendment before us; however, I am questioning why it is that Senator Hughes cannot be recognized before without knowing what the comments are that he may make with respect to his request to speak. If they deviate from or become a debate on the

motion to table, then I think the Governor's order would be appropriate, but we cannot predetermine what he may say, and therefore, I am asking to give him the opportunity to state his point of order with respect to his request to be heard.

The PRESIDENT. Senator Costa, I believe that your point is in order, and for that purpose the Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, thank you, and thank you to my Leader, Senator Costa. My issue is real simple. Mr. President, on the issue that the gentleman has just raised thwarts the opportunity for the Members of all parties to have an opportunity to discuss the matter at hand, thwarts the opportunity of the Minority party, whether it be D or R, to have an opportunity to lay their issues on the table. So consequently, Mr. President, what we have is the tyranny of the Majority here. That is what we have, and that is what I am speaking to, the tyranny of the Majority to utilize their majority, their system, their process to control the conversation and not to have a thoughtful dialogue on this particular matter.

#### POINT OF ORDER

Senator CORMAN. Mr. President.

Senator HUGHES. Mr. President, the idea of tabling the issue does not go to the issue of germaneness, does not go to the issue of substance, it goes to the issue of thwarting the democracy, and that is what we have going on here, Mr. President.

Senator CORMAN. Mr. President.

Senator HUGHES. And if the Majority is going to have its way, which it probably will in the end, at least the people of the Commonwealth need to know exactly what is going on here.

Senator CORMAN. Mr. President.

The PRESIDENT. Senator, for purposes of the rules, and the Members, including the Majority Leader, should be aware, once a Senator begins to speak, it is not in order to interrupt that speaker. So I cannot ask that Senator to yield before he has completed what he wishes to say.

Senator CORMAN. Mr. President, absolutely. Point of order, Mr. President.

The PRESIDENT. Yes, Senator Corman.

Senator CORMAN. Mr. President, I believe the rules are if the Member asked for a point of order, that Member is recognized, and the rules are exactly what the gentleman, the previous speaker, and all of the Members of this Senate voted on, in which a motion to table is completely in order in the rules.

The PRESIDENT. You are correct, Senator.

Senator CORMAN. Mr. President, the motion has been made, it is nondebatable. We should proceed to a vote.

The PRESIDENT. We will proceed to the vote on the motion to table the amendment.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator McILHINNEY 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	Sabatina	Williams
Brewster	Haywood	Schwank	Wozniak
Costa	Hughes	Tartaglione	Yudichak
Dinniman	Kitchen	Teplitz	

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

The PRESIDENT. The amendment is tabled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### MOTION TO TABLE BILL

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

Senator WILLIAMS. Mr. President, based upon the recent debate, and the articulation by the gentleman that next week we will have a fuller dialogue about this space of liquor privatization in light of other issues, direct shipments, et cetera, the suggestion was that we table this particular amendment. I think the full body and overall majority has decided to do that. I think to be consistent and complete, that means we should also table this particular item at this time, given that we are going to have that fuller conversation. So, rather than just sort of cherry-picking and extracting, I move that we table this particular bill.

The PRESIDENT. Senator Williams has made a motion that House Bill No. 189 be laid upon the table.

On the question,

Will the Senate agree to the motion?

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

#### YEA-19

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

#### NAY-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	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.



And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

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

On the question,  
Shall the bill pass finally?

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

Senator COSTA. Mr. President, before we get to a roll-call vote, I do not know whether anybody else is going to speak on final passage, but I would like to speak on final passage.

The PRESIDENT. You are in order, Senator Costa.

Senator COSTA. Mr. President, I rise to ask for a negative vote on House Bill No. 189, mostly in part for the reasons that we raised earlier during the debate on the amendment, the modernization proposal that Senate Democrats have put forth.

More specifically, with respect to House Bill No. 189, let me be clear: while Members on this side of the aisle support the notion and concept of direct shipment of wines, we believe the more appropriate approach is the manner which we laid out in our amendment that was offered by the gentleman from Allegheny County, Senator Brewster. More specifically, some of our very specific concerns relate to loss of revenue to the Commonwealth. There has been range of loss of revenue of upwards to \$40-plus million. Now, we talked about what value that the LCB has provided to us, and quite frankly, we are not in a position to forego some \$40 million in revenue to this Commonwealth, whether it be through the LCB and taxation, or through net profits that we derive.

More specifically, some of the major concerns that we have relate to the special liquor orders, or SLOs, as they are referred to. We believe that range of dollars lost to the Commonwealth would be in the range of anywhere from \$10 million to \$30 million. Again, a concept that we simply cannot address at this point in time. We are not in a position as a Commonwealth to be putting forth measures that would allow for a significant loss of revenue. While we recognize in our proposal that we do talk about SLOs and we recognize that there will be a loss of revenue with respect to what we talked about, but we had other proposals and parts and pieces of our amendment that we offered in our modernization plan that offset the revenue that we would lose, and that is why it was done in a more comprehensive approach. This proposal, House Bill No. 189, in my view and our view, pulls out, cherry-picks, as it has been referred, cherry-picks a specific part of it and, as I mentioned, takes the revenue lost to the Commonwealth and does not provide any way, shape, or form to replace it, as we have done in other parts of the more comprehensive approach. So with respect to that particular aspect, we are asking for a negative vote.

There is also a concern that exists and it has been communicated to us, it relates to the way that House Bill No. 189 is drafted. The way it is drafted, in our view, is a way in which you would have individual producers of wine or brokers who would be able to avoid working through the LCB, the Liquor Control Board, avoid that and ultimately end up directing wine and spirits to licensees and to homeowners, avoiding the LCB and thus the Commonwealth would lose additional dollars. The way the lan-

guage is structured in this particular bill, as we see it, creates that potential opportunity down the road. So, principally, for those two reasons, as well as our approach to try to do it in a more comprehensive way that balances out the loss of revenue with other revenue enhancement mechanisms in the modernization proposal we put forth, we are asking at this time for a negative vote on House Bill No. 189 because of the reasons I just stated.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I rise as a negative vote for this particular bill. Our Leader, Senator Costa, has indicated the substantive reasons why we are, and should be, in opposition to this bill because it takes one particular issue of how liquor, and wine, specifically, is distributed in this Commonwealth. It takes it out of context and really winds up being a negative for the Commonwealth of Pennsylvania. The financial loss that the State will see—a result of probably about \$40 million being lost from State resources, taxes, is not a loss that we can assume right now, especially with no way to try to make up that loss. The idea of direct shipment placed in the context of the modernization proposal that has been laid out by Senator Brewster, by our Caucus, by the Governor, and so many other folks, is an appropriate way to go. We could absorb that loss through the modernization system where we would gain additional resources to the Commonwealth and, as I said, absorb the loss.

The idea of direct shipment standing alone, on its own, does not work financially and opens up, if you will, a Pandora's box with respect to how this works and how other adult beverages could work in the Commonwealth of Pennsylvania. That is on substance. Now on process, we are very disappointed. This side is very disappointed, and I would suggest all Members should be extremely disappointed in how this process worked itself forward. The idea of tabling a particular amendment so that it could not get a full hearing on the floor of this body really flies in the face of democratic principles that this body was created on several hundred years ago. The idea of having full and open debate, full and open conversation, a full threshing or vetting of the issues is something that this body, this building, this Chamber, this country should be encouraging, not discouraging.

#### POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

Senator HUGHES. Mr. President, I am not running far afield on the issue. I am speaking directly to the point, directly on process, directly on the substance of the matter, and I will not stop talking, because this is about democracy, Mr. President.

The PRESIDENT. Senator Hughes, my good friend, when the Majority Leader or any Member makes a parliamentary procedure question, it is in order to address that question. For that purpose, let me address the Majority Leader, and if we can come back to you, you know I would love to hear you.

Senator Corman, state your point.

Senator CORMAN. Mr. President, House Bill No. 189 is a piece of legislation that would provide for direct shipment of wine. The gentleman, certainly in the beginning of his remarks, was addressing that, as he should, but now he has gone far afield from the issue before us, which is direct shipment of wine under House Bill No. 189. So I ask, Mr. President, if you would direct

him to keep his comments to the contents of the bill. If he would like to discuss process and issues under Petitions and Remonstrances, he can talk all day on that issue, but floor debate by rules are to be about the content of the legislation.

Thank you, Mr. President.

The PRESIDENT. Senator Hughes, I know that you heard the gentleman's remarks and I am sure in your intelligence and eloquence, you will now tailor your remarks within those guidelines. Please proceed.

Senator HUGHES. Mr. President, I will respond accordingly. If we had been allowed the opportunity to speak, Mr. President, we would have pointed out that the idea of direct shipment does not work for the Commonwealth of Pennsylvania. If we had been allowed the opportunity to speak, Mr. President, we would have pointed out that direct shipment could possibly work for the people of the Commonwealth of Pennsylvania if it was fully considered in the gentleman, Senator Brewster's previous amendment, which would call for modernization of the system. If we were allowed the opportunity to speak, Mr. President, we would have pointed out--and I might add, probably would have pointed out eloquently--the idea that in a democratic system, amendments like Senator Brewster's amendment on modernization should have been considered and should have been fully heard on the floor of this body. If we had been allowed the opportunity to speak, Mr. President, we may have talked line by line about the good gentleman's amendment and what it would have done and why the idea of direct shipment, in and of itself, does not work for the Commonwealth of Pennsylvania. If we had been allowed to speak, Mr. President, we would probably have been able to point out in great detail the financial problems that occur as a result of the adoption of direct shipment to the State's overall budget.

Since we were not allowed the opportunity to speak, since process-wise the tabling of the gentleman's amendment, which was totally germane to the bill because the issue of germaneness was not discussed earlier, which was totally appropriate, totally in context, not debated at all, the issue of the importance and relevance of the gentleman's previous amendment, since we were not allowed the opportunity to speak, I might add, Mr. President, we were not allowed the opportunity to speak on the issue previously. Since we were denied that opportunity, we could not have heard all of the substance and facts that I just laid out before us.

So, Mr. President, again, I would encourage, now that I have the opportunity to speak, since the Members on this side of the aisle were denied the opportunity to speak when the issue was tabled earlier, since I have that opportunity to speak right now, Mr. President, I strongly encourage a "no" vote. This does total harm to the Commonwealth's budget. It is a budget loser of about \$40 million. It does not provide any additional dollars for the Commonwealth of Pennsylvania, and, consequently, we are not sure exactly how those dollars will be allowed to be made up. Since I have the opportunity to speak right now, Mr. President, which was denied earlier when Senator Brewster had his amendment on the floor, since I have the opportunity to speak right now, Mr. President, I suggest that there be a negative vote on final passage of this bill.

Thank you very much, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-31

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

#### NAY-18

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

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### LEGISLATIVE LEAVE

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

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

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILLS OVER IN ORDER

**HB 221** and **SB 307** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 370 (Pr. No. 1046)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to fire companies and volunteer services, further providing for award of grants to eligible fire companies and volunteer ambulance services.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

## YEA-49

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

## NAY-0

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

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

## BILL OVER IN ORDER

**SB 524** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 663 (Pr. No. 1092)** -- The Senate proceeded to consideration of the bill, 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 and for hearing; in support matters generally, further providing for liability for support; and, in child custody, further providing for consideration of criminal conviction.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator VULAKOVICH. Mr. President, I rise today to ask my colleagues for an affirmative vote on Senate Bill No. 663, the Rape Survivor and Child Custody Support Act. As it stands now in current law, if a victim of rape decides to keep a child that was conceived as a result of the rape, she could be forced to interact with the perpetrator on a regular basis. If he demands his visitation rights, she would be forced to connect with him. In essence, she could be repeatedly subjected to enduring the pain and reliving the trauma that the criminal inflicted on her. The victim simply should not be forced to share custody or allow visitation of their child with the perpetrator, nor should they be required to

forego child support in order to protect the children and themselves. It is not fair and it is not right. This legislation corrects this situation.

I thank Senator Greenleaf for advancing the bill out of the Committee on Judiciary, as well as Senator Hughes and Senator Schwank for their contributions. I would also like to especially thank the Pennsylvania Coalition Against Rape for their work on this piece of legislation and recognize them for the important work they do. This bill would not have happened without their tireless advocacy.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

## YEA-49

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

## NAY-0

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

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

## BILL OVER IN ORDER

**SB 683** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 737 (Pr. No. 763)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful devices and methods.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

## YEA-49

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

## NAY-0

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

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

## BILLS OVER IN ORDER

**SB 748, SB 751, SB 792, SB 793, SB 862, SB 871, SB 872, SB 873 and SB 875** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS  
ON SECOND CONSIDERATION

**SB 812 (Pr. No. 1078)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

**SB 813 (Pr. No. 1079)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; and making an interfund transfer.

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

**SB 814 (Pr. No. 1080)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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

**SB 815 (Pr. No. 874)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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

**SB 816 (Pr. No. 1081)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

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

**SB 817 (Pr. No. 1082)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

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

**SB 818 (Pr. No. 877)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for fiscal year July 1, 2015, to June 30, 2016.

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

**SB 819 (Pr. No. 1083)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2015, to June 30, 2016.

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

**SB 820 (Pr. No. 1084)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

#### NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

**SB 912 (Pr. No. 1070)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

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

**SB 913 (Pr. No. 1071)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

**SB 914 (Pr. No. 1072)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

**SB 915 (Pr. No. 1073)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh--Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

**SB 916 (Pr. No. 1074)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

#### BILLS OVER IN ORDER

**HB 14, HB 57, HB 73 and SB 77** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL LAID ON THE TABLE

**HB 89 (Pr. No. 79)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

#### HB 89 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 89, Printer's No. 79, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

#### BILL LAID ON THE TABLE

**HB 90 (Pr. No. 251)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

### HB 90 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 90, Printer's No. 251, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

### BILL ON SECOND CONSIDERATION

**SB 129 (Pr. No. 511)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for definitions and for supplemental benefits.

Considered the second time and agreed to,

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

### BILLS OVER IN ORDER

**SB 202, HB 224, HB 229 and HB 263** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

### BILL ON SECOND CONSIDERATION

**HB 272 (Pr. No. 1202)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 2006 (P.L.1471, No.165), known as the Sexual Assault Testing and Evidence Collection Act, further providing for the title of the act, for definitions and for sexual assault evidence collection program; and providing for rights of sexual assault victims.

Considered the second time and agreed to,

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

### BILL AMENDED

**SB 290 (Pr. No. 178)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in licensing of drivers, further providing for chemical testing to determine amount of alcohol or controlled substance and for occupational limited license and providing for ignition interlock limited license; and, in driving after imbibing alcohol or utilizing drugs, further providing for ignition interlock and for the offense of illegally operating a motor vehicle not equipped with ignition interlock.

On the question,

Will the Senate agree to the bill on second consideration?

Senator RAFFERTY offered the following amendment No. A2325:

Amend Bill, page 1, line 8, by inserting after "interlock":

, for prior offenses

Amend Bill, page 8, lines 20 and 21, by striking out "each motor vehicle owned or to be operated by the individual" and inserting:

one motor vehicle owned, leased or principally operated by the person, whichever the person most operates.

Amend Bill, page 8, line 30; page 9, line 1; by striking out "shall" in line 30 on page 8 and "count on a day-for-day basis toward" in line 1 on page 9 and inserting:

may be counted toward satisfaction of

Amend Bill, page 11, lines 8 and 9, by striking out "who has been convicted" and inserting:

whose driver's license has been suspended for a conviction

Amend Bill, page 11, line 11, by striking out "conviction" and inserting:

receipt of notice of the suspension

Amend Bill, page 12, line 13, by striking out "shall count on a day-for-day basis toward the" and inserting:

may be counted toward satisfaction of

Amend Bill, page 12, lines 18 and 19, by striking out "one or more motor vehicles owned or to be operated by the individual" and inserting:

one motor vehicle owned, leased or principally operated by the person, whichever the person most operates.

Amend Bill, page 14, line 30, by inserting a bracket before "Each"

Amend Bill, page 14, line 30, by striking out "or to be operated"

Amend Bill, page 15, line 1, by striking out the bracket before "or"

Amend Bill, page 15, line 1, by inserting after "person]":

One motor vehicle owned, leased or principally operated by the person, whichever the person most operates.

Amend Bill, page 16, by inserting between lines 24 and 25:

Section 5. Section 3806 of Title 75 is amended to read:

§ 3806. Prior offenses.

(a) General rule.--Except as set forth in subsection (b), the term "prior offense" as used in this chapter shall mean [a] any conviction for which judgment of a sentence has been imposed, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for any of the following:

(1) an offense under section 3802 (relating to driving under influence of alcohol or controlled substance);

(2) an offense under former section 3731;

(3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or

(4) any combination of the offenses set forth in paragraph (1), (2) or (3).

(b) [Repeat offenses within ten years] Timing.--[The calculation of prior offenses for purposes of sections 1553(d.2) (relating to occupational limited license), 3803 (relating to grading) and 3804 (relating to penalties) shall include any conviction, whether or not judgment of sentence has been imposed for the violation, adjudication of delinquency, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition within the ten years before the sentencing on the present violation for any of the following:

(1) an offense under section 3802;

(2) an offense under former section 3731;

(3) an offense substantially similar to an offense under paragraph (1) or (2) in another jurisdiction; or

(4) any combination of the offenses set forth in paragraph (1), (2) or (3).]

(1) For purposes of sections 1553(d.2) (relating to occupational limited license), 3803 (relating to grading) and 3804 (relating to penalties), the prior offense must have occurred:

(i) within 10 years prior to the date of the offense for which the defendant is being sentenced; or

(ii) on or after the date of the offense for which the defendant is being sentenced.

(2) The court shall calculate the number of prior offenses, if any, at the time of sentencing.

(3) If the defendant is sentenced for two or more offenses in the same day, the offenses shall be considered prior offenses within the meaning of this subsection.

Amend Bill, page 16, line 25, by striking out "5" and inserting:

Amend Bill, page 16, line 25, by striking out "3808(c)(1)" and inserting:

3808(a) and (c)(1)

Amend Bill, page 16, line 25, by striking out "is" and inserting:  
are

Amend Bill, page 16, by inserting between lines 28 and 29:

(a) Offense defined.--

(1) An individual required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system under [section 1553(d.2) (relating to occupational limited license)] section 1556 (relating to ignition interlock limited license) or 3805 (relating to ignition interlock) who drives, operates or is in actual physical control of the movement of a motor vehicle within this Commonwealth without such a system commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than \$300 and not more than \$1,000 and to imprisonment for not more than 90 days.

(2) An individual required to only drive, operate or be in actual physical control of the movement of a motor vehicle equipped with an ignition interlock system under [section 1553(d.2)] section 1556 or 3805 who drives, operates or is in actual physical control of the movement of a motor vehicle within this Commonwealth without such a system and who has an amount of alcohol by weight in his blood that is equal to or greater than 0.025% at the time of testing or who has in his blood any amount of a Schedule I or nonprescribed Schedule II or III controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or its metabolite commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$1,000 and to undergo imprisonment for a period of not less than 90 days.

Amend Bill, page 17, line 14, by striking out all of said line and inserting:

Section 7. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 1547(a), (c) introductory paragraph, (2) and (3), (g.1), (h), (i) and (j) shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 15 months.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**SB 296, HB 363, SB 388, SB 430, HB 455, SB 474, HB 475, HB 501 and SB 533** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION

**SB 609 (Pr. No. 892)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a task force on prostate cancer and related chronic prostate conditions; and providing for powers and duties of the task force, the Department of Health, the Insurance Department, the Department of Aging and the Department of Human Services, and for prevention and education strategies.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**HB 629, SB 640 and HB 664** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION, AMENDED

**SB 747 (Pr. No. 1077)** -- The Senate proceeded to consideration of the bill, 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, further providing for punitive damages; providing for punitive damages study; and imposing duties on the Insurance Commissioner.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STEFANO, on behalf of Senator WHITE, offered the following amendment No. A2473:

Amend Bill, page 3, lines 1 through 6, by striking out all of said lines and inserting:

reported to Mcare as being paid by health care providers since March 20, 2005.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

#### BILL OVER IN ORDER

**SB 756** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION AND RECOMMITTED

**HB 762 (Pr. No. 1051)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

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

## BILL ON SECOND CONSIDERATION

**SB 811 (Pr. No. 870)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2015-2016.

Considered the second time and agreed to,

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

## BILLS OVER IN ORDER

**HB 866, SB 868, SB 890, SB 894 and SB 910** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## SENATE RESOLUTION No. 138, ADOPTED

Senator CORMAN, without objection, called up from page 12 of the Calendar, **Senate Resolution No. 138**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study Commonwealth expenditures for salaries and other compensation and benefits of members of State boards and commissions.

On the question,

Will the Senate adopt the resolution?

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

## BILL REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Rules and Executive Nominations, reported the following bill:

**SB 397 (Pr. No. 1058)** (Rereported) (*Concurrence*)

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, for private cause of action and for third party sureties.

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 397 (Pr. No. 1058)** -- The Senate proceeded to consideration of the bill, entitled:

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, for private cause of action and for third party sureties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 397?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 397.

On the question,

Will the Senate agree to the motion?

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

## YEA-49

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

## NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

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

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

## MEMBER OF THE STATE BOARD OF ACCOUNTANCY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apartment 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Tina Miller, Pittsburgh, resigned.

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

TOM WOLF  
Governor



## MEMBER OF THE ARCHITECTS LICENSURE BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John Martine, Pittsburgh, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON THE ARTS

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Council on the Arts, to serve for a term of three years, and until his successor is appointed and qualified, vice Susan Corbett, Glenshaw, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE BANKING AND  
SECURITIES COMMISSION

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Banking and Securities Commission, to serve at the pleasure of the Governor, vice Gerald Pappert, Plymouth Meeting, resigned.

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

TOM WOLF  
Governor

## MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified, vice Carole Gravagno, Wayne, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE STATE  
CONSERVATION COMMISSION

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Conservation Commission, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice MaryAnn Warren, New Milford, whose term expired.

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

TOM WOLF  
Governor

MEMBER OF THE STATE  
CONSERVATION COMMISSION

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Conservation Commission, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward Kuckuck, Indiana, whose term expired.

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

TOM WOLF  
Governor

## MEMBER OF THE STATE BOARD OF COSMETOLOGY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, [data missing], Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetol-

ogy, to serve for a term of three years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ann Catalano, Camp Hill, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE STATE BOARD OF COSMETOLOGY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until his *[sic]* successor is appointed and qualified, but not longer than six months beyond that period, vice Karie Schoeneman, Pottsville, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE STATE BOARD OF DENTISTRY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edmund Effort, Pittsburgh, whose term expired.

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

TOM WOLF  
Governor

#### MEMBER OF THE STATE BOARD OF DENTISTRY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apartment 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dallas Stoy, Lewisberry, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joan Tarloff, Collegeville, deceased.

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

TOM WOLF  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve for a term of six years, and until his successor is appointed and qualified, vice Marcelle Cooney, Cresson, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve for a term of six years, and until her successor is appointed and qualified, vice Rose Planinsek, Ligonier, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, *[data missing]*, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve for a term of six years, and until her successor is appointed and qualified, vice Dixie Henry, Mount Union, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years, and until her successor is appointed and qualified, vice Robert Sanders, Philadelphia, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, *[data missing]*, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve for a term of six years, and until her successor is appointed and qualified, vice Joanne Reckley, Temple, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE HEALTH POLICY BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Health Policy Board, to serve

for a term of three years and until her successor is appointed and qualified, vice Anne Henry, Harrisburg, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE HEALTH POLICY BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the *[sic]* Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Cecelia Dougherty, Philadelphia, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE HEALTH POLICY BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the *[sic]* Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice C. Michael Blackwood, Mars, resigned.

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

TOM WOLF  
Governor

#### MEMBER OF THE INDUSTRIAL BOARD

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, *[data missing]*, Fifteenth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January 2019, and until her successor is appointed and qualified, vice Bony Dawood, Mechanicsburg, resigned.

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

TOM WOLF  
Governor

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

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve for a term of six years, and until her successor is appointed and qualified, vice Richard Orwig, Wyomissing, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF MEDICINE

May 12, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Gregory A. [sic] Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17120 [sic], Dauphin County, Eleventh [sic] Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of three years, and until his successor is appointed and qualified, but not longer than six months [data missing], vice Solomon Isaacson, Philadelphia, whose term expired.

[data missing]

TOM WOLF  
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years, and until her successor is appointed and qualified, vice Ray Morrow, Pittsburgh, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Gregory A. [sic] Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17120 [sic], Dauphin County, Eleventh [sic] Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of three years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard Bruno, Bellefonte, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF OCCUPATIONAL  
THERAPY EDUCATION AND LICENSURE

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years, and until her successor is appointed and qualified, vice Richard Turner, Mercer, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 N. 3rd Street, Unit 502, Harrisburg 17102, [data missing], Fifteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lisa Hegedus, Jeannette, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Mary K. Topper, 223 Pine Street,

Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rohit Agrawal, Pittsburgh, whose term expired.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Burton Mark, Thornton, whose term expired.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 North 3rd Street, Unit 502, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ian Rosenberg, Pittsburgh, deceased.

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

TOM WOLF  
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Brenda L. Rios, 1224 North 3rd Street, Unit 502, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Craig DeFranco, Roseto, resigned.

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

TOM WOLF  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SOUTH MOUNTAIN RESTORATION CENTER

June 16, 2015

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the nomination dated April 17, 2015, for the appointment of Jacob M. Maldonado, 133 State Street, Apt. 2, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of White *[sic]* Mountain Restoration Center, to serve for a term of six years, and until his successor is appointed and qualified, vice William Shank, Chambersburg, resigned.

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

TOM WOLF  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEE**

Senator WAGNER, from the Committee on Urban Affairs and Housing, reported the following bills:

**SB 877 (Pr. No. 1109) (Amended)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for appeals by taxing districts.

**HB 447 (Pr. No. 1037)**

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for death of a tenant.

**HB 613 (Pr. No. 1897) (Amended)**

An Act authorizing local taxing authorities to provide for tax exemption incentives for certain deteriorated industrial, commercial, business and residential property and for new construction in deteriorated areas of communities; providing for an exemption schedule; and establishing standards and qualifications.

**SENATE RESOLUTIONS ADOPTED**

Senators TARTAGLIONE, GREENLEAF, DINNIMAN, TEPLITZ, SABATINA, BAKER, FONTANA, KITCHEN, McGARRIGLE, SCAVELLO, VULAKOVICH, SCHWANK,

MENSCH, GORDNER, PILEGGI, RAFFERTY, YUDICHAK, COSTA, FARNESE, AUMENT, ALLOWAY, HUGHES and BROWNE, by unanimous consent, offered **Senate Resolution No. 159**, entitled:

A Resolution recognizing the month of September 2015 as "National Spinal Cord Injury Awareness Month" 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, September will be "National Spinal Cord Injury Awareness Month." As you know, this is an issue that is near and dear to my heart. I never imagined I would suffer such an injury, but I have not stopped living my life because of it, and I certainly have not stopped working to overcome it, and neither should anyone else living with a spinal cord injury. I hope by recognizing this month that we will raise awareness and improve access to treatments for individuals with spinal cord injuries.

Did you know that every 48 minutes another person in the U.S. becomes paralyzed from a spinal cord injury? Today we have more Americans living with paralysis than ever before, and that number is growing exponentially as our veteran population expands. Fortunately, with breakthroughs in nerve cell regeneration and therapies like the ReWalk program that I am participating in, there is more hope for a brighter future than ever before. Organizations like The Buoniconti Fund, the Miami Project to Cure Paralysis, and MossRehab are working harder than ever before to help individuals with spinal cord injuries rediscover their own footsteps.

At this time, I ask that we recognize September as National Spinal Cord Injury Awareness Month, and I ask that we take the necessary steps to insure that everyone gains access to the latest medical treatments and technologies, because every individual with a spinal cord injury deserves the opportunity for a better quality of life.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks Senator Tartaglione and appreciates her work on an important and personal issue, as well as an issue that is important to so many people in our State.

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

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

Senators TARTAGLIONE, DINNIMAN, GREENLEAF, TEPLITZ, SABATINA, FONTANA, KITCHEN, VULAKOVICH, MENSCH, SCHWANK, PILEGGI, RAFFERTY, YUDICHAK, COSTA, ARGALL, FARNESE, AUMENT, HUGHES and BROWNE, by unanimous consent, offered **Senate Resolution No. 160**, entitled:

A Resolution recognizing September 10, 2015, as "World Suicide Prevention 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, suicide is a global health epidemic. Each year, suicide is responsible for more than 1 million deaths worldwide, more than 41,000 deaths in the U.S., and over 1,700 deaths right here in the Commonwealth of Pennsylvania. In fact, suicide is the 10th-ranking cause of death among all age groups, and the second-ranking cause of death for young persons. To combat this tragic and unnecessary loss of life, the World Health Organization, an international association for suicide prevention, hosts an annual "World Suicide Prevention Day." This year it will be held on September 10, 2015. By taking part in this important event, all of us can help put an end to suicide. From government to health officials, from interest groups to family, friends, and coworkers, everyone plays an equally important role in suicide prevention. Working together, we can increase the awareness and education so that individuals at risk of suicide are identified, treated, and provided with the postintervention services they need.

Today, I offer this resolution recognizing September 10, 2015, as World Suicide Prevention Day for all of those individuals who are struggling with or have lost their lives to suicide and for family members and friends of those individuals. By recognizing this day, I hope that we can begin to talk about suicide more openly and eliminate the stigma and misconceptions surrounding it so that we can focus on what is really important, saving lives. At this time I ask my colleagues for an affirmative vote on this resolution.

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 Stephen King by Senator Baker.

Congratulations of the Senate were extended to Zachary Briggs by Senators Baker and Gordner.

Congratulations of the Senate were extended to the members and coaches of the Parkland High School Boys' Volleyball Team and to members and coaches of the Parkland High School Softball Team by Senator Browne.

Congratulations of the Senate were extended to Daniel Calvert by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. William Yard and to Cadet Second Lieutenant Kayley L. Buzard by Senator Hutchinson.

Congratulations of the Senate were extended to Mount Zion United Methodist Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Mary Gregorits by Senator Teplitz.

Congratulations of the Senate were extended to Benjamin Roy Robb by Senator Vogel.

Congratulations of the Senate were extended to Mr. and Mrs. William W. Sheasley by Senator White.

Congratulations of the Senate were extended to Anna Porpiglia by Senator Yudichak.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Forrest Grim Schaeffer, Jr., by Senator Schwank.

### BILLS ON FIRST CONSIDERATION

Senator FONTANA. 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 23, SB 24, SB 368, SB 432, SB 648, SB 755, SB 785, SB 877, SB 879, SB 887, SB 897, SB 898, SB 899, HB 66, HB 239, HB 329, HB 447, HB 613, HB 683, HB 720, HB 779, HB 1071 and HB 1198.**

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

THURSDAY, JUNE 25, 2015

10:00 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 411)	Room 461 Main Capitol
Off the Floor	BANKING AND INSURANCE (to consider Senate Bills No. 536 and 928; and House Bills No. 60, 857 and 972)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider House Bill No. 911; and certain Executive Nominations)	Rules Cmte. Conf. Rm.

### PETITIONS AND REMONSTRANCES

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

Senator SABATINA. Mr. President, I will keep my remarks short today, but I will be submitting more than 96,000 words for the record. Mr. President, when the General Assembly debated Pennsylvania's last minimum wage increase in 2005 and into 2006, some in this Chamber raised questions about the effect adjusting the minimum wage would have on employment. In its wisdom, the General Assembly paired the 2006 minimum wage adjustment with the creation of the Minimum Wage Advisory Board made up of experts from business, labor, and government. The idea behind the Minimum Wage Advisory Board was to settle the argument over whether increasing the minimum wage would negatively impact employment and the economy. Mr.

President, the question has been asked and answered. The advisory board has now done eight reports. These reports now total more than 400 pages, covered by more than 96,000 words, along with 160 charts and graphs, and there is not one word saying that raising the minimum wage lowered employment or slowed the economy. In fact, the reports conclude that every time Pennsylvania raised the minimum wage in the past 20 years, job growth in the next year beat the 10-year average.

The reports conclude that other factors have far more effect on jobs than minimum wage. Let me quote from the first report after the first wave of minimum wage increases. "Overall the increase in the minimum wage did not negatively impact Pennsylvania's economy. Pennsylvania's unemployment rate for 2007 was lower than the national average. Also, the overall number of jobs hit an all-time high for the time period in which the minimum wage increase was increased." These reports conclude that the minimum wage increases are an effective tool at fighting poverty.

Mr. President, this General Assembly has the disturbing habit of commissioning and paying for blue-ribbon panels and detailed research that it properly ignores. It happened with the cost of education, it happened with transportation funding twice, and it should not happen again. Raising the minimum wage today would lift thousands out of poverty and reduce the need for government assistance at a time when those resources are strained. Pennsylvania's last minimum wage increase was followed by the second sharpest year-to-year drop in the poverty rate in 25 years. After Pennsylvania raised its minimum wage in 2006-07, more than 100,000 fewer families were living in poverty. The unemployment rate dropped and the growth in our low-wage job market was nearly three times that of Pennsylvania's labor market in general. It did not last. After the recession, the buying power of wages began to decline and Pennsylvania's poverty rate hit a 20-year high in 2010. Fifteen States have linked their minimum wages to inflation, and studies have shown that these States with minimum wages higher than the Federal minimum wage have a better record of small business growth than States at or below the Federal minimum.

Mr. President, I submit for the record the eight reports produced with taxpayer dollars so they may enlighten our debate over the next few months. Thank you very much.

The PRESIDENT. Without objection, the reports shall be made part of the record.

*(The following reports were made part of the record at the request of the gentleman from Philadelphia, Senator SABATINA:)*

The reports entitled Analysis of the Pennsylvania Minimum Wage, years 2007 through 2014, from the Pennsylvania Department of Labor and Industry's Center for Workforce Information and Analysis are available at the following link:

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=1224776&mode=2>

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

Senator COSTA. Mr. President, I rise this evening to talk a little bit about probably one of the most significant issues that we deal with here in this Commonwealth. Aside from the issue of making investments in education, our Commonwealth residents have been talking with us extensively in the past several years on

the issue of property tax relief and property tax reform. Mr. President, earlier today Senate Democrats unveiled a plan which I think addresses many of the concerns that we have heard from a number of folks that really presents an alternative to some of the proposals that have been put forth not only here in this Chamber but also across the building from the House, and currently legislation that sits in the Senate, and also what Governor Wolf has proposed along those lines. At this juncture, we think that it is appropriate to inject the Senate Democratic plan referenced as the Pennsylvania Home Rebate Plan, because we believe that it is an issue that is very, very important to the people of Pennsylvania, as I stated earlier.

Mr. President, essentially what our plan does is generates approximately \$4.4 billion in tax revenue that is utilized, all of it utilized, to reduce property taxes in Pennsylvania to the tune of \$3.9 billion for homeowners, and an additional \$448 million, I believe, into a rebate program for renters across Pennsylvania. We believe that this is an appropriate way in which we can assist our homeowners with dealing with the ever-increasing school district property taxes that our homeowners have to deal with year in and year out.

Earlier today, in our press conference when we rolled out this proposal, we heard from one of my colleagues who talked about the fact that 90-some percent of the school districts across Pennsylvania have increased their property taxes over the course of the past several years. We believe it is in direct response to the lack of funding that has been provided through the previous administration that has stripped away nearly \$4 billion of education dollars and consequently forcing school districts to raise their property taxes at that level. We recognize that is an issue, and that is why we put forth our proposal.

The shape of it is, it is a little different than what we talked about here in Harrisburg recently. What this legislation would do and this package of reform for property taxes would provide a check to every single homeowner in Pennsylvania up to \$1,990. It would be a property tax rebate check. If your school property taxes are \$1,500, you would get a check for \$1,500 to offset your property tax payment. If your property taxes are \$2,000, you would get a check for \$1,990 and you would be responsible for \$10 towards your property tax bill. If you are a renter, nearly 896,000 individual renters in Pennsylvania would qualify under our plan for a \$500 rent rebate. Now, Mr. President, when you look at the numbers, what we are proposing, given the median level of property taxes paid in the Commonwealth around \$1,638, and the average property tax around \$1,990, this plan that we put forward would eliminate taxes for 2 million homeowners. Let me repeat that, 2 million homeowners in Pennsylvania--homesteads, not businesses like we know about in Senate Bill No. 76, but homeowners--2 million of them would have their property taxes eliminated, and an additional 1.2 million homeowners would receive a rebate check for at least \$1,990. That is a significant property tax rebate proposal.

Now, we have been working on this issue and we took our ideas and our proposed legislation to the Pennsylvania Independent Fiscal Office, our IFO, and the IFO has come back and said to us that these numbers that we have provided are appropriate, it is a sustainable approach to what we need to do, and basically, in our view, have given us a checkmark of approval with respect to advancing this legislation. Now, folks are probably wondering, how are we going to pay for this? To that end, Mr. President,

what we put on the table is a modest increase in the sales tax from 6 percent to 6.6 percent, very similar to the Governor's proposal in terms of the rate increase, but dramatically different than what is being discussed in other parts of this building and across the hall with respect to the broadening of the base. There is no broadening of the base in the sales tax, so it is strictly a straight sales tax increase of 0.6 percent. With respect to the personal income tax, we are also talking about a modest increase there as well, a 0.78 percent increase in the PIT that allows us the opportunity, along with a cigarette tax increase and a tax on other tobacco products. Mr. President, as I talk to folks and they say to me, why do we not tax other tobacco products as a form of revenue to be able to drive resources into Pennsylvania? I cannot answer the question as to why we do not do it. We should, and we are advocating that we do that, and that is part of our funding stream along those lines.

So what I have just described would generate the \$4.4 billion that we need in revenue to sustain a plan that allows for property tax relief in Pennsylvania. As I mentioned to you, the process is something that is important because it allows us the opportunity to have a taxpayer, they will pay their school property taxes, and once they do that and they bring documentation to the State to demonstrate that they made that payment, once they have done that they would receive a rebate check from the Commonwealth of Pennsylvania, as indicated earlier, up to \$1,990 in terms of a rebate check. That is the process. School districts will not have any input and they will not be able to manipulate or be a part of that process.

Why are we looking to do a check? Mr. President, this General Assembly in 2004 began a process with the gaming revenue to drive out anywhere from \$700-plus million in property tax relief. I will tell you, I hear in just about every meeting I have or town hall community meeting or whatever, when people say to me, we are supposed to get gaming relief, we are supposed to get property tax relief and I do not get anything from it. The fact of the matter is we all know in this building and across the hall that it is reflected in their tax bill. But the general public does not know, and that is something we believe that if we are going to ask folks to pony up a few more dollars on the PIT and the sales tax and the cigarette tax and the OTP tax, then we have to demonstrate to them that they are getting something tangible. That is what a check, putting a check in their hand, a considerable check of up to \$1,990, you put that check into their hand, that is a significant statement, that is something tangible that they see in their hand as a rebate with respect to their taxes that they pay, the taxes they paid on the PIT, sales, and other tobacco products.

But that is not all we have to show them. We have to show them, and we have to provide them with the confidence that while we are going to increase taxes on the right, that we are not going to allow the school districts to be able to continue to grow their spending dollars and to continue to allow them to grow taxes at the school district level, because the concern we hear, whether it is the Governor's plan, whether it is other plans that have been talked about, House Bill No. 504, I believe it is House Bill No. 504 that is here, the property tax blend that is here, what we hear is that there is a concern that in a matter of time those property tax reductions that are proposed will be eroded away with continual property tax increases. We have to take steps to address that. We know we have exemptions. There used to be nine or so exemptions in terms of how school districts could



avoid doing the Act 1 referendums. We have narrowed that down to just three, one of which is the pension cost associated with the school districts.

We believe that under Act 120, when we start to plateau with respect to our contributions from the State to pay the pension system, as that plateaus, so will the need to have continued need to utilize that particular exemption. So, essentially, in a short period of time, that exemption comes off the board. We recognize that we have to have further conversations with respect to the exemptions that exist with avoiding the Act 1 voter referendum. We also recognize that school districts now have the ability to increase their paying taxes or increase things up to the rate of index, the index number that we have determined in the legislation a number of years ago. Well, Mr. President, many folks believe that maybe that index is a little too high and we need to address that. So maybe that is something we need to take a look at, and maybe cutting that index in half, 50 percent of that index may be the threshold before it kicks into a voter referendum. These are ideas on the cost containment side that we are trying to address as part of this conversation and we believe need to be part of the discussion as we go forward. That is an aspect that we know we have to negotiate with folks in this building, on both sides of the aisle, to help us get to a place where this proposal would be acceptable.

Last, but not least, Mr. President, I think what we need to look at is the issue of reserves that are able to be held by our school districts. We hear stories of significant reserves and double-digit numbers in terms of percentages of their budget. The Governor has talked about a 4-percent reserve number. We believe that is appropriate and we look to be able to implement a 4-percent reserve amount that would be applicable to a school district. So at the end of the day, we believe we have put together a proposal that is simple, that is direct, that is tangible for the taxpayers of Pennsylvania, and that provides them the relief that we think that they need as we go forward, and it is managed in a way that is appropriate, and has, what I say, the blessing of the IFO, with respect to how we constructed our numbers, because we worked with them to do that, and more importantly has the blessing of the IFO with respect to sustainability. I think that is what is important. Sustainability in terms of the revenue stream, but also recognizing that the property tax relief that we will be providing, and it will be an annual payment, an annual check every year to homeowners in Pennsylvania, it provides the relief that they are looking for that is sustainable and is something that they will be able to hold on to and continue to grasp and will not see it erode away, and to us that is what is most important.

I look forward, at this point in time, at this juncture, where we have a handful of days left between now and the time we pass our General Fund budget, we hope, in a very bipartisan, bicameral way with the administration, that this issue of property tax relief, which has sort of been dormant the last couple of weeks, we hope to be able to inject new life into that conversation and get it before my colleagues, all of you here today. We did our press announcement earlier today, but we look forward to working with our colleagues to try to address that issue because we recognize that this is an issue that people of Pennsylvania want us to work on. They sent us here to address a number of issues. They said that the Governor who sits in the front office, Governor Tom Wolf, they sent him and you here, Mr. President, to do a couple of things: make investments in education; they want us

to have our schools work; they want to make certain that we look to the Marcellus Shale community to be a part of that solution with a reasonable and responsible extraction tax; they want us to make investments in schools, as I said; they want us to make investments in human service programs; to restore those mental health programs and restore those drug and alcohol programs that have been cut over the course of the past several years; restore those programs that counties have been experiencing over the past several years; they want us to address the issue of pensions in a reasonable and responsible way that provides some level of retirement security for folks going forward and address the unfunded liability.

Those are the things that they want us to be able to do to go forward, and clearly among that list of things is property tax relief, and that is why I stand here today and our Senate Democratic Caucus has put forth this proposal along those lines. So, Mr. President, thank you very much for the opportunity to articulate our Pennsylvania Home Rebate Plan, and we look forward to working with our colleagues across the aisle to address this issue.

Thank you, Mr. President.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 911**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), this bill will be referred to the Committee on Rules and Executive Nominations.

## BILL SIGNED

The PRESIDENT (Lieutenant Governor Mike Stack) in the presence of the Senate signed the following bill:

**SB 397.**

## RECESS

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Thursday, June 25, 2015, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:16 p.m., Eastern Daylight Saving Time.