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TUESDAY, APRIL 5, 2016

SESSION OF 2016 200TH OF THE GENERAL ASSEMBLY

No. 17

SENATE

TUESDAY, April 5, 2016

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Rabbi JOSHUA GRUENBERG, of Congregation Beth El, Yardley, offered the following prayer:

Good afternoon. Thank you for having me today.

In the Jewish tradition, we recite a prayer when we finish reading one of the five books of Moses. The prayer goes:

(Translated from Hebrew:)

Be strong, be resolute, and together we will strengthen one another. Be strong. Be strong in your convictions, be strong enough to stand up for what is right and to know when to stand on those principles. Be resolute. Be resolute, be firm in knowing the difference between good and evil and knowing when the time is right to act. Together we will strengthen ourselves.

Our great nation and our great Commonwealth operates at their best when combined with active citizenship and compassionate and effective leadership. Only then can we continue to be the great Commonwealth that we are in Pennsylvania and the great nation that we are, the United States of America. May God bless all of the sacred work that is accomplished here in this hallowed ground. May God bless the holy Members who conduct that sacred work on a daily basis. May God bless the Commonwealth of Pennsylvania, and may God bless America. Amen.

The PRESIDENT. The Chair thanks Rabbi Gruenberg, who is the guest today of Senator McIlhinney.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1638**.

**APPOINTMENT OF MEMBER TO
STANDING COMMITTEE OF THE SENATE**

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

Senator Andrew E. Dinniman as a member of the Committee on Veterans Affairs and Emergency Preparedness.

BILL SIGNED

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

HB 1638.

BILLS REPORTED FROM COMMITTEES

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

SB 837 (Pr. No. 1671) (Amended)

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, for restriction on the use of title "Licensed Marriage and Family Therapist" and for penalties.

HB 325 (Pr. No. 3084) (Amended)

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer Licensing and Trading Assistant Registration Act, further providing for the title of the act, for definitions, for auctioneer and apprentice auctioneer licenses; providing for sales exempt from license requirements; further providing for status of existing licensees and for applications for initial and renewal licenses; providing for registration of trading assistants and trading assistant companies; further providing for special licensees to furnish bond and for authority to transact business not transferable; repealing provisions relating to auction house license, auction company license, trading assistant registration and nonresident licensees; further providing for reciprocity with other states; repealing provisions relating to licensee and registrant to furnish bond; further providing for no other license or registration required and for list of licensees and registrants; providing for contracts; further providing for records of sales; repealing provisions relating to contracts for conduct of transaction; and further providing for display of licenses, for investigations and enforcement actions, for escrow account, for hearing on charges, for administration and enforcement, for revocation or suspension of license or registration, for issuance of new license or registration pending investigation and decision, for issuance of new license or registration after revocation, for penalties, for actions by unlicensed persons prohibited and for the State Board of Auctioneer Examiners.

HB 1436 (Pr. No. 2690)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, providing for computation of income tax expense for ratemaking purposes.

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

SB 1077 (Pr. No. 1474)

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

HB 380 (Pr. No. 2474)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in dissolution of marital status, further providing for grounds for divorce and for decree of court.

HB 608 (Pr. No. 2254)

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for authority to control, for schedules of controlled substances, for liquefied ammonia gas, precursors and chemicals and for promulgation of regulations.

HB 1167 (Pr. No. 1826)

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in enforcement, providing for State income tax intercept.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 263 (Pr. No. 1529)

A Resolution directing the Legislative Budget and Finance Committee to conduct a study regarding overtime costs incurred by the Department of Corrections relating to staffing shortages.

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

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of January 5, 2016, is now in print.

The Clerk proceeded to read the Journal of the Session of January 5, 2016.

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-48

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

NAY-0

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

The PRESIDENT. The Journal is approved.

**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 extend my thanks to my constituent, Rabbi Joshua Gruenberg from Congregation Beth El in Yardley, for serving as our guest Chaplain today. Please join me in giving him a warm Senate welcome.

The PRESIDENT. Would our guest, Rabbi Gruenberg, please rise so that we may welcome you to the Pennsylvania Senate. Thank you for your great prayer, Rabbi.

(Applause.)

**GUESTS 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 my honor today to welcome to the Senate a young man from my district, who has been an intern in your office, Henry Wade, from McKean Township in Erie County. He is a student at Penn State Harrisburg, studying for a master's degree in public administration and is on target to complete his studies in December of this year. Henry earned a bachelor of arts degree in history with a minor in French from Allegheny College in 2012. Henry has most recently been working with the Lieutenant Governor, specific to the Pennsylvania Board of Pardons. I also learned that he was an intern at one time in the office of my predecessor, Senator Jane Earll. Mr. President, it is my pleasure today to get to know Henry this morning and for him to represent the great northwest. He is a very, very talented young man. I ask my colleagues to join me in welcoming Henry and his mother, who is in the gallery today, to the Senate.

The PRESIDENT. Would the guests of Senator Wiley, the great intern, Henry, who works in our office, and his lovely mom, whom we got a chance to meet, please rise so that we may welcome you to the Pennsylvania 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, good afternoon. Senator Alloway and myself are members of the Board of Governors of the Pennsylvania State System of Higher Education, and we are very pleased to welcome representatives from each of the 14 State universities. As part of PASSHE's advocacy event, students have been visiting legislators today to talk about their college experiences and how important the education they are receiving is to them, to their families, and to the future of the Commonwealth. Nearly 90 percent of the students are from Pennsylvania, and about 80 percent of the graduates stay here to begin their careers, which demonstrates how important the State System is to Pennsylvania's future and why it is so important, Mr. President, that we invest in these great institutions. These visits have become an annual event in an effort to garner continued support for higher education. Pennsylvania's State System of Higher Education generates more than \$6.7 billion annually in economic activity, and, in addition to its own 12,000 employees, supports about 62,000 external jobs statewide. Truly, for all of my colleagues who have met with some of these students today, they know there are no better ambassadors for the universities than the students themselves. So, please join me in welcoming the 14 student representatives, and presidents who are also here with us from the State System, along with our Chancellor, Frank Brogan.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Schwank, our great young people and others from PASSHE, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR JUDY SCHWANK AND SENATOR JOHN RAFFERTY PRESENTED TO THE SENATE

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

Senator SCHWANK. Mr. President, it is a very nice day here today for me. I am here to also welcome the Daniel Boone Optimist Club to the Senate, and I am joined by Senator Rafferty, who also shares these students in his district, in welcoming them. Chartered in 1968 as part of Optimist International, the Optimist Club is a nonprofit organization dedicated to serving youth and the community. Their mission is to develop optimism as a philosophy of life, to promote an active interest in civic affairs, to inspire respect for the law, and to aid and encourage the development of youth. Their positive approach, upbeat outlook, and commitment to creating a more optimistic future for kids is what differentiates Optimist Clubs from any other volunteer opportunity. Please join me, Mr. President, in welcoming the students and chaperones from the Daniel Boone Optimist Club.

The PRESIDENT. Would the guests of Senator Schwank and

Senator Rafferty from the Daniel Boone Optimist Club please rise so that we may happily and optimistically welcome you to the Pennsylvania State Senate.

(Applause.)

GUESTS 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 welcome a group of fine young men and women from my district who are seated in the gallery today. They are members of the YMCA Youth and Government Hershey delegation. With us today are Rachel Hoover, Maddie McQuillan, Pallavi Nambiar, Carlos Gonzalez, Rebecca Hetrick, Joseph Abraham, Rosie Zhang, Rosy Zhang--yes, there are two--Mallika Kodavatiganti, Douglas Lamb, Patrick Starner, J'Michael Wedderburn, Madeline Donahue, Jesse Cui, Chad Karper, Riley Compton, Sareena Fayaz, Wesley Sheker, and their advisers, Sheila Hoover and Rick Teetsel.

YMCA Youth and Government is the only student-led, student-run mock government experience of its kind in Pennsylvania. This program teaches democracy to middle and high school students through hands-on experiences in the Chambers of the Pennsylvania Capitol. They meet throughout the year and today they are visiting the Capitol to see the House and Senate in Session. They will be returning to the Capitol for the Youth and Government model convention in a few weeks. This is a bright group of students, and I have no doubt they will be future leaders and, perhaps, future lawmakers.

So, Mr. President, I ask that my colleagues join me in welcoming the YMCA Youth and Government Hershey delegation to the Pennsylvania Senate.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Teplitz, from the YMCA Youth and Government Hershey delegation, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR JOHN R. GORDNER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, hopefully today you took advantage of the opportunity to meet with many of the students in the East Wing Rotunda who are here as part of Undergraduate Research Day at the Capitol. There are dozens of students who did research on a lot of incredible issues. They had posters and they were positioned, ready, willing, and able to answer questions and explain their research projects to those who came by.

I am going to read the universities that participated, and as I read each university, if the students could stand, at the very end the Lieutenant Governor will recognize those students. Albright College, Arcadia University, Cabrini College, Chatham University, Delaware Valley College, Drexel University, Duquesne University, Eastern University, Gettysburg College, Harrisburg University, Immaculata University, Indiana University of Pennsylvania, Keystone College, Kutztown University, Lebanon Valley College, Lycoming College, Marywood University, Millersville University, Misericordia University, Penn State

Abington, Penn State Lehigh Valley, Penn State University Park, Saint Joseph's University, Saint Vincent College, Seton Hill University, Susquehanna University, University of Pittsburgh, University of the Sciences, Ursinus College, West Chester University, and Wilson College.

Mr. President, I ask that we recognize all of these students and the research that they did and welcome them to the Senate here this afternoon.

The PRESIDENT. Would the guests of Senator Gordner, our future in Pennsylvania, all from great schools, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, I echo the comments of Senator Gordner with respect to the students who are here today. As part of the group that he referenced, the Duquesne University students are here today for research day. They include Peter Mysels, senior, secondary social studies education; Anastasia Lpatova, a sixth-year pharmacy student; and Lindsey Sosnowski, a sixth-year pharmacy student from Freehold, New Jersey, but making her home in the city of Pittsburgh. I welcome them.

In addition, Mr. President, we have a number of students here from the Community College of Allegheny County. As my colleagues know, I am a proud graduate of the Community College of Allegheny County, as well as four of my other brothers who all attended the college and have gone on to higher education. Today we have students in the gallery who are part of the Pennsylvania All-Academic Phi Theta Kappa Team. We had a chance to meet with these individuals earlier today on the floor: Tamra Seto, Jeremy Hinnebusch, Brittany Wosiak, Tyler Walsh, Rosemary Aquilina, and Erika Good. I welcome these students and thank them for their outstanding academic performance. They are wonderful representatives of the Community College of Allegheny County.

Thank you, Mr. President.

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

(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 Appropriations to be held in the Rules room, followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the meeting of the Committee on Appropriations, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

The PRESIDENT. For purposes of an off-the-floor meeting of the Committee on Appropriations, to be followed by Republi-

can and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

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

LEAVE CANCELLED

The PRESIDING OFFICER. Senator Williams has returned, and his personal leave is cancelled.

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

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

The PRESIDING OFFICER. Senator Costa requests a legislative leave for Senator Schwank. Without objection, the leave will be granted.

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

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 1106 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILLS OVER IN ORDER

HB 31 and **HB 150** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 374 (Pr. No. 1641) -- 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 tagging and reporting big game kills.

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	Rafferty	Vulakovich
Aument	Folmer	Resenthaler	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 579, SB 606 and HB 665 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED

HB 805 (Pr. No. 1843) -- 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 professional employees, further providing for temporary professional employees, for contracts, execution and form, for causes for suspension and for persons to be suspended and to receive tenure, for collective bargaining agreements and for timing of appeal of suspension; and making editorial changes.

On the question,
Will the Senate agree to the bill on third consideration?
Senator SCAVELLO offered the following amendment No. A5490:

Amend Bill, page 23, line 11, by striking out "2016" and inserting:
2018

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

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

Senator SCAVELLO. Mr. President, this amendment would update the year for which this bill would take effect. The General Assembly just unanimously approved a delay in the graduation requirement on Keystone Exams, thus recognizing that attaching high-stakes decision tests may not be sound policy, if we want to de-emphasize the focus on testing in our schools. Now, House Bill No. 805 proposes to flip that precedent on its head, again attaching high-stakes decisions to these tests. The amount of the tests is directly related to what policymakers attach to them, and I truly believe that by delaying this it will give us more of an opportunity to make some changes.

I do not want to see teachers teaching students to take tests and not give that child and that student a full, well-rounded education. This, I believe, would delay it a little bit and give us more time to make the necessary changes.

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

Senator SMUCKER. Mr. President, I rise in opposition to the amendment being offered. This bill would provide school districts with a critical tool that I know in my area they have been asking for for some time, a tool that would insure that the best teachers continue to serve in the classroom. The bill the prior speaker was referring to that delayed the Keystone Exams was a bill that I had introduced and supported, and I think that was the right move in that case. This is a different issue altogether.

This is, as I mentioned earlier, about keeping the best and brightest teachers in our classrooms. Our kids deserve it and they deserve it now. This is a tool that we should not delay any longer, providing school districts with this tool, particularly at a time when in some areas across the State schools are considering layoffs. Of course, this bill will only affect a district when there is a layoff occurring.

So, I rise to ask my colleagues to vote against the amendment.

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

Senator AUMENT. Mr. President, I also rise to oppose this amendment. As the previous speaker mentioned, the amendment addresses the work that this General Assembly has done with regard to delaying the Keystone Exams, an effort that I fully supported. This bill is about insuring that students across this Commonwealth, in the unfortunate circumstances of a layoff, whether that be for economic reasons or school district realignment or decline in student populations, that we insure that we are protecting the best and the brightest and that every child across this Commonwealth has access to a high-quality teacher. This decision will be informed by the new teacher evaluation system.

My colleague talked about the Keystone Exams. I think it is important for folks in this Chamber to understand that the teacher evaluation system consists of the multiple measures of student performance, it is not based exclusively on a standardized test score or growth on a standardized assessment, but the evaluation is made up of principal observations--in fact, 50 percent of the evaluation is based on observations--elective school performance data, and other multiple measures of performance. I believe this amendment is absolutely unnecessary. In fact, I point out that in 2012, in a letter that we received from the Pittsburgh public schools, a reduction in staff in 2012 resulted in 16 teachers performing at the distinguished level in some of the most vulnerable school buildings in that school district being furloughed. Unfortunately, this legislation being considered today is too late for those students to have access to a quality teacher and too late for those educators who were dismissed.

I believe that a delay is not only misguided, but it would be reckless. I encourage my colleagues to reject this amendment.

Thank you, Mr. President.

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

Senator SCAVELLO. Mr. President, I would like to offer an example. School districts in growing areas where there is a tremendous amount of transitional students, and I will give you an example, at one time one of my schools picked up 1,000 stu-

dents, but the net gain was 500. So there was a tremendous amount of new students going into classrooms, and it is still happening. Even in a down population in my school districts, I still get that transient population.

So we are going to have a student, and I am talking maybe five, six, seven, eight students in that classroom who never spent a day in the prior year within that school district. We are going to test those students, we are going to hold the teacher accountable to an evaluation, and it is wrong. Sometimes you have to look at what a bill will do, and in this particular case, those situations need to be addressed. There is nothing in this evaluation system that takes that into consideration. I want to know, especially when we test the school, for example, a growing school district, and the average school student in that building might be there 3 years in some cases in our area. So, when we test, we are holding the school accountable for all of these new students who have come in. Even No Child Left Behind, the Federal guideline said June 30 of the prior year. If the student is in the school on June 30 of the prior year when you test, that score is accountable to the school. However, we adopted if the student is in the school and we are testing, we are going to count that score. Are we going to do this for evaluations as well? I urge the Members to support my amendment.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the amendment?

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

YEA-29

Baker	Farnese	Sabatina	Vulakovich
Blake	Fontana	Scavello	Wiley
Boscola	Greenleaf	Schwank	Williams
Brewster	Haywood	Tartaglione	Wozniak
Brooks	Hughes	Teplitz	Yudichak
Browne	Kitchen	Tomlinson	
Costa	Leach	Vance	
Dinniman	McGarrigle	Vogel	

NAY-20

Alloway	Eichelberger	Mensch	Stefano
Argall	Folmer	Rafferty	Wagner
Aument	Gordner	Resenthaler	Ward
Bartolotta	Hutchinson	Scarnati	White
Corman	McIlhinney	Smucker	Yaw

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

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

BILLS OVER IN ORDER

HB 826 and **HB 837** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 847 (Pr. No. 1639) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for State Veterans' Commission.

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	Rafferty	Vulakovich
Aument	Folmer	Resenthaler	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 973, SB 1114, SB 1152, HB 1319 and **HB 1340** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 12, HB 215, SB 289, SB 340, SB 341, SB 342, HB 342, SB 343, SB 344, SB 359, SB 421, HB 423, SB 601 and **SB 703** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 805 (Pr. No. 922) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for energy efficiency and conservation program.

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

Pursuant to Senate Rule 9, the bill was laid on the table.

BILL OVER IN ORDER

HB 806 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION

HB 928 (Pr. No. 2409) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for appropriation for and limitation on redevelopment assistance capital projects and for administration of redevelopment assistance capital projects.

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

HB 930 (Pr. No. 1455) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for appropriation for and limitation on redevelopment assistance capital projects.

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

BILLS OVER IN ORDER

SB 979, SB 1014, SB 1040, SB 1041 and HB 1087 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION

SB 1115 (Pr. No. 1640) -- 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 dogs pursuing, injuring or killing big game.

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

SB 1144 (Pr. No. 1573) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of selling or furnishing dextromethorphan to minors.

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

BILLS OVER IN ORDER

SB 1153, HB 1154, SB 1159, SB 1166, SB 1168, HB 1168, HB 1200, HB 1310, HB 1330 and HB 1407 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 1574 (Pr. No. 3016) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1986 (P.L.1595, No.175), known as the Antihazing Law, further providing for definitions and for enforcement.

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

BILLS OVER IN ORDER

HB 1709 and HB 1712 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

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

SB 910 (Pr. No. 1672) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, providing for student-weighted basic education funding.

SB 1031 (Pr. No. 1606) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for conflicts of interest; and repealing and adding provisions relating to independent counsel.

SB 1155 (Pr. No. 1617) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for special plates for active members of the armed forces of the United States.

SB 1156 (Pr. No. 1629) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for disposition and expunction of unfounded reports and general protective services reports, for employees having contact with children and adoptive and foster parents, for volunteers having contact with children and for recertification.

HB 794 (Pr. No. 2459) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, repealing provisions relating to authorization of excise tax and authorization of hotel tax; and

providing for hotel room rental tax in third through eighth class counties and for certification of recognized tourist promotion agencies.

HB 1329 (Pr. No. 2973) (Rereported)

An Act requiring certain hospitals to allow patients an opportunity to designate caregivers in patients' medical records and imposing duties on hospitals.

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

SB 526 (Pr. No. 1628) (Rereported) (*Concurrence*)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in auditors and accountants, further providing for completion, filing and publication of annual township report and financial statement.

SB 644 (Pr. No. 1089) (Rereported) (*Concurrence*)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in Independent Fiscal Office, further providing for definitions, for duties of office and for access to information.

SENATE RESOLUTIONS ADOPTED

Senators TEPLITZ, WILLIAMS, SABATINA, GREENLEAF, DINNIMAN, HAYWOOD, RAFFERTY, FONTANA, SCHWANK, HUGHES, FARNESE, COSTA, RESCHENTHALER, BREWSTER and BROWNE, by unanimous consent, offered **Senate Resolution No. 322**, entitled:

A Resolution recognizing April 12, 2016, as "Equal Pay Day" in Pennsylvania in recognition of the need to eliminate the gender gap in earnings by women and to promote policies to ensure equal pay for all.

On the question,
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, my colleague, Senator Williams, and I offer this resolution designating April 12, 2016, as "Equal Pay Day" in Pennsylvania. Equal Pay Day is the symbolic day when women's earnings catch up to men's earnings from the previous year. More than 50 years after the passage of the Equal Pay Act, women continue to suffer the consequences of unequal pay. According to a report by the National Partnership for Women & Families, women in Pennsylvania earned a median of \$.79 for each dollar earned by men as of September 2015. Nearly 4 in 10 mothers are primary breadwinners in their households, and nearly two-thirds are primary or significant earners. So equal pay is not just a women's issue, but a family issue.

So, Mr. President, I ask that my colleagues join Senator Williams and me in recognizing April 12, 2016, as Equal Pay Day.
Thank you, Mr. President.

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

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

Senators TEPLITZ, SABATINA, FONTANA, DINNIMAN, GREENLEAF, COSTA, FARNESE, SCHWANK, AUMENT and HUGHES, by unanimous consent, offered **Senate Resolution No. 323**, entitled:

A Resolution designating April 23, 2016, as "Phi Mu Fraternity Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, this resolution designates April 23, 2016, as "Phi Mu Fraternity Day" in Pennsylvania. Phi Mu was founded in 1852 at Wesleyan College in Macon, Georgia. It was started as the Philomathean Society, a literary society, and is the second-oldest female fraternal organization in the nation. It became Phi Mu Fraternity in 1904. The mission of Phi Mu is to provide women with personal and academic development, service to others, commitment to excellence, and lifelong friendships through a shared tradition.

On April 23, 2016, the South Central Pennsylvania Alumnae, the Beta Tau Collegiate, and the Phi Eta Collegiate chapters of Phi Mu, will be hosting Pennsylvania Phi Mu Day 2016 in Hershey for members located in Pennsylvania and surrounding States. So, Mr. President, I ask that my colleagues join me in recognizing the Phi Mu Fraternity for its years of service to our community by designating April 23, 2016, as Phi Mu Day in Pennsylvania.

Thank you, Mr. President.

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

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

Senators SCAVELLO, RAFFERTY, SABATINA, DINNIMAN, FONTANA, GREENLEAF, EICHELBERGER, BARTOLOTTA, COSTA, RESCHENTHALER, ARGALL, TARTAGLIONE, BREWSTER, VULAKOVICH, HUTCHINSON, BROWNE, MENSCH, FARNESE, TOMLINSON, HAYWOOD and HUGHES, by unanimous consent, offered **Senate Resolution No. 324**, entitled:

A Resolution designating April 8, 2016, as "Cushing's Syndrome Awareness Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator SCAVELLO. Mr. President, I offer this resolution designating April 8, 2016, as "Cushing's Syndrome Awareness Day" in Pennsylvania. This disease affects between 10 million and 15 million people, most commonly between the ages of 20 and 50. Cushing's syndrome is an endocrine disorder that is caused by over-exposure of the body's tissues to the hormone cortisol. Some of the symptoms include upper body obesity, rounded face, increased fat around the neck, thinning arms and legs, fatigue, weakness, high blood pressure, and mood disorders. Cushing's syndrome, sometimes called hypocortisolism, is

relatively rare, and delayed treatment of this disease significantly reduces treatment options. Therefore, it is important to educate the public about the symptoms of this disease in an effort to increase the rate of successful treatment. Thank you for joining me in recognizing April 8, 2016, as Cushing's Syndrome Awareness Day.

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.

LEAVE OF ABSENCE

Senator CORMAN asked and obtained a leave of absence for Senator RAFFERTY, for the rest of today's Session, for personal reasons.

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

BILL ON SECOND CONSIDERATION, AMENDED

HB 794 (Pr. No. 2459) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, repealing provisions relating to authorization of excise tax and authorization of hotel tax; and providing for hotel room rental tax in third through eighth class counties and for certification of recognized tourist promotion agencies.

On the question,
Will the Senate agree to the bill on second consideration?

Senator TOMLINSON offered the following amendment No. A6516:

Amend Bill, page 1, line 8, by inserting after "initiatives, " : in preliminary provisions, further providing for applicability;
Amend Bill, page 1, line 10, by striking out "and" where it occurs the first time and inserting:
, further providing for authorization of 5% hotel tax, repealing provisions relating to

Amend Bill, page 1, line 10, by striking out the semicolon after "tax"

Amend Bill, page 1, line 12, by striking out "and" and inserting a comma:

Amend Bill, page 1, line 13, by striking out the period after "agencies" and inserting:
and for hotel room rental in second class and second class A counties; and repealing related provisions of Title 53 of the Pennsylvania Consolidated Statutes regarding hotel room rental in second class A counties.

Amend Bill, page 1, lines 16 through 18, by striking out all of said lines and inserting:

Section 1. Section 102 (a) of the act of August 9, 1955 (P.L. 323, No.130), known as The County Code, amended May 6, 2013 (P.L. 22, No.4), is amended to read:

Section 102. Applicability.--(a) Except incidentally, as in sections 108, 201, 210, 211, 401 and 1401 or as provided in section 1770.12 and Article XXX, this act does not apply to counties of the first, second A, or second classes.

Section 2. Section 1770.2 of the act is repealed:
Amend Bill, page 6, line 8, by inserting after "operator.":

Section 2.1. Section 1770.5(c)(3) and (c.2) of the act, amended December 18, 2007 (P.L.465, No.72), are amended to read:

Section 1770.5. Authorization of Five Per Centum Hotel Tax.--*

**

(c) The county commissioners of each county shall designate the

entity or agency responsible to collect and to enforce the collection of the tax on their behalf. All revenues received from the tax shall be deposited into a special fund, which is to be established by the county's treasurer. The disposition of the revenues from the special fund attributable to the levy of the first two per centum of the tax shall be as follows:

(3) seventy per centum of all revenue received per annum shall be distributed by the treasurer to qualified authorities located within the county of the third class imposing the tax for payment of the debt service on bonds issued for the construction of [the] a county regional sports facility having a seating capacity of [ten] two and one-half thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. The following are qualified authorities for purposes of this clause:

(i) an authority incorporated pursuant to the former act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945";

(ii) an industrial or commercial development authority incorporated pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law"; and

(iii) a redevelopment authority incorporated pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."

(c.2) The disposition of the revenues from the special fund attributable to the levy of the remaining two per centum of the tax shall be distributed by the treasurer as follows:

(1) fifty per centum shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses for promoting tourism in the county imposing the tax; and

(2) fifty per centum shall be distributed as follows:

(i) Seventy-five per centum to an authority incorporated pursuant to the former "Municipality Authorities Act of 1945" located within the county of the third class currently imposing a tax for payment of the debt service on bonds issued for the construction of [the] a county regional sports facility having a seating capacity of [ten] two and one-half thousand to fourteen thousand seats, which is owned, in whole or in part, or leased by the applicable authority, and which is located within the county of the third class imposing the tax. Such authority shall use the tax distribution identified in this section for the improvement, support, rehabilitation, revitalization, construction, fit-out and reconstruction of one or more tourism or tourism infrastructure-related facilities, including, but not limited to, the payment of debt service on bonds related thereto.

(ii) Twenty-five per centum shall be distributed to the TPA for the appropriate and reasonable marketing and promotional expenses of promoting tourism in a city of the third class located within the county of the third class imposing the tax, and the same shall be used in accordance with a plan approved by the TPA.

Section 2.2. Section 1770.6 of the act is repealed:

[Amend Bill, page 10, line 13, by striking out "2" and inserting:
3

Amend Bill, page 13, lines 26 through 30, by striking out all of said lines

Amend Bill, page 15, line 4, by striking out "; or any cabins"

Amend Bill, page 15, line 11, by striking out the comma after "hospital" and inserting:

or

Amend Bill, page 15, lines 11 and 12, by striking out "or part of a campground that is not a cabin"

Amend Bill, page 17, by inserting between lines 23 and 24:

Section 1770.12. Hotel Room Rental in Second Class and Second Class A Counties.--

(a) (1) The county commissioners in each county of the second class are authorized to impose an excise tax at five per centum on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients.

(2) The county commissioners in each county of the second class A are authorized to impose an excise tax not to exceed five per centum

on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients.

(3) The tax shall be collected by the operator from the patron of the room and paid over to the county as in provided in this section.

(b) The treasurer of each county of the second class electing to impose the tax authorized under this section is directed to collect the tax and to deposit the revenue received from the tax in a special fund. The revenues shall be distributed by the county commissioners as follows:

(1) Except as set forth in clause (4), two-fifths of the revenue received by the county from the excise tax shall be distributed to a tourist promotion agency pursuant to section 2199.14 of the act of July 28, 1953 (P.L. 723, No. 230), known as the "Second Class County Code."

(2) Except as set forth in clause (4), one-third of the tax collected by hotels within a municipality where a convention center or exhibition hall is located, less the cost of collecting the tax, shall, at the request of that municipality, be returned to that municipality for deposit in that municipality's special fund established solely for purposes of paying for promotional programs implemented by a nonprofit organization which are designed to stimulate and increase the volume of conventions and visitors within the municipality or as provided in clause (5), subject to the following requirements:

(i) An audited report on the income and expenditures incurred by the municipality receiving funds from the excise tax on hotel room rentals shall be made annually to county.

(ii) The members of the board of directors or other governing body of the nonprofit organization utilized by the municipality to provide the promotional programs shall be appointed by the governing body of the municipality.

(2.1) Except as set forth in clause (4), a five per centum fee shall be paid to the county for collecting the tax.

(3) Except as set forth in clause (4), all remaining revenue from the tax received by the county, after paying the amounts set forth in clauses (1), (2) and (2.1), shall be used for operational and maintenance expenditures of the convention center or exhibition hall as provided in subsection (d) and for regional tourist promotion activities.

(4) Subject to clause (4.1), if bonds are issued by the public authority to provide permanent financing or refinancing of the expansion of and capital improvements to the convention center or exhibition hall, the revenue received from the tax and deposited in the special fund shall not be distributed as set forth in clauses (1) through (3) but shall be distributed by the county commissioners in the order of priority as follows:

(i) First, to the payment of all amounts set forth in clause (2).

(ii) Second:

(A) to the trustee for the bonds in accordance with the provisions of the indenture pursuant to which the bonds are issued, to be used for the payment of debt service on the bonds; and

(B) to the payment of all amounts set forth in clause (2.1):

(I) in full; or

(II) if the revenues are insufficient to make the payment in full, pro rata.

(iii) Third, to the payment of all amounts set forth in clause (1).

(iv) Fourth, as set forth in clause (3).

(4.1) Clause (4) shall not apply to bonds issued subsequent to the permanent financing for purposes of completion or subsequent expansions or capital improvements.

(5) If a convention center or exhibition hall discontinues operation in a municipality in which a convention center or exhibition hall is located, the municipality shall continue to collect and receive the tax, which shall be deposited by the municipality and used for the purposes as provided in clause (2).

(c) The treasurer of each county of the second class A electing to impose the tax authorized under this section is directed to collect the tax and to deposit the revenue in a special fund established solely for purposes of travel and tourism promotion and advertising related to travel and tourism promotion. The treasurer is authorized to establish rules and regulations concerning the collection of the tax.

(d) (1) In counties of the second class, expenditures from the fund established under subsection (b) shall be used for all purposes which a public authority may determine to be reasonably necessary to the support, operation and maintenance of a convention center or exhibition hall, including the following:

(i) Advertising and publicizing tourist attractions in the area served

by the recognized tourist promotion agency.

(ii) Promoting and otherwise encouraging the use of the facilities in the area served by the recognized tourist promotion agency by the public as a whole.

(iii) Promoting and attracting conventions, exhibitions and other functions to utilize facilities in the area served by the recognized tourist promotion agency.

(iv) Precompletion advertising and publicizing of any convention center or exhibition hall.

(v) Promoting and attracting conventions, exhibitions and other functions to utilize the convention center or exhibition hall.

(vi) Promoting and otherwise encouraging the use of the premises by the public as a whole or any segment of the public.

(vii) Operating, furnishing and otherwise maintaining and equipping the premises and realty appurtenant to the premises.

(viii) Furnishing and equipping the building and grounds.

(2) It is the intention of this subsection that the receipts from any tax imposed under this section after payment of the distributions under subsection (b)(1), (2), (2.1), (3) and (4) be used in the county to offset the entire operating deficit, if any, of any convention center or exhibition hall including equally, shares of any cooperating political subdivision or agency of government incurred pursuant to any agreement. The operating deficit shall be determined by the public authority which is the designated operating agency of the convention center or exhibition hall.

(e) (1) In counties of the second class A, expenditures from the fund established under subsection (c) shall be annually appropriated by the county commissioners for tourist promotion activities, to be executed by the recognized tourist promotion agency for the following:

(i) Marketing the area served by the recognized tourist promotion agency as a leisure travel destination.

(ii) Marketing the area served by the recognized tourist promotion agency as a convention, business or meeting travel destination.

(iii) Marketing the area served by the recognized tourist promotion agency to the public as a whole for use of its tourist and convention facilities.

(iv) Using all appropriate marketing tools to accomplish these purposes, including advertising, publicity, publications, direct marketing, sales, technology and participation in industry trade shows that attract tourists or travelers to the area served by the recognized tourist promotion agency.

(v) Programs, expenditures or grants that directly and substantially relate to tourism or a business, convention or meeting travel destination within a county of the second class A, that augment and do not compete with private sector tourism or travel efforts and that improve and expand a county of the second class A as a destination market as deemed necessary by the recognized tourist promotion agency. The following shall apply to grants awarded under this subclause:

(A) Grants shall have a cash or in-kind local match of at least twenty-five per centum.

(B) Grants may not be used for signage that promotes a specific private entity on the situs of the entity, except where the signage carries the logo of a recognized tourist promotion agency.

(vi) Any other tourism or travel marketing or promotion program, expenditure or project that does not compete with private sector tourism or efforts as deemed necessary by the recognized tourist promotion agency.

(2) For the purposes of defraying the costs associated with the collection of the tax imposed under this section and otherwise performing their obligations under this section, the county commissioners of a county of the second class A may deduct and retain an administrative fee from the taxes collected under this section. The administrative fee shall be established by the county of the second class A and shall not exceed four per centum of the taxes collected in any taxable year.

(3) As determined by a county of the second class A in consultation with the recognized tourist promotion agency, an audited report or financial statement of the income and expenditures incurred by a recognized tourist promotion agency receiving revenue from the tax authorized under this section shall be submitted annually by the recognized tourist promotion agency to the county commissioners.

(4) A penalty of one and one-half per centum per month shall be imposed upon the operator of a hotel in a county of the second class A for failure to timely collect and remit the tax authorized by this section. In addition to other remedies available for collection of debts, a county

of the second class A may file a lien upon the hotel in the name of the county and for the use of the county as provided by law.

(f) (1) The provisions of this section relating to counties of the second class shall remain in force from year to year. The following apply:

(i) Revenue in excess of amounts needed to pay the distributions under subsection (b.1)(1), (2), (2.1), (3) and (4) and to offset operating deficits under subsections (b.1)(3) and (d) shall be determined by the public authority and may be accumulated.

(ii) At the discretion of the cooperating political subdivisions and the public authority, any revenue may be used to:

(A) provide part or all of an annual payment to be paid by a county or a political subdivision under an agreement with a public authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," which has been designated as the operating agency for a convention center or exhibition hall; or

(B) effect necessary expansion or further capital improvements.

(2) The provisions of this section relating to counties of the second class A shall remain in force and effect for three years from February 14, 1986, and may be continued thereafter by ordinance or resolution of the county commissioners of the respective counties.

(g) Each taxable year for a tax imposed under this section shall run concurrently with the calendar year.

(h) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room in a hotel for a temporary period.

"Convention center or exhibition hall." A building or series of buildings:

(1) at least one of which contains a minimum of 75,000 gross square feet of exhibition space for shows and conventions;

(2) which are not used for the retail sale of merchandise or part of any shopping center, mall or other retail center; and

(3) a major function of which is to house meetings, exhibitions, shows, conventions, assemblies, convocations and similar gatherings. The term includes land appurtenant to the building or buildings.

"Cooperating political subdivision or agency of government." A city or public authority located in a county:

(1) within the boundaries of which a convention center or exhibition hall is planned or constructed; and

(2) which shares with the county duties, obligations or privileges with respect to that convention center.

"Hotel." A hotel, motel, inn, guesthouse, rooming house, bed and breakfast, homestead or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; any place recognized as a hostelry. The term does not include any charitable institution, or portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall currently occupied by students enrolled in a degree program, an educational or religious institution camp for children, hospital or nursing home.

"Municipality." Notwithstanding 53 Pa.C.S. § 8401 (relating to definitions), a township or borough or a home rule municipality which was formerly a township or borough.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of a room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operating deficit." The excess of expenses over receipts from the operation and management of a convention center or exhibition hall.

"Operator." Any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons that maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the

public for consideration.

"Patron." A person that pays the consideration for the occupancy of a room in a hotel.

"Permanent resident." An individual who has occupied or has the right to occupancy of a room in a hotel as a patron or otherwise for a period exceeding thirty consecutive days.

"Recognized tourist promotion agency." The nonprofit corporation, organization, association or agency which is engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within a county and certified by the county pursuant to the act of July 4, 2008 (P.L.621, No.50), known as the "Tourism Promotion Act."

"Regional tourist promotion activities." Services, activities, facilities and events, which result in a significant number of nonresidents visiting a county of the second class for recreational, cultural or educational purposes.

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation.

"Substantial completion." Construction which is sufficiently completed in accordance with contract documents and certified by the convention center authority's architect or engineer, as modified by change orders so that:

(1) the main convention area can be used, occupied or operated for its intended use; and

(2) at least 90 per centum of the work on the main convention or exhibition area is complete.

"Temporary." A period of time not exceeding thirty consecutive days.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of any room for the personal use of that individual by paying to the operator of the facility a fee in consideration for the accommodation.

Amend Bill, page 17, line 24, by striking out "3" and inserting:

4

Amend Bill, page 18, by inserting between lines 3 and 4:

Section 5. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 1770.12.

(2) Section 8721 of Title 53 of the Pennsylvania Consolidated Statutes is repealed.

(3) All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 6. The addition of section 1770.12 is a continuation of 53 Pa.C.S. § 8721. Except as otherwise provided in section 1770.12, all activities initiated under 53 Pa.C.S. § 8721 shall continue and remain in full force and effect and may be completed under section 1770.12. Orders, regulations, rules and decisions which were made under 53 Pa.C.S. § 8721 and which are in effect on the effective date of section 1770.12 shall remain in full force and effect until revoked, vacated or modified under section 1770.12. Contracts, obligations and collective bargaining agreements entered into under 53 Pa.C.S. § 8721 are not affected by the repeal of 53 Pa.C.S. § 8721.

Amend Bill, page 18, line 4, by striking out "4" and inserting:

7

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.

UNFINISHED BUSINESS 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 Sergeant Eric Schmitt by Senator Aument.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Faux by Senator Baker.

Congratulations of the Senate were extended to members and coaches of the Aliquippa High School Boys' Basketball Team by Senator Bartolotta.

Congratulations of the Senate were extended to Robert Haffner by Senator Boscola.

Congratulations of the Senate were extended to the Polish community of the Lehigh Valley by Senators Boscola, Browne, and Scavello.

Congratulations of the Senate were extended to Cole Matthews and to the members and coaches of the Reynolds High School Wrestling Team by Senator Brooks.

Congratulations of the Senate were extended to Dr. Josephine Templeton and the late Dr. John M. Templeton, Jr., by Senator Dinniman.

Congratulations of the Senate were extended to Matthew Boorman, Maggie Elizabeth Straub and to McKenzie Miller by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to James T. McDermott, Jr., by Senator Farnese.

Congratulations of the Senate were extended to Michelle L. Jani, Sydney R. Anderson and to Samuel J. Esordi by Senator Scavello.

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

Congratulations of the Senate were extended to LeRoy C. Satryan by Senator Stefano.

Congratulations of the Senate were extended to the members and coaches of the Halifax Area High School Archery Team by Senator Teplitz.

Congratulations of the Senate were extended to Navarro & Wright Consulting Engineers, Inc., by Senator Vance.

Congratulations of the Senate were extended to Carlie Wetzel by Senators Yudichak and Baker.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Grace Worthington Sutton and to the family of the late Joan Roberts Cross by Senator Baker.

BILLS ON FIRST CONSIDERATION

Senator MENSCH. 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 837, SB 1077, HB 325, HB 380, HB 608, HB 1167 and HB 1436.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 6, 2016

10:00 A.M.	STATE GOVERNMENT (public hearing with Secretary Cortes from the Department of State)	Hrg. Rm. 1 North Off.
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 321; and House Resolution No. 783)	Rules Cmte. Conf. Room
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TUESDAY, APRIL 12, 2016

9:00 A.M.	EDUCATION (H) and EDUCATION (S) (joint public hearing regarding ESSA - Every Student Succeeds Act)	Hrg. Rm. 1 North Off.
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PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes my feisty friend from the Lehigh Valley, yet again wearing a Villanova shirt, and I think I might have an idea of what this is about.

The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, the Villanova Wildcats are national champions. They wore bracelets that said, "Believe," "Attitude." What a humbling moment for all of us when Villanova won the national championship. That game was incredible to watch. I was there in 1985 getting my graduate degree when they beat Georgetown in a nail-biter. I remember that and I thought I would never witness another game like that ever in my life, and here we are today. Last night I witnessed the game of a lifetime. I do give credit to North Carolina. They played their hearts out. When I saw Marcus Paige do that three-point shot that was so athletic, my heart dropped. I appreciated the shot. My heart dropped because they were tying up a game with my Villanova Wildcats. With 4.7 seconds left in the game, Ryan Arcidiacono takes the ball and hands it off unselfishly to Kris Jenkins and there it is, a three-point shot and Villanova wins 77 to 74.

I am so proud of the team. I commend Jay Wright, he is a class act. He always talked to his team like they were family. This team was told that they could not win, they were never going to beat Miami, and then Oklahoma, but they believed in themselves, and that is why they wore those bracelets, "Believe," because they believed in themselves, they believed in the team, and believed that they could. Congratulations, Villanova Wildcats.

The PRESIDENT. The Chair thanks the gentlewoman for her delightful remarks.

The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, as a former Temple student, I certainly understand the Big 5 and how exciting basketball is in Philadelphia. That was certainly tremendous to watch. I wore my Jay Wright pinstripe suit today in honor of the Wildcats. That was very exciting for Pennsylvania. Obviously, Pennsylvania has a long history of great sports teams, and Villanova's victory yesterday was at the top of the list of great moments in the history of the Commonwealth. So, from us from central Pennsylvania, we congratulate our friends in Philadelphia for an outstanding tournament and a victory well deserved.

The PRESIDENT. The Chair thanks the gentleman for his tremendous remarks and appreciates the sentiment.

The Chair recognizes the gentleman from Lackawanna, who may also have a blue-and-white connection, Senator Blake.

Senator BLAKE. Mr. President, I can barely add to the exciting and enthusiastic remarks of my colleague, Senator Boscola, but, again, I commend the whole Villanova family, Nova Nation, Jay Wright, the extraordinary, unselfish, hardworking, and outstanding Villanova Wildcat basketball team who gave us a game for the ages last night. First time in the history of the national championship that a national championship was won on a jump shot at the buzzer. A buzzer-beater national championship, Mr. President. It was special. Congratulations, Villanova.

The PRESIDENT. The Chair uses his prerogative also to chime in as a Villanova Law graduate, that it was a tremendous win for the Wildcats, but a great win for Philadelphia and for Pennsylvania. Tonight we will have blue and white lights in the front of the Capitol facade to celebrate the tremendous Villanova victory. So look for the lights in front of the Capitol and salute the Wildcats. Congratulations on their tremendous national championship.

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Wednesday, April 6, 2016, 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 5:24 p.m., Eastern Daylight Saving Time.