

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

TUESDAY, SEPTEMBER 27, 2016

SESSION OF 2016 200TH OF THE GENERAL ASSEMBLY

No. 48

## SENATE

TUESDAY, September 27, 2016

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

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

## PRAYER

The Chaplain, Reverend HUB SMITH, Pastor of Columbia Christian Fellowship, Columbia, offered the following prayer:

Would you join me in prayer.

We address our prayer to You, Lord God, the Creator of heaven and earth and all that is in them. What a great privilege it is to pause at this time and acknowledge You. Before we transact any business, before we make any decisions in this Session of the Senate, we acknowledge You.

Scripture teaches that You are the source of all wisdom and that if any of us needs wisdom, we are to ask of You. You will generously, You will graciously grant us all we need. Therefore, today at the outset of this Senate Session, we ask You to grant us wisdom to carry out our assignments, make the best decisions possible on behalf of our constituents and as citizens of this great State, the citizens that will prosper, benefit, and bless our people and our State.

We thank You that as we pause now to acknowledge and honor You, we know that You have heard us. We also know that if You have heard us, we have what we asked of You. You have granted us what we ask of You. We pray this in the name of Your son, our savior, the Lord Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Pastor Smith, who is the guest today of Senator Aument.

## PLEDGE OF ALLEGIANCE

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

## COMMUNICATIONS FROM THE GOVERNOR

### RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
BLAIR COUNTY

September 27, 2016

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 my nomination dated September 27, 2016, of Mary K. Topper, Esq., 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Blair County, to serve until the first Monday of January 2018, vice The Honorable Jolene G. Kopriva, resigned.

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

TOM WOLF  
Governor

## NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
BLAIR COUNTY

September 27, 2016

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary K. Topper, Esq., 223 Pine Street, Apt. 3A, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Blair County, to serve until the first Monday of January 2018, vice The Honorable Jolene G. Kopriva, resigned.

TOM WOLF  
Governor

## BILLS SIGNED

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

**HB 380, HB 665 and HB 1990.**

**BILLS REPORTED FROM COMMITTEES**

Senator FOLMER, from the Committee on State Government, reported the following bills:

**SB 1340 (Pr. No. 2091) (Amended)**

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in South Strabane Township, Washington County, and to grant and convey to the Bradford House Historical Association certain lands situate in the City of Washington, Washington County.

**SB 1344 (Pr. No. 2026)**

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in nomination of candidates, further providing for number of signers required for nomination petitions of candidates at primaries.

**HB 1872 (Pr. No. 2893)**

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in powers and duties of Pennsylvania Historical and Museum Commission, further providing for specific powers and duties, for personal property and for documents; providing for Commonwealth archival records, for local government archival records and for access to older public records; and, in historic properties, further providing for powers over certain historic property.

**HB 1959 (Pr. No. 3107)**

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Upper Merion Township certain lands situate in Upper Merion Township, Montgomery County.

**HB 2107 (Pr. No. 3948) (Amended)**

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

Senator VULAKOVICH, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

**HB 1683 (Pr. No. 3930) (Amended)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies.

**HB 2058 (Pr. No. 3428)**

An Act amending Titles 35 (Health and Safety) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in emergency medical services system, further providing for duties of department and for first aid and other safety services; and, in governance of the system, further providing for criminal laboratory user fee.

**HB 2148 (Pr. No. 3681)**

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, amending the title of the act; and providing for eligibility of firemen of airport authorities, firemen employed by the Commonwealth and emergency medical services personnel of cities.

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

**SB 1331 (Pr. No. 2089) (Amended)**

An Act providing for the licensure of limited lines travel insurance producers, for requirements for sale of travel insurance, for authority of limited lines travel insurance producers, for registration and training of travel retailers and for renewal of license.

**HB 850 (Pr. No. 3932) (Amended)**

An Act amending the act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law, further providing for title of act, for definitions, for license required and for exemptions; repealing provisions relating to partial exemption; further providing for qualifications for a license, for application for license, for fee, financial statement and security, for investigation issuance of license, for term of license, for renewal of licenses and for authority of the Department of Banking; providing for suspension, revocation or refusal and for licensee requirements; further providing for agents and subagents; repealing provisions relating to hearing and appeal, injunctions, rules and regulations and examinations by the Secretary of Banking; and further providing for penalties.

**HB 946 (Pr. No. 3933) (Amended)**

An Act providing for pharmacy audit procedures, for registration of pharmacy benefits managers and for maximum allowable cost transparency.

**HB 1403 (Pr. No. 3934) (Amended)**

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for unclaimed life insurance benefits.

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

**SB 1354 (Pr. No. 2039)**

An Act authorizing the Department of Transportation to erect fencing on certain State-owned bridges.

**SB 1357 (Pr. No. 2042)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for vehicles exempt from registration; and providing for operation of golf carts.

**SB 1366 (Pr. No. 2090) (Amended)**

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 emergency response areas.

**SB 1369 (Pr. No. 2070)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in certificate of title, further providing for transfer to or from manufacturer or dealer.

**HB 813 (Pr. No. 2010)**

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions; further providing for audits; and providing the Governor of each state with power to ratify or veto certain actions taken by commissioners.

**HB 1779 (Pr. No. 2706)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for person with disability plate and placard.

**HB 1838 (Pr. No. 3695)**

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

**HB 1923 (Pr. No. 3023)**

An Act designating a portion of State Route 2005 in Drexel Hill, Delaware County, as the Officer Dennis McNamara 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 Wagner.

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

Senator FONTANA. Mr. President, I request legislative leaves for Senator Hughes and Senator Kitchen.

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

Senator Fontana requests legislative leaves for Senator Hughes and Senator Kitchen.

Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

Senator CORMAN asked and obtained leaves of absence for Senator ALLOWAY, Senator GREENLEAF, Senator McILHINNEY, Senator SCARNATI, and Senator SMUCKER, for today's Session, for personal reasons.

**SENATE CONCURRENT RESOLUTION****JOINT SESSION**

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

In the Senate, September 27, 2016

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Wednesday, September 28, 2016, at 11:30 a.m., in the Hall of the House of

Representatives for the purpose of hearing an address by His Excellency, Governor Tom Wolf; and be it further

RESOLVED, That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

**YEA-45**

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

**NAY-0**

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

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

**CALENDAR****SECOND CONSIDERATION CALENDAR****SB 869 CALLED UP OUT OF ORDER**

**SB 869 (Pr. No. 2076)** -- Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 869 (Pr. No. 2076)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses), 30 (Fish), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in administration and enforcement relating to gaming, further providing for prohibited acts and penalties; in inchoate crimes, further providing for the offense of manufacture, distribution, use or possession of devices for theft of telecommunications services; in assault, further providing for the offense of terrorism; in loss of property rights relating to sexual offenses, further providing for general rule, repealing provisions relating to process and seizure, to custody of property and to disposal of property; in forgery and fraudulent practices, further providing for the offenses of copying and recording devices and for trademark counterfeiting; in riot, disorderly conduct and related offenses, further providing for the offense of gambling devices, gambling, etc.; in wiretapping and electronic surveillance, further providing for seizure and forfeiture of electronic, mechanical or other devices; in minors, further providing for sentencing

and penalties for trafficking drugs to minors; in nuisances, further providing for the offense of scattering rubbish; in other offenses, further providing for drug trafficking sentencing and penalties; in vehicle chop shop and illegally obtained and altered property, further providing for loss of property rights to Commonwealth and repealing provisions relating to procedure with respect to seized property subject to liens and rights of lienholders; in enforcement relating to Fish and Boat Code, further providing for forfeiture of fish and devices; in actions, proceedings and other matters generally relating to Judicial Code, adding provisions relating to forfeiture of assets; in forfeitures, further providing for controlled substances forfeiture and repealing provisions relating to terrorism forfeiture and to procedure with respect to seized property subject to liens and rights of lienholders; in size, weight and load relating to Vehicle Code, further providing for transporting foodstuffs in vehicles used to transport waste; in liquid fuels and fuel use tax enforcement, further providing for forfeitures and process and procedures and for disposition of fines and forfeitures; providing for conduct of forfeiture; and making repeals of provisions of the Liquor Code, the Tax Reform Code of 1971 and another act relating to certain forfeiture of property.

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 rereferred to the Committee on Appropriations.

#### **GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE**

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

Senator CORMAN. Mr. President, it is indeed an honor today--for those of you who know me, I have talked on the floor a few times about baseball. I am a big fan of the sport and my children play, as you all know. Fortunately, in my part of the State, baseball is pretty talented. A lot of good teams come from the 34th Senatorial District. Mifflin County is very well known for great baseball teams over the years, and today we get to recognize a bunch of special young men who won the Babe Ruth World Series for 13-year-olds. Not only did they win the State title, and the Mid-Atlantic Regional title, they went on to win the national title in the world series, beating a team from Hawaii, of all places. Unfortunately, it was not an away game at Hawaii, but they did get to play a team from Hawaii while winning the Babe Ruth World Series for 13-year-olds.

They had a 2016 record of 17-1, which is quite an impressive year; a 13-game winning streak, the second-longest in league history; scored the most runs of any all-star team of 187; a new record of 190 hits; and won 7 games in a row by a 10-run margin or more. So, not only were they winning, they were winning quite impressively and hit a new team record of 15 home runs during the season. So, it was an exciting year for the folks of Mifflin County in pulling off this national championship. It always brings great pride to our community when our young people do so well, and if I could quickly recognize the players whom we have with us today: Marshall Maidens, Ethan Eichhorn, Jayden Jackson, Brycen Hassinger, Colby Bodtorf, Connor Cherry, Brando Souders, Jaxson Pupo, Casey Conner, Brian Yetter, Bryce Dobson, Kaden Milliron, Cole Schlegel, and Coach Jared Edwards. I ask the Senate to give its usual warm welcome to this championship team.

The PRESIDENT. Would our championship team from Mifflin County please rise so that we may welcome you to the Pennsylvania State Senate. Congratulations. It is great to have you with us. Sign some autographs for us later.

(Applause.)

#### **LEGISLATIVE LEAVE CANCELLED**

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

#### **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 truly honored to be here on the floor of the Senate to recognize Bethany Kuster of Pen Argyl, Northampton County, who is serving as my guest Page today. Bethany is a student at Wind Gap Middle School and is the founder of Color for Kids Project, which collects crayons and other art supplies for kids who would not otherwise have them. Having started Color for Kids as a fourth-grader, and now in fifth grade, Bethany's Color for Kids Project to date has collected and given away 105,000 crayons to more than 3,200 kids.

Most recently, Bethany, age 10, was one of 12 youths selected to receive the 2016 TD Bank Young Heroes Award, which honors young people from Pennsylvania, New Jersey, and New York. Bethany was honored in August at the National Liberty Museum in Philadelphia with a certificate, a medallion, and gifts. You can learn more about her story and her accomplishments, which will be on display at the museum for a year. Bethany has a love for art and has a desire to make sure every kid has the opportunity to share her love of art by giving them the tools to express their creativity with art. Bethany's project continues to grow and reaches low-income students nationwide. The Color for Kids Project keeps Bethany and her whole family busy. Each art bag that comes from the project is accompanied by a special note from Bethany and her team of dedicated volunteers.

Please welcome Bethany, who is my guest Page today, her mother and father, Kraig and Rachel Kuster, who are seated in the gallery. By the way, I coached her mother in softball for many years when I had hair on my head. So, I did have hair on my head at one time, Mr. President.

Thank you, Bethany, for your leadership and dedication to helping others.

The PRESIDENT. I cannot imagine you being even more handsome than that, Senator.

Bethany Kuster, along with your parents, please rise so that we may welcome you to the Pennsylvania State Senate. Thank you for all you do.

(Applause.)

#### **GUEST OF SENATOR RYAN AUMENT PRESENTED TO THE SENATE**

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

Senator AUMENT. Mr. President, it is my pleasure to introduce our guest Chaplain today, Pastor Hubert "Hub" Smith. Pas-

tor Smith was born and raised in Columbia, Lancaster County. He currently resides there with his high school sweetheart, Debra Evans, with whom he has enjoyed 39 years of marriage and four children. After high school, Pastor Smith attended King's College and earned a bachelor of arts degree in sociology before returning home to Columbia where he worked for the Columbia Post Office as a rural carrier for 23 years, and milked cows on a local dairy farm.

In 1996, Pastor Smith's denomination, the Christian and Missionary Alliance, asked that he and his wife start a church for them in Columbia, and they happily obliged. In 2000, Pastor Smith was officially ordained and became a full-time minister of the Columbia Christian Fellowship Church, where he is still active today and is currently preparing to celebrate the church's 20th anniversary on November 6 of this year. Please join me in offering our usual warm welcome to our guest Chaplain for the day, Pastor Hub Smith.

The PRESIDENT. Would the guest of Senator Aument, Pastor Smith, please rise. Thank you for your prayers, and we welcome you to the Pennsylvania State Senate.

(Applause.)

#### **GUEST OF SENATOR PATRICK M. BROWNE PRESENTED TO THE SENATE**

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

Senator BROWNE. Mr. President, it is a pleasure for me to rise and introduce to the Senate an excellent member of our staff in my Allentown district office, our intern Hunter Kushy. He is a recent graduate of Emmaus High School in Lehigh County. He has completed his sophomore year at Lehigh Carbon Community College. He will receive his associate's degree in business administration from the community college in December. He is looking to continue his education either at Temple or Pitt in the spring, two excellent Pennsylvania schools, where he will be majoring in finance. In my experience with Hunter, he has tremendous aptitude both in constituent services and in legislation, and I think if he has interest in elected office in the future, he would make an excellent addition to this General Assembly. So please give him a warm Senate welcome.

The PRESIDENT. Would the guest of Senator Browne, Hunter Kushy, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

#### **GUESTS OF SENATOR JOHN P. BLAKE PRESENTED TO THE SENATE**

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

Senator BLAKE. Mr. President, I rise to welcome representatives from the 2016 International League and AAA national champions, the Scranton/Wilkes-Barre RailRiders, to the Senate floor. The 2016 RailRiders will certainly go down as one of the best teams in Lackawanna County's long, storied AAA baseball history. The RailRiders rewrote the franchise record books throughout the season, brought home the organization's first Governor's Cup since 2008 by shutting out the Gwinnett Braves 3-0 to win the championship series 3 games to 1. The RailRiders held the Braves to just 2 runs over the final 35 innings of the

series. The RailRiders continued their dominance in Memphis at the 2016 Gildan AAA National Championship game, defeating the El Paso Chihuahuas 3-1.

The victory gave Scranton/Wilkes-Barre their first ever overall AAA crown, and it was the first for a team from the International League since 2011. The national championship game was the RailRiders 98th win of the season, which helped the team finish with the best winning percentage in franchise history. The RailRiders were a team in every sense of the word. At bat, the RailRiders led the International League in batting and runs scored, and on the mound the RailRiders were almost unhittable, posting franchise records with 1,198 strikeouts, 28 shutouts, and a 2.98 team ERA. The RailRiders are the first pitching staff in the International League to have an ERA below 3 since 1980. As a lifelong New York Yankees fan, it is exciting to see the young talent thriving and winning championships in northeastern Pennsylvania. There are a number of players in the RailRiders season already making a big difference in Yankee Stadium, and I am excited for what the future holds for the Yankees and the RailRiders.

Before I mention the names, Mr. President, and conclude my remarks, I would like, if I can, to offer an opportunity for Senator Baker to acknowledge one of our guests.

The PRESIDENT. To continue the acknowledgment of our guests, the Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, it is a privilege for me to recognize a young man from Mountain Top, Matt Wotherspoon. He is someone whom I have had the privilege of watching play baseball since his days in Little League. In fact, he and my son, Carson, faced off against each other in the district Little League final many years ago. We have seen him have a stellar career at Crestwood High School, at the University of Pittsburgh, and now his pro career as a member of the RailRiders and the Yankee organization. We are so proud to recognize and welcome a young man whom we have watched grow and flourish, and we know that great things are going to continue to happen for him. I honor and congratulate all of the members of the RailRiders, and in particular my constituent from Mountain Top, Matt Wotherspoon.

Thank you, Mr. President.

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

Senator BLAKE. Mr. President, I acknowledge the guests we have here representing the RailRiders' organization. Bob Mills and Dan Schwab, from the ownership group; we have Josh Olerud, who is the chief operating officer; my friend and school director from my high school, Curt Camoni, who is the vice president of baseball operations. Of course, you already heard Senator Baker acknowledge Matt Wotherspoon; and we have Pete Kozma, an infielder; and Andy Ashby. I think it is important to note for Members that Pete Kozma and Andy Ashby both had experience playing in the National League Division Series, as well as in the World Series. Pete was as an infielder for St. Louis at the time and Andy with the San Diego Padres as a pitcher.

Mr. President, I ask my colleagues to join me in congratulating the 2016 RailRiders team, team owner Bob Mills, General Manager Jeremy Ruby, and the entire RailRiders organization on a fantastic championship season.

The PRESIDENT. Would our championship team from the Scranton/Wilkes-Barre RailRiders please rise so that we may congratulate you and welcome you to the Pennsylvania Senate. Well done.

(Applause.)

The PRESIDENT. We are all Phillies fans here, but it is nice to have you here. I am only kidding. We have a nice, even divide.

For an additional introduction, the Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I have the privilege of introducing an intern who is working in your office, Kevin Kearney. He has been in your office for the fall 2016 semester, but he is from Scranton, Pennsylvania, back in the 22nd District. Kevin is currently attending Penn State Harrisburg and is majoring in political science. He will be graduating in December. Previously, Kevin also interned in the House of Representatives for Marty Flynn, as well as for the Board of Probation and Parole, and Triad Strategies. His inspiration for serving his community stems from his father's work as a police officer in Scranton, and his mom, who is a social medical caseworker. He is a wonderful young gentleman with a lot of promise. Mr. President, I wish that our guest has all the success in the future, and I ask the Members to welcome Kevin Kearney.

The PRESIDENT. Would the guest of Senator Blake, my intern, Kevin Kearney, standing right behind our championship baseball team, wave to the Senators and receive a warm Senate welcome.

(Applause.)

The PRESIDENT. Senator Blake, I have been getting great talent out of your district. Thank you.

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

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

Senator TOMLINSON. Mr. President, I rise today to welcome my constituent, Jenny Bront, to the Senate of Pennsylvania. Ms. Bront is a senior English literature major at East Stroudsburg University and is currently interning in your office with The Harrisburg Internship Semester Program, which gives one student from each State System school the opportunity to intern in a State office. Ms. Bront is from Feasterville and graduated from Neshaminy High School in 2011. She is the daughter of Michael and Natalie Bront.

While at East Stroudsburg, Ms. Bront has been on the dean's list every semester, was president of Sigma Tau Delta, the English Honor Society, won the APSCUF Honor Student Award, wrote for the school newspaper, and volunteered with several other groups on the campus. In the Lieutenant Governor's Office, she has been able to put her writing skills to good use by writing excellent speeches for my good friend, the Lieutenant Governor, citations, and also assisting with Pathways to Pardons events and International Independence Day, as well as other projects. After this experience and graduating from East Stroudsburg this spring, Ms. Bront hopes to publish a novel and take what she has learned here and continue on her path to become a community leader and maybe even work here in the Harrisburg area in one of our offices.

Mr. President, Ms. Jenny Bront is another shining example of the excellent students we have in our State System schools. Please welcome her today to the Pennsylvania Senate. Thank you.

The PRESIDENT. Would the guest of Senator Tomlinson, Jenny Bront, my intern, please stand so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

The PRESIDENT. Thank you, Senator Tomlinson, for a great intern. Jenny is doing a wonderful job.

#### **GUESTS OF SENATOR GUY RESCHENTHALER PRESENTED TO THE SENATE**

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

Senator RESCHENTHALER. Mr. President, I rise to introduce my honored guest, Mr. Ismail Hagi. I first met Mr. Hagi while deployed in Iraq. Mr. Hagi--Izzy, as he was known--helped me and other JAGs prosecute terrorists. Through these efforts, Izzy distinguished himself as a true patriot. Before I get into too much detail, I want to share Izzy's background.

Izzy is a Somali-born American who immigrated to the United States in the 1990s. I recall him telling me once that when he finally arrived in the United States after years of yearning to immigrate, he walked around the streets of Chicago with tears streaming down his face. He was so happy to have finally arrived in America. Izzy quickly integrated himself into his new country and attended Mesa Community College in Arizona, where he studied international relations.

First deployed to Iraq in 2005, Izzy worked with coalition forces as an Arabic linguist. In his first assignment, Izzy was assigned to Abu Ghraib Prison, where he played a key role in the closure of that forward operations base. Shortly after the closure of Abu Ghraib, Izzy worked with a multi-agency task force running the Long Term Threat Program, helping to target potential human resource assets from the detainee population held in our theater internment facilities. I can testify firsthand that Izzy was instrumental in turning some of the most dangerous terrorists and insurgents into sources of intelligence, while simultaneously helping to secure convictions on some of the worst terrorists held in our theater internment facilities. Izzy still works for the United States as an all-source intelligence analyst for the U.S. government and lives in northern Virginia with his wife.

Mr. President, this introduction is very personal to me. Izzy is part of many of my fondest memories of Iraq. He was also with me during some of the most trying times. We had many sacrifices and many successes, and I cannot believe it was almost 8 years ago when I found myself deployed in Baghdad working in a foreign court, in a foreign land, with a foreign language. I can unequivocally say that Izzy's mentorship of me and so many others led to the convictions of terrorists and immensely helped our country in the war effort. For that I say:

*(Translated from Arabic)*

My dear friend, thank you for coming here today. Thank you for everything you did in Baghdad. Welcome, my dear friend.

Mr. President, would you please recognize my distinguished guest, an American hero and patriot, Mr. Ismail Hagi.

The PRESIDENT. Would Mr. Ismail Hagi please rise to be recognized. Thank you for your great service.

(Applause.)

Senator RESCHENTHALER. Mr. President, it is my pleasure to welcome students visiting from Robert Morris University today. Robert Morris University offers an exceptional education to its students by combining academic excellence with a professional focus. RMU emphasizes engaged learning inside and outside the classroom by utilizing professional experiences, service learning, global studies, undergraduate research, and cultural experiences. I am so grateful to have such an outstanding university in my district.

I thank all of the students who are visiting here today and wish them all the best of luck in all of their future endeavors. After having spent some time with them earlier, I can assure my colleagues they have bright futures ahead of them. So, Mr. President and colleagues, please join me in giving my guests a warm welcome.

The PRESIDENT. Would the guests of Senator Reschenthaler from Robert Morris University 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 meetings of the Committee on Environmental Resources and Energy, the Committee on Finance, both 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 two committee meetings, Senate Democrats will meet in the rear of the Chamber for a caucus.

The PRESIDENT. For purposes of meetings of the Committee on Environmental Resources and Energy, and the Committee on Finance, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

### AFTER RECESS

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

### LEGISLATIVE LEAVE CANCELLED

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

### 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 Gordner, and a legislative leave for Senator White.

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

### LEAVES CHANGED

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

Senator CORMAN. Mr. President, I request that the personal leaves for Senator Alloway, Senator Scarnati, and Senator McIlhinney be changed to legislative leaves.

The PRESIDENT. Senator Corman requests that the personal leaves for Senator Alloway, Senator Scarnati, and Senator McIlhinney be changed to legislative leaves. Without objection, the leaves will be changed.

### CONSIDERATION OF CALENDER RESUMED

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

#### BILL OVER IN ORDER

**SB 385** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**SB 342** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1086 (Pr. No. 1509)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for display of registration plate and for surrender of registration plates and cards upon suspension or revocation and providing for suspension of registration upon unpaid tolls; and, in fees, further providing for reinstatement of operating privilege or vehicle registration.

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 Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, I thank Senator Costa for working with me on this bill, and Senator Corman and his legal staff as well. This is tackling the issue of scofflaws, those people who are not paying their tolls on the Pennsylvania Turnpike, leaving millions of dollars on the table. Auditor General DePasquale issued a statement recently about this problem as well and encouraged us to pass this piece of legislation. So, I am happy today to stand and ask for support for this bill so that we can get after those people who owe our Pennsylvania Turnpike money and we can start closing the debt.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, thank you to the chairman of the Committee on Transportation for working with us, he and Senator Wozniak, in helping advance this legislation. It is an important piece of legislation to make certain that individuals who, over the course of the past several years in far greater numbers, have been ignoring violations with respect to paying tolls, not just on the Turnpike, but on other tolling bridges and the like in Pennsylvania. This is a mechanism that will allow us to capture those dollars, particularly out-of-State drivers and the like who consistently come through our State, and be able to get those resources and invest them back into the infrastructure, whether it be the Turnpike or other roadways or bridges and the like in Pennsylvania. I ask for an affirmative vote and thank my colleagues for their support in advance of the vote.

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-48

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

#### NAY-0

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

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

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1235 (Pr. No. 1894)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for definitions, for duties of facility owners, for duties of the One Call System, for duties of excavators, for duties of designers, for duties of project owners and for penalties; providing for enforcement, for underground utility line protection fund and for compliance; and further providing for One Call System authority and for expiration.

On the question,

Will the Senate agree to the bill on third consideration?

Senator HUTCHINSON offered the following amendment No. A9325:

Amend Bill, page 3, by inserting between lines 16 and 17:

"Conventional oil and gas well." A bore hole drilled or being drilled for the purpose of or to be used for construction of a well regulated under 58 Pa.C.S. Ch. 32 (relating to development) that is not an unconventional well, irrespective of technology or design. The term includes, but is not limited to:

(1) Wells drilled to produce oil.

(2) Wells drilled to produce natural gas from formations other than shale formations.

(3) Wells drilled to produce natural gas from shale formations located above the base of the Elk Group or its stratigraphic equivalent.

(4) Wells drilled to produce natural gas from shale formations located below the base of the Elk Group where natural gas can be produced at economic flow rates or in economic volumes without the use of vertical or nonvertical well bores stimulated by hydraulic fracture treatments or multilateral well bores or other techniques to expose more of the formation to the well bore.

(5) Irrespective of formation, wells drilled for collateral purposes, such as monitoring, geologic logging, secondary and tertiary recovery or disposal injection.

Amend Bill, page 6, line 18, by inserting after "192.614.]" :

The term shall not include conventional oil and gas well production lines.

Amend Bill, page 7, by inserting between lines 29 and 30:

"Production lines." Piping, including individual well flow lines, equipment piping, piping system, transfer lines between production operation equipment components and other piping used solely for production operations. For purposes of this definition, the production function ends at the furthestmost downstream point where:

(1) measurement occurs for the purposes of sales to a third party, such as a custody transfer meter or an oil collection tank; or

(2) the first discharge meter isolation valve located immediately downstream of the point where no further individual well flow lines are commingled into the pipeline system.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I rise in support of my amendment No. 9325. This amendment creates--it does three things. First, this amendment puts a definition of conventional oil and gas wells into the One Call legislation. Second, we also make a definition for production lines and establish that definition within the One Call Law. And third, we say going forward that production lines of conventional oil and gas wells are exempt in the One Call provisions, as outlined in the bill.

Mr. President, for a little bit of historical background, since the beginning of One Call in Pennsylvania, on-shore oil and gas lines have been unregulated. With the coming of the Marcellus industry to Pennsylvania, many of us agree that this is a different industry, much higher volumes, much higher propensity or possibility of large impactful accidents, and we agree that the Marcellus industry can and should be subject to the One Call Law. However, Mr. President, we believe that our conventional industry should remain exempt, but quite frankly, we are not saying it is completely exempt. By establishing a new definition of production lines, we are saying a small subset of the lines would be exempt going forward. We are talking about very low volume, maybe 2- to 3-inch PVC pipe, in very rural areas, at very low pounds per square inch. The chances of a catastrophic or injurious accident occurring are minimal to none, and the vast majority of these production lines are located where other excavation or other building is not occurring.



So, we think this is a commonsense exemption. It is not an exemption that in any way, despite what some will say, puts us at risk for loss of Federal funds. As a matter of fact, I have in writing from PHMSA, which is a Federal regulatory agency, that only existing exemptions jeopardizing the continued receipt of Federal funds are for State agencies and their contractors. Meaning, there are exemptions allowed; they do not like them, but they are allowed. This is a minimal exemption and a commonsense exemption. For anyone who is familiar with the difference between conventional drilling and the new Marcellus drilling, it is night and day.

So, I ask for my colleagues' support of this amendment and this exemption.

#### LEGISLATIVE LEAVE

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Leach.

The PRESIDENT. Senator Costa requests a temporary Capitol leave for Senator Leach. Without objection, the leave will be granted.

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

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

Senator BAKER. Mr. President, I rise to say I am opposed to the Hutchinson amendment to create this special exemption. We have worked over the course of this 2-year Session, actually we have worked over the course of the last two Sessions, on the reauthorization of the PA One Call bill. The Governor's Pipeline Infrastructure Task Force Advisory Committee has recommended there be no exemptions in the PA One Call Law. The Pennsylvania Public Utility Commission has suggested that there be no exemptions--not suggested, but very strongly recommended. The Pennsylvania utility excavators and contractors have done the same.

While I have great respect for Senator Hutchinson in his desired goal with this amendment, we are getting questions about the language in his amendment because people are confused that it would just exempt Class 1 lines. He mentioned that this would be a commonsense exemption in rural areas; however, the amendment does not say anything about Class 1 lines. There are classes of pipelines 1 through 4 depending upon population. This amendment covers all oil and gas production lines including those that are currently regulated, and therefore the commission and all of these entities have agreed that they are in opposition. So, I ask for a negative vote on this amendment.

Thank you, Mr. President.

#### POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, my son is a lobbyist for one of the organizations that this legislation would affect, and I need an opinion on whether or not I can vote on it. Thank you.

The PRESIDENT. The Chair thanks the gentlewoman for her inquiry about a conflict of interest. In the factual situation just given, the Chair rules that there is no conflict of interest in accordance with Senate Rule 20(c)(2). In fact, the Senator must vote on the amendment for two reasons. First, the Chair finds that your son is, in fact, a member of a class of individuals who may or may not be affected by any of the actions on the amendment and the bill. Second, the Chair does not find that any of the votes that the gentlewoman may cast would be particularly personal or unique to you, Senator Ward, or would privately affect you on how you would vote alone as a reason. So you must vote on the amendment.

Senator WARD. Thank you, Mr. President.

#### LEAVE CHANGED

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

Senator CORMAN. Mr. President, I request that Senator Greenleaf's leave be changed from a personal leave to a legislative leave.

The PRESIDENT. Senator Corman requests that Senator Greenleaf's leave be changed from a personal leave to a legislative leave. Without objection, the leave will be changed.

#### LEGISLATIVE LEAVES

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

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

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

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

The PRESIDENT. Senator Costa requests a legislative leave for Senator Dinniman.

Senator Corman requests a temporary Capitol leave for Senator Bartolotta.

Without objection, the leaves will be granted.

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

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

Senator COSTA. Mr. President, very briefly, on the maker's amendment, I ask for a negative vote on the amendment. I also share with the Members a letter we are submitting for the record from the chairwoman of the Pennsylvania Public Utility Commission. They expressly state their desire to support Senate Bill No. 1235 in its current written capacity, specifically as it relates to making certain that we do not provide for the exemptions, otherwise we would face the loss of Federal pipeline grants, and that is a concern that the PUC references, among other reasons why it is important to support Senate Bill No. 1235. I ask that the Members vote in the negative, and I ask that this letter be introduced into the record.

Thank you, Mr. President.

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

*(The following letter was made part of the record at the request of the gentleman from Allegheny, Senator COSTA:)*

COMMONWEALTH OF PENNSYLVANIA  
Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

September 26, 2016

The Honorable Members of the Pennsylvania Senate  
Main Capitol  
Harrisburg PA 17120

Dear Senate Member:

We are writing to encourage your support of Senate Bill 1235 (SB 1235), sponsored by Senator Lisa Baker, amending the Underground Utility Line Protection Act (One Call Law). This legislation contains much needed public safety enhancements to the PA One Call program, and also ensures the continuation of those protections which will sunset on December 31, 2016, unless reestablished by the General Assembly. This has been a legislative priority for the PA Public Utility Commission (PAPUC or Commission) for the past two sessions, and your support for its passage without amendment would be welcomed.

In addition to reauthorizing the One Call Law, SB 1235 makes two significant improvements to the One Call Law. First, SB 1235 transfers One Call Law enforcement from the Department of Labor and Industry to the PAPUC. The Commission believes this transfer of authority is consistent with our current regulatory obligations and functions. The Commission regulates public utilities that are required to participate in the One Call System, and public utilities account for 80% of the workload for One Call. The Commission also regulates non-utility pipeline operators that comprise additional workload for One Call. The Commission would have dedicated personnel and would create an alternative dispute resolution process for this responsibility, and has an existing Administrative Law Judge system for adjudications. This function is consistent with the recommendations of the Governor's Pipeline Infrastructure Task Force. The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) recognizes that the most effective One Call programs involve state Public Utility Commission enforcement. Likewise, the Commission already has an existing agreement for pipeline safety with PHMSA and receives grant money for this function. Additional grant moneys would be available for improved damage prevention and enforcement.

Secondly, SB 1235 addresses "gaps" in current protection involving state government underground facility owners and municipalities that are currently not required to participate in PA One Call. The 2011 federal Pipeline Safety, Regulatory Certainty and Job Creation Act requires states to remove these exemptions or face loss of pipeline safety grants. SB 1235 removes these exemptions assuring continued federal funding. Similarly, and equally important, SB 1235 increases the coverage of the One Call Law to include crude oil or natural gas production and gathering lines. These pipelines often operate at pressures up to 1,000 psi - equal to or greater than the natural gas distribution lines serving homes and businesses. Removal of this exemption is important for public safety and important to protect the contractors and workers that excavate in areas where these currently unmarked underground lines lie.

The recent death of a contractor who struck an unmarked gathering pipeline in Armstrong County serves as a constant reminder of the ultimate, but preventable, consequence of having thousands of miles of unmarked natural gas lines across Pennsylvania. No one should be put in harm's way due to unmarked lines.

This fatality occurred on a 12" plastic underground natural gas gathering pipeline operating at 50 psi - which was not required to be marked by the current One Call Law. Contrary to the assertions of some elements opposing SB 1235, the federal Pipeline and Hazardous and Hazardous Materials Administration has advised the Commission that

gathering lines should be included within the scope of state One Call Laws. In a letter from Alan K. Mayberry, Acting Associate Administrator for Pipeline Safety to Gladys Brown, Chair, PAPUC, at pages 1-2, Mr. Mayberry stated:

Pennsylvania has a rapidly expanding network of gas gathering facilities; PHMSA supports including these facilities in the risk assessment for one-call participation, with any basis for excluding gathering lines from the one-call process supported by the risk assessment. Gathering lines commonly have the same risk or more risk than transmission pipelines in rural areas depending on the nature of the products they may be transporting. The exclusion of gathering lines from participation in the one-call process must be supported by a documented risk assessment.

Accordingly, we strongly support Senator Baker's decision to include gathering lines in SB 1235, primarily for the improvement in public safety which will result therefrom, but also to avoid any potential loss in PHMSA funding of our One Call and pipeline safety programs.

The Commission firmly believes that increased enforcement will reduce these line hits while protecting consumers, utilities and contractors—something that has been demonstrated in other states. Currently, there are over 6,000 line hits in PA every year, and this is trending upward. Approximately half of those hits involve natural gas lines that are regulated by the PAPUC. These hits jeopardize public safety, place workers at risk, compromise infrastructure, trigger outages, generate environmental hazards, and costs consumers, businesses and utilities time and money. The Commission proposes to increase enforcement with an estimated 1,600 investigations per year and believes the combined impact of all these proposed enhancements will result in a substantial reduction in future incidents.

Again, we ask for your support of SB 1235, reestablishing and amending the One Call Law. If you have any questions on this, please do not hesitate to call any of us or June Perry, PUC Legislative Director, at 787-3256.

Sincerely,

GLADYS M. BROWN  
Chairman

ANDREW G. PLACE  
Vice Chairman

JOHN F. COLEMAN, JR.  
Commissioner

ROBERT F. POWELSON  
Commissioner

DAVID W. SWEET  
Commissioner

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

The PRESIDENT. The Chair recognizes, for the second time, the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I wanted to respond to the letter from the PUC that was just placed in the record with two things. Number one, as I stated earlier, although the PUC would like to place every pipeline they have ever seen under their control, the reality is that the Federal government is not requiring them to do that. We have a letter from PHMSA, which is the Federal government, who also, yes, they support as many things underneath their purview as possible; however, they go on to say that every single State has exemptions. The only exemptions that they are worried about are the exemptions that exist today for State agencies and their contractors. So those are the only exemptions that absolutely, positively they will not agree to. Any other exemptions, although they do not like them, they can be justified. Our exemption is for a tiny subset of oil and gas lines within Pennsylvania, only conventional, only production

lines, not gathering lines, and is therefore proper common sense and continuing something that has occurred since the beginning of PA One Call.

So I ask for support for my amendment. Thank you for this opportunity to clarify what was just stated.

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

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

#### YEA-20

Alloway	Eichelberger	Mensch	Vulakovich
Argall	Folmer	Resenthaler	Wagner
Aument	Gordner	Scarnati	Ward
Bartolotta	Hutchinson	Stefano	White
Brooks	McIlhinney	Vogel	Yaw

#### NAY-29

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

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

#### LEAVES OF ABSENCE

Senator COSTA asked and obtained leaves of absence for Senator BOSCOLA and Senator FARNESE, for the remainder of today's Session, for personal reasons.

#### LEGISLATIVE LEAVE

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Brewster.

The PRESIDENT. Senator Costa requests a temporary Capitol leave for Senator Brewster. Without objection, the leave will be granted.

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 gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, I submit my remarks for the record, and I urge an affirmative vote.

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

*(The following prepared remarks were made part of the record at the request of the gentlewoman from Luzerne, Senator BAKER:)*

Mr. President, Pennsylvania has some distinct pluses as we consider this issue. By every measure, the One Call system has worked as intended. It is a sensible approach to public safety, neither high cost nor high on intrusive mandates. If someone challenges us to cite a State law that has proved useful and effective, One Call is certainly a legitimate response.

We have years of experience under the law, showing how it works, and where we can take additional steps to provide greater public protection and benefit. We are not dealing with a crisis situation. We do not have to remedy unintended consequences. We are not forced to overhaul a failed system. Rather, we have opportunities in reauthorizing the law to extend its reach and increase safety.

The goal of the legislation is to halve the number of problems encountered over the next several years. Obviously, it becomes much harder to reach that target if we would continue to exclude certain types of infrastructure, as some interest groups have pressed us to do. Maybe the arguments have been overstated to a degree, but the logic behind the bill is unassailable.

Funding for the changes is structured so that there is not a direct cost to State taxpayers, but that should not be taken to mean a broader and better-enforced law comes for free. However, when things go wrong, when systems are broken, when there are power outages or service disruptions, when there is environmental damage, when there are injuries or fatalities, when litigation results, these costs add up very fast and can be considerable. So the money put toward preventing problems is money wisely spent.

The dedicated enforcement contained in the legislation is a key change. The current division of responsibility between the PUC and Department of Labor and Industry is not the most efficient and effective configuration. There is room for greater compliance with the requirements of the law and serious enforcement is the way to accomplish the necessary improvement.

Some are contending that a good law merely requires a simple reauthorization. That is a politically easy avenue, but it falls short of public responsibility. There are statistics available to everyone that underscore the need to do more in coming years, and some compelling stories to reinforce the numbers.

There are too many problems remaining, too much risk, too much damage, for us to be satisfied we have done enough. If we put off making the choices included in this legislation, the problems are not going to take care of themselves. Instead of depending on constructive safety measures, we would be trusting to luck, and that is hardly defensible public policy. Better we act now than in the wake of some preventable catastrophe.

A lot of well-intended work has been poured into assembling and advocating this legislation. It represents practical ways to address real needs and continuing challenges and build on success, and deserves our support.

And the question recurring,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, in light of the inability for us to help our very, very small businesses, the small mom-and-pop oil and gas conventional producers who are major employers, employing themselves throughout northwestern Pennsylvania, now subjecting them to fees, regulations, and more government intrusion, I rise to oppose this bill. It makes no sense to capture them within this new regulatory scheme. I suspect that a lot of this is about collection of more fees so that this

group, known as the One Call System, can continue to keep Pennsylvania the highest-spending One Call System in America, spending far more than our surrounding States to run that operation, but their search for money is insatiable. I think they need a major audit. I think they need, above that, a good look under the hood, and therefore I do not think we should be passing this bill, and I rise to oppose it. Thank you.

#### LEAVE CANCELLED

The PRESIDENT. Senator Boscola has returned, and her personal leave is cancelled.

And the question recurring,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, I add to Senator Hutchinson's comments that I will also be opposing the bill. I was surprised, and maybe I have been ignorant of the fact, that One Call is not a government agency, but a private entity owned by a family that is a nonprofit. I have an issue with legislating something that just sends more money to a private entity. They are the only entity that does it. Actually, it costs more in Pennsylvania to do One Call than it does in New York, and they have many, many more people. That is all. Thank you.

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-34

Argall	Dinniman	McGarrigle	Tomlinson
Aument	Fontana	McIlhinney	Vance
Baker	Gordner	Mensch	Vogel
Blake	Greenleaf	Rafferty	Wiley
Boscola	Haywood	Sabatina	Williams
Brewster	Hughes	Scavello	Wozniak
Browne	Killion	Schwank	Yudichak
Corman	Kitchen	Tartaglione	
Costa	Leach	Teplitz	

#### NAY-14

Alloway	Folmer	Stefano	White
Bartolotta	Hutchinson	Vulakovich	Yaw
Brooks	Reschenthaler	Wagner	
Eichelberger	Scarnati	Ward	

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 1266, SB 1300 and SB 1330** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1711 (Pr. No. 2565)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on a portion of Sheep Bridge Road over I-83, Newberry Township, York County as the Staff Sgt. Jason M. Faley Memorial Bridge.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEA-48

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

#### NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 1787 (Pr. No. 2733)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 1013 in Philadelphia County as the Michael R. Goodwin, Sr. Memorial Highway.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEA-48

Alloway	Dinniman	McGarrigle	Tomlinson
Argall	Eichelberger	McIlhinney	Vance
Aument	Folmer	Mensch	Vogel
Baker	Fontana	Rafferty	Vulakovich
Bartolotta	Gordner	Reschenthaler	Wagner
Blake	Greenleaf	Sabatina	Ward
Boscola	Haywood	Scarnati	White
Brewster	Hughes	Scavello	Wiley
Brooks	Hutchinson	Schwank	Williams

Browne	Killion	Stefano	Wozniak
Corman	Kitchen	Tartaglione	Yaw
Costa	Leach	Teplitz	Yudichak

## NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILLS OVER IN ORDER

**HB 1841** and **HB 1842** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## SECOND CONSIDERATION CALENDAR RESUMED

## BILL OVER IN ORDER

**SB 16** -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 49 (Pr. No. 2546)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, providing for the payment of death benefits to members of the Pennsylvania Civil Air Patrol.

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 rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**HB 74** and **HB 185** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL OVER IN ORDER TEMPORARILY

**SB 340** -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

## BILLS ON SECOND CONSIDERATION

**SB 341 (Pr. No. 475)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 53 (Municipalities Generally) and 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority and for competition in award of contracts; and, in ethics standards and financial disclosure, further providing for investigations by commission.

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

**SB 344 (Pr. No. 478)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for duty of prime contractor to provide financial security in certain contracts involving public works and public improvements.

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

## BILLS OVER IN ORDER

**SB 525** and **SB 851** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## SB 340 CALLED UP

**SB 340 (Pr. No. 1608)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Second Consideration Calendar, by Senator CORMAN.

## BILL ON SECOND CONSIDERATION, AMENDED

**SB 340 (Pr. No. 1608)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in indebtedness and borrowing, further providing for definitions, for classification and authority to issue bonds and notes, for cost of project and for exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt; providing for preliminary filings with the department prior to the issuance of certain debt; further providing for small borrowing for capital purposes, for debt statement, for submission to department, for certificate of approval of transcript, for effect of failure of timely action by department and for records of department; and providing for duties of participants in transactions relating to incurring debt and issuing bonds and notes.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator EICHELBERGER offered the following amendment  
No. A10300:

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

Amend Bill, page 5, line 26, by inserting after "programs":  
for capital projects

Amend Bill, page 5, lines 28 and 29, by striking out "this section." and inserting:  
paragraph (2).

Amend Bill, page 10, lines 1 through 5, by striking out all of lines 1 through 4 and "(13)" in line 5 and inserting:

(11)

Amend Bill, page 10, line 9, by striking out "(14)" and inserting:  
(12)

Amend Bill, page 10, line 14, by inserting after "filing.":

An acknowledgment of a complete filing shall be valid for one year from the date of its issuance.

Amend Bill, page 10, line 18, by striking out the period after "debt" and inserting:

or may presume the filing to be valid and complete for one year from the date the filing was submitted to the department.

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 ON SECOND CONSIDERATION

**SB 1048 (Pr. No. 2079)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for title of act, for definitions and for notification of breach; prohibiting employees of the Commonwealth from using nonsecured Internet connections; and providing for encryption required, for Commonwealth policy and for entities subject to the Health Insurance Portability and Accountability Act of 1996.

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

#### BILLS OVER IN ORDER

**HB 1070, SB 1271, SB 1323 and SB 1324** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1335 (Pr. No. 1993)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in contributions by employers and employees, further providing for contributions by employees and for Service and Infrastructure Improvement Fund.

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 rereferred to the Committee on Appropriations.

#### BILLS ON SECOND CONSIDERATION

**SB 1341 (Pr. No. 2080)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for performance-based budgeting; establishing the Performance-based Budget Board and providing for its powers and duties; and conferring powers and imposing duties on the Independent Fiscal Office.

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

**SB 1352 (Pr. No. 2052)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage and computation, for pilotage fees and unit charge and for charges for services.

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

**SB 1353 (Pr. No. 2053)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 29, 1803 (P.L.542, No.156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for fees.

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

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1356 (Pr. No. 2041)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law, further providing for eligibility for State scholarship.

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 rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1360, SB 1363, SB 1365, HB 1398, HB 1452, HB 1476 and HB 1496** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILLS ON SECOND CONSIDERATION

**HB 1619 (Pr. No. 2348)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Medical Licensure Compact; providing for the form of the compact; and imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Interstate Medical Licensure Compact.

Considered the second time and agreed to,

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

**HB 1948 (Pr. No. 3056)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in abortion, further providing for definitions and for medical consultation and judgment, repealing provisions related to spousal notice, further providing for the offense of abortion of unborn child of 24 or more weeks gestational age, providing for dismemberment abortion ban and further providing for reporting.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**HB 1974, HB 2025 and HB 2084** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

#### BILLS REPORTED FROM COMMITTEE

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

**SB 535 (Pr. No. 1973)** (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for speed timing devices.

**SB 559 (Pr. No. 2095)** (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for schedule of convictions and points; in rules of the road in general, further providing for speed timing devices; and in powers of department and local authorities, further providing for State and local powers.

**SB 869 (Pr. No. 2096)** (Amended) (Rereported)

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses), 30 (Fish), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in administration and enforcement relating to gaming, further providing for prohibited acts and penalties; in inchoate crimes, further providing for the offense of manufacture, distribution, use or possession of devices for theft of telecommunications services; in assault, further providing for the offense of terrorism; in loss of property rights relating to sexual offenses, further providing for general rule, repealing provisions relating to process and seizure, to custody of property and to disposal of property; in forgery and fraudulent practices, further providing for the offenses of copying and recording devices and for trademark counterfeiting; in riot, disorderly conduct and related offenses, further providing for the offense of gambling devices, gambling, etc.; in wiretapping and electronic surveillance, further providing for seizure and forfeiture of electronic, mechanical or other devices; in minors, further providing for sentencing

and penalties for trafficking drugs to minors; in nuisances, further providing for the offense of scattering rubbish; in other offenses, further providing for drug trafficking sentencing and penalties; in vehicle chop shop and illegally obtained and altered property, further providing for loss of property rights to Commonwealth and repealing provisions relating to procedure with respect to seized property subject to liens and rights of lienholders; in enforcement relating to Fish and Boat Code, further providing for forfeiture of fish and devices; in actions, proceedings and other matters generally relating to Judicial Code, adding provisions relating to forfeiture of assets; in forfeitures, further providing for controlled substances forfeiture and repealing provisions relating to terrorism forfeiture and to procedure with respect to seized property subject to liens and rights of lienholders; in size, weight and load relating to Vehicle Code, further providing for transporting foodstuffs in vehicles used to transport waste; in liquid fuels and fuel use tax enforcement, further providing for forfeitures and process and procedures and for disposition of fines and forfeitures; providing for conduct of forfeiture; and making repeals of provisions of the Liquor Code, the Tax Reform Code of 1971 and another act relating to certain forfeiture of property.

**SB 1160 (Pr. No. 2097)** (Amended) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for licenses and for licensing of dealers; and providing for sheriffs and deputy sheriffs.

**SB 1212 (Pr. No. 2058)** (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for child opioid awareness education.

**SB 1313 (Pr. No. 1997)** (Rereported)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contract clauses and preference provisions, further providing for definitions, for contract provisions and for funding.

**SB 1367 (Pr. No. 2073)** (Rereported)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for prescribing opioids to minors; imposing powers and duties on certain Commonwealth agencies and on the Legislative Reference Bureau; and imposing penalties.

**SB 1368 (Pr. No. 2075)** (Rereported)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for safe opioid prescription and imposing powers and duties on certain Commonwealth agencies.

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

##### BILL ON SECOND CONSIDERATION

**SB 1212 (Pr. No. 2058)** -- 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 terms and courses of study, providing for child opioid awareness education.

Considered the second time and agreed to,

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

## BILLS ON SECOND CONSIDERATION, AMENDED

**SB 1367 (Pr. No. 2073)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for prescribing opioids to minors; imposing powers and duties on certain Commonwealth agencies and on the Legislative Reference Bureau; and imposing penalties.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator YAW offered the following amendment No. A10360:

Amend Bill, page 2, line 4, by inserting after "written":  
legal  
Amend Bill, page 2, line 9, by striking out "I" and inserting:  
II  
Amend Bill, page 2, line 12, by striking out "agency" where it occurs the first time and inserting:  
board  
Amend Bill, page 3, line 7, by striking out "agencies" and inserting:  
boards  
Amend Bill, page 3, line 7, by striking out "agency may" and inserting:  
board shall  
Amend Bill, page 3, line 11, by striking out "agencies" and inserting:  
boards  
Amend Bill, page 4, lines 20 through 23, by striking out the colon in line 20, all of lines 21 and 22 and "(ii)" in line 23  
Amend Bill, page 4, line 24, by inserting after "a":  
substance abuse  
Amend Bill, page 4, line 24, by striking out "under subparagraph (i)"  
Amend Bill, page 5, line 18, by inserting after "The":  
brand name or generic  
Amend Bill, page 5, line 28, by inserting after "prescription":  
under section 5203(b) (relating to prohibition)  
Amend Bill, page 6, line 17, by inserting after "an":  
authorized  
Amend Bill, page 6, lines 17 and 18, by striking out "authorized to consent to the minor's medical treatment"  
Amend Bill, page 6, line 25, by striking out "agency" and inserting:  
board

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.

**SB 1368 (Pr. No. 2075)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for safe opioid prescription and imposing powers and duties on certain Commonwealth agencies.

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

Senator CORMAN offered the following amendment No. A10353:

Amend Bill, page 2, lines 2 through 7, by striking out all of said lines

Amend Bill, page 2, line 16, by striking out "I" and inserting:

II

Amend Bill, page 3, lines 4 through 11, by striking out all of lines 4 through 10 and "(b)" in line 11 and inserting:

(a)

Amend Bill, page 3, line 29, by striking out "(c)" and inserting:

(b)

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 BILLS REPORTED FROM COMMITTEES

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

### HB 1437 (Pr. No. 3952) (Amended)

An Act amending the act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act, further providing for definitions; providing for applicability and for issuance of use and occupancy certificate; and further providing for compliance requirement.

### HB 1774 (Pr. No. 3953) (Amended)

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, as follows: in general provisions, further providing for definitions; in management of the condominium, providing for alternative dispute resolution in condominiums and for complaints filed with Bureau of Consumer Protection; in protection of purchasers, further providing for effect of violations on rights of action; in general provisions, further providing for definitions; in management of cooperatives, providing for alternative dispute resolution in cooperatives and for complaints filed with Bureau of Consumer Protection; in general provisions, further providing for definitions; in management of planned community, providing for alternative dispute resolution in planned communities and for complaints filed with Bureau of Consumer Protection; and in protection of purchasers, further providing for effect of violations on rights of action.

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

### SB 1362 (Pr. No. 2054)

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

### HB 245 (Pr. No. 3951) (Amended)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local taxes, further providing for definitions, for payroll tax, for payment of tax to other



political subdivisions or states as credit or deduction and withholding tax and for tax limitations; in consolidated collection of local income taxes, further providing for definitions, for declaration and payment of income taxes, for tax collection committees, for powers and duties of Department of Community and Economic Development, for powers and duties of tax officer and for withholding and remittance; and, in collection of delinquent taxes, further providing for penalties and for costs of collection of delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and income taxes.

#### **HB 971 (Pr. No. 1227)**

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 inheritance tax rate.

Senator YAW, from the Committee on Environmental Resources and Energy, reported the following bill:

#### **HB 1103 (Pr. No. 3950) (Amended)**

An Act amending the act of October 4, 1978 (P.L.864, No.167), known as the Storm Water Management Act, further providing for definitions and for effect of watershed storm water plans.

#### **RESOLUTION REPORTED FROM COMMITTEE**

Senator YAW, from the Committee on Environmental Resources and Energy, reported the following resolution:

#### **SR 385 (Pr. No. 2092) (Amended)**

A Resolution directing the Joint State Government Commission to conduct a study to analyze and identify which environmental laws and regulations of this Commonwealth have more stringent standards than Federal law requires.

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

#### **SENATE RESOLUTIONS ADOPTED**

Senators TARTAGLIONE, BAKER, BREWSTER, SABATINA, ARGALL, McGARRIGLE, HUTCHINSON, KITCHEN, SCAVELLO, DINNIMAN, SCHWANK, FONTANA, BROWNE, GREENLEAF, TEPLITZ, YUDICHAK, COSTA, VULAKOVICH, WHITE, BARTOLOTTA, RAFFERTY, FARNESE, AUMENT, RESCHENTHALER, KILLION and SCARNATI, by unanimous consent, offered **Senate Resolution No. 430**, entitled:

A Resolution recognizing the month of September 2016 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, today I am pleased to offer this resolution recognizing September as "National Spinal Cord Injury Awareness Month." There are approximately 12,500 new spinal cord injuries each year. This means every 48 minutes another person in the U.S. becomes paralyzed from a

spinal cord injury. The number of Americans living with spinal cord injuries grows every year, especially as more men and women in the Armed Forces are returning home from combat.

Unfortunately, there is no cure for spinal cord injuries, and research on treating and curing spinal cord injuries is often expensive and hard to come by. However, thanks to organizations such as the Buonconti Fund to Cure Paralysis and the Miami Project to Cure Paralysis, major breakthroughs like nerve cell regeneration are being made at a miraculous pace. These new technologies and treatments could help individuals with spinal cord injuries tear down barriers more than ever before, but we need to make these treatments more readily available to every resident by raising awareness. Through awareness, we can highlight the necessity for access to treatment and support. Every resident of this Commonwealth who lives with a spinal cord injury has the potential to reach their goals and increase their participation in the community and workplace. That is why we recognize National Spinal Cord Injury Awareness Month to recognize the strength and resilience of all persons living with spinal cord injuries. We must insure every one of these persons can acquire 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.

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

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

Senators RAFFERTY, RESCHENTHALER, ARGALL, KITCHEN, McGARRIGLE, EICHELBERGER, DINNIMAN, GREENLEAF, BAKER, FARNESE, TARTAGLIONE, GORDNER, WARD, HUTCHINSON, TEPLITZ, COSTA, AUMENT, FOLMER, MENSCH, BROWNE, KILLION, FONTANA, YUDICHAK, BOSCOLA, SCARNATI, SCHWANK and WHITE, by unanimous consent, offered **Senate Resolution No. 431**, entitled:

A Resolution recognizing November 10, 2016, as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 241st anniversary of its founding.

On the question,  
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, on November 10 we will celebrate the 241st anniversary of the founding of the United States Marine Corps, founded in the city of Philadelphia, Pennsylvania. The Second Continental Congress met and passed a resolution calling for two battalions of Marines to be raised for service as landing forces with the fleet. The Marine Corps has served us proudly in every war, in every battle, and in every peacekeeping mission in history. Mr. President, I think all of us who have studied history in high school, studied history in college, we are all cognizant of and remember the Marines "Raising the Flag on Iwo Jima," a sign that the United States was going to prevail against the Imperial Japanese forces in the Pacific and win the war.

Mr. President, the Marine Corps is known to be the most effective and efficient fighting force first in the United States military. I know members of the Army would disagree. The first in the United States is the United States Marine Corps, and their motto, "Semper Fidelis," "always faithful," is one that each and every Marine lives up to. Mr. President, I ask for an affirmative vote on this resolution honoring the United States Marine Corps on their 241st anniversary come November 10. I will close with, "Good night, Chesty, wherever you are!"

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 SABATINA, GREENLEAF, SCAVELLO, TEPLITZ, ARGALL, BROWNE, COSTA, SCHWANK, HUTCHINSON, FONTANA, TARTAGLIONE, YUDICHAK, HUGHES, VULAKOVICH, BARTOLOTTA, RAFFERTY and AUMENT, by unanimous consent, offered **Senate Resolution No. 432**, entitled:

A Resolution designating the month of October 2016 as "Polish American Heritage Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator SABATINA. Mr. President, today I rise to designate October 2016 as "Polish American Heritage Month" in Pennsylvania. Since 1608 when the first Polish settlers arrived at Jamestown, Virginia, Polish people have been an important part of America's history and culture, and 2016 will mark the 408th anniversary of the first Polish settlers in our country. They were among the most skilled workers in America. This year will also mark the 35th anniversary of the founding of Polish American Heritage Month, an event which began in Philadelphia, Pennsylvania, and has become a national celebration of Polish history, culture, and pride.

Pennsylvania has been the home of so many Polish Americans who are leaders in America. Philadelphia, Pittsburgh, Wilkes-Barre, Scranton, Hazleton, Pittston, and Nanticoke have some of the largest concentrations of Polish people in the United States. Therefore, it is my distinct pleasure to dedicate October as Polish American Heritage Month because of their just deserts.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman for an outstanding resolution and salutes all of the contributions which Polish Americans have made to the greatness of America.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators SCHWANK, DINNIMAN, TARTAGLIONE, GREENLEAF, BOSCOLA, KILLION, ARGALL, TEPLITZ, SABATINA, RESCHENTHALER, FONTANA, COSTA,

FARNESE, VULAKOVICH, BREWSTER, WARD, AUMENT, BARTOLOTTA and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 433**, entitled:

A Resolution recognizing the month of September 2016 as "Recovery Month" in Pennsylvania and encouraging relatives and friends of individuals suffering with mental illness or substance abuse issues to take preventive steps, be alert to warning signs and assist those in need to seek appropriate treatment and recovery support services.

On the question,

Will the Senate adopt the resolution?

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

Senator SCHWANK. Mr. President, many times individuals who experience a mental and/or substance use disorder feel isolated, alone, and as if there is no hope. Yet, every year millions of Americans experience these conditions. It is important that we offer support to individuals facing mental and/or substance use disorders. We need to create environments and relationships that promote acceptance. Support from families is essential to recovery, so it is important that family members, too, have the tools they need to help their loved ones, tools regarding prevention, treatment, and recovery. Too many people are still unaware that prevention does work and that mental health and substance use disorders can be treated, just like other health problems.

Mr. President, as you know, we all talk about addiction now that Pennsylvania is caught in the throes of a horrible opioid and heroin epidemic. We talk about addiction being a disease, which is good, but we also must talk about addiction being treatable and that recovery can occur. There is a brighter side to the situation, if we put the resources needed to make sure that recovery can occur, and that starts with treatment, most certainly. Mental and substance use disorders affect people of all ethnicities, ages, genders, geographic regions, and socioeconomic levels. People need to know that help is available. People can get better both physically and emotionally, and that will take the support of all of us to make that happen.

So, Mr. President, I offer this resolution to honor the month of September, which is almost over, but there is still time for all of us to recognize this, particularly on the eve of a Special Session where our Governor is going to be talking with us about his initiatives to deal with this epidemic. It is particularly important that we also note that recovery is possible, and September is National Recovery Month. Thank you very much.

The PRESIDENT. It sounds like perfect timing, and recovery does work. Thank you for your efforts.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators FONTANA, DINNIMAN, GREENLEAF, TARTAGLIONE, SABATINA, TEPLITZ, BREWSTER, RESCHENTHALER, KILLION, SCHWANK, COSTA, FARNESE, MENSCH, VULAKOVICH, WARD, BOSCOLA, AUMENT and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 434**, entitled:

A Resolution designating the week of October 16 through 22, 2016, as "Homeless Children's Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, I rise today and ask my colleagues to join me in adopting this resolution, which would designate the week of October 16 through October 22, 2016, as "Homeless Children's Awareness Week" in Pennsylvania. Mr. President, designating this week will bring attention to the growing problems and issues for children experiencing homelessness and what they face throughout Pennsylvania and across the nation.

The Federal McKinney-Vento Homeless Assistance Act states that children are homeless if they lack a fixed, regular, and adequate nighttime residence. Children of all ages are negatively impacted by homelessness in the areas of physical health, emotional and behavioral development, and academic success. Unfortunately, children are the fastest growing segment of the homeless population. In fact, in Pennsylvania, there are 22,000 homeless schoolchildren, with 96 percent of school districts in our State having at least one homeless student. In my county alone, Mr. President, which is Allegheny County, 3,000 children were identified as homeless at some point last year.

But there is some good news. New provisions will soon be going into effect to the Federal law that will provide better assistance to students and their families with the resources and attention they need. Specifically, under the McKinney-Vento Homeless Assistance Improvement Act, districts will now work with other local agencies, such as law enforcement, juvenile courts, and runaway and homeless youth centers. The act will insure that preschool-age homeless children have access to and receive supportive services, and districts will also be required to provide transportation until the end of the school year, even if a student becomes permanently housed outside of the district.

Mr. President, I also want to recognize the Homeless Children's Education Fund, which is why I introduce this resolution every year. This organization has advanced the education of children and youth experiencing homelessness in Allegheny County for 17 years now. Many events will be taking place during Homeless Children's Awareness Week in Pittsburgh, including an afternoon of story-telling, a stand-up art installation, a happy hour, and a 5K race to raise awareness about children experiencing homelessness.

Mr. President, I encourage others throughout the State to create their own events throughout this week.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman on an excellent resolution.

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

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

Senators EICHELBERGER, WOZNIAC, BREWSTER, SABATINA, VULAKOVICH, SCAVELLO, FONTANA, BROWNE, RESCHENTHALER, GREENLEAF, SCARNATI,

TEPLITZ, BARTOLOTTA, BAKER, DINNIMAN, WHITE, COSTA, McILHINNEY, RAFFERTY, FARNESE, TARTAGLIONE, HUTCHINSON, AUMENT, MENSCH and KILLION, by unanimous consent, offered **Senate Resolution No. 435**, entitled:

A Resolution designating the month of September 2016 as "Brain Aneurysm Awareness Month" and September 24, 2016, as "Brain Aneurysm Awareness Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator EICHELBERGER. Mr. President, this is a health ailment that affects a lot of people in our country. About 1 out of 50 people in the United States will have a brain aneurysm. Some may never know it, some may live their lives without any difficulty from it, but many die from it. Many have other impairments that they will live with for the rest of their days on this earth.

Brain aneurysms affect women more than men by a 3 to 2 ratio. There are various risk factors involved, including smoking, hypertension, and a family history of brain aneurysms, which can elevate the chances of someone having one. The numbers equate to about 6 million people in the United States. An unruptured brain aneurysm can lead to double vision, vision loss, loss of sensation, weakness, loss of balance and coordination, speech problems, and other issues, and certainly people who have brain aneurysms that do burst often die from them, and they die sometimes very quickly. I ask my colleagues today to approve this and spend some time this month with folks who are interested in recovering, interested in research and development on this issue, and help support these efforts across our great Commonwealth.

Thank you, Mr. President.

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

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

Senators TEPLITZ, WOZNIAC, BOSCOLA, BREWSTER, GREENLEAF, DINNIMAN, VULAKOVICH, SABATINA, SCHWANK, FONTANA, COSTA, AUMENT, RESCHENTHALER and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 436**, entitled:

A Resolution recognizing the month of September 2016 as "Thyroid Cancer Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, my resolution designates September 2016 as "Thyroid Cancer Awareness Month" in Pennsylvania. Thyroid cancer occurs when abnormal cells begin to grow in the thyroid gland, located in the front of the neck. This gland makes hormones that regulate the way your body uses

energy and that help your body work normally. Thyroid cancer has had the fastest increase in incidence of any cancer in recent years. It is now the seventh-leading type of cancer in the nation and the fifth most common cancer in women. In fact, more than two-thirds of cases are found in women, and it is rising faster in Pennsylvania than any other State. A simple neck check done by a medical professional during a routine appointment can detect a thyroid nodule. While most thyroid nodules are benign, they can be aggressive and difficult to treat, but when found early, it is treatable with surgery, radioactive iodine treatment, external beam radiation therapy, and chemotherapy. Still, thyroid cancer is life-disrupting, expensive, and stressful for patients and their loved ones.

So, Mr. President, given its rising incidence across the nation and in Pennsylvania, I ask that my colleagues join me in designating September 2016 as Thyroid Cancer Awareness Month in Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. Thank you, Senator Teplitz. The cure always begins with awareness.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators COSTA and VULAKOVICH, by unanimous consent, offered **Senate Resolution No. 437**, entitled:

A Resolution designating the month of September 2016 as "Campus Fire Safety Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, this is an important resolution regarding campus life, and I ask my colleagues to join Senator Vulakovich and me with an affirmative vote for this resolution.

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 William E. Irwin by Senator Aument.

Congratulations of the Senate were extended to Stony Point Grange No. 1694 by Senator Brooks.

Congratulations of the Senate were extended to Mary Pat Knauss and to Mary Foote by Senator Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Eckert, Mr. and Mrs. John Brown, Mr. and Mrs. Roger Glass and to Mr. and Mrs. Larry Hartzell by Senator Hutchinson.

Congratulations of the Senate were extended to Henry Boettlin by Senator Schwank.

Congratulations of the Senate were extended to Marianne R. Sutton by Senator Schwank and others.

Congratulations of the Senate were extended to Christ Presbyterian Church of Ellwood City by Senator Vogel.

Congratulations of the Senate were extended to Mr. and Mrs. Gerald Ruby and to Homer-Center Social Center by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Pat Snyder and to Mr. and Mrs. Joseph P. Slavoski by Senator Yudichak.

### BILLS ON FIRST CONSIDERATION

Senator WILEY. 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 1331, SB 1340, SB 1344, SB 1354, SB 1357, SB 1362, SB 1366, SB 1369, HB 245, HB 813, HB 850, HB 946, HB 971, HB 1103, HB 1403, HB 1437, HB 1683, HB 1774, HB 1779, HB 1838, HB 1872, HB 1923, HB 1959, HB 2058, HB 2107 and HB 2148.**

And said bills having been considered for the first time,

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

### ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, SEPTEMBER 28, 2016

10:00 A.M.

PUBLIC HEALTH AND WELFARE (to Room 461  
consider Senate Bill No. 1269; and House Main Capitol  
Bills No. 162, 1104 and 1785)

### PETITIONS AND REMONSTRANCES

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

Senator RAFFERTY. Mr. President, I will be brief, but I could not allow us to recess this evening without two announcements.

One of our members of our Senate Security staff, in fact, he is on duty in the gallery this evening, Ken Heisey, has recently returned from deployment overseas with the Pennsylvania Air National Guard, and I welcome him back to the Senate. I am happy that he is back with us in good physical and mental condition, and I thank him for his service.

Mr. President, I also take this opportunity, the Marine Corps anniversary, to salute another member of our Senate Security staff, who is serving tonight as Sergeant-at-Arms, our own Jeff Ryan Snell. Jeff spent three tours of duty in Iraq as a member of the United States Marine Corps, and I wish him and his brothers and sisters in the Marine Corps a very happy 241st anniversary.

So to the two gentlemen here, I ask my colleagues to join in a round of applause welcoming them back and thanking them for their service.

The PRESIDENT. We welcome back Jeff and Ken, and thank you for your great service. Let us give them a round of applause. (Applause.)

### RECESS

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

Senator ARGALL. Mr. President, I move that the Senate do now recess until Wednesday, September 28, 2016, at 10:30 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 6:16 p.m., Eastern Daylight Saving Time.