

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, OCTOBER 18, 2016

SESSION OF 2016 200TH OF THE GENERAL ASSEMBLY

No. 51

**SENATE**

TUESDAY, October 18, 2016

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

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

**PRAYER**

The Chaplain, Member JOHN MARQUETTE, Worship and Ministry, Lehigh Valley Quakers, Bethlehem, offered the following prayer:

Good afternoon.

As you may know, Quakers normally worship in silence. We do, however, from time to time offer prepared messages. Today's invocation is one of those moments.

William Penn and his followers knew the Bible well. During their voyage from England to Philadelphia, they likely read and considered these words from the 29th Chapter of the Book of the Prophet Jeremiah, a message to the Jews in exile in Babylon. The message was: "Build houses and live in them; plant gardens and eat their produce. Take wives and have sons and daughters; take wives for your sons, and give your daughters in marriage, that they may bear sons and daughters; multiply there, and do not decrease. But seek the welfare of the city where I have sent you into exile, and pray to the Lord on its behalf, for in its welfare you will find your welfare."

The Commonwealth of Pennsylvania was founded on the Quaker principles of religious and social tolerance. Those principles inspired Penn to write the words on the Capitol Rotunda, which you probably know or have seen frequently: "There may be room there for such a holy experiment. For the nations want a precedent. And my God will make it the seed of a nation. That an example may be set for the nations. That we may do the thing that is truly wise and just."

Remember, too, that Penn practiced the Quaker principle of seeking that of God in everyone. Take a moment then. Look for the divine in your neighbor, in your friends, and in those with whom you find yourself in disagreement. There is that of God in all of us. May the blessings of the Creator and the sanctifying power of the spirit descend upon us, guide you in your work today, and nourish us the rest of our lives. Amen.

The PRESIDENT. The Chair thanks Member Marquette, who is the guest today of Senator Boscola.

**PLEDGE OF ALLEGIANCE**

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

**BILLS INTRODUCED AND REFERRED**

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

October 18, 2016

Senators BOSCOLA, LEACH, COSTA, HUGHES, BREWSTER, KITCHEN, SCHWANK, TEPLITZ, RAFFERTY, RESCHENTHALER and VULAKOVICH presented to the Chair **SB 1392**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for sentencing for offenses involving violation of protection orders or consent agreements.

Which was committed to the Committee on JUDICIARY, October 18, 2016.

Senators KITCHEN, COSTA, HUGHES, BREWSTER, TEPLITZ, SCHWANK, FONTANA, TARTAGLIONE, RAFFERTY and YUDICHAK presented to the Chair **SB 1393**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in protection from abuse, further providing for definitions, for commencement of proceedings, for hearings, for relief, for emergency relief by minor judiciary and for contempt for violation of order or agreement.

Which was committed to the Committee on JUDICIARY, October 18, 2016.

**RESOLUTION INTRODUCED AND REFERRED**

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

October 18, 2016

Senators RAFFERTY, ALLOWAY, DINNIMAN, WARD, MENSCH, FARNESE, BARTOLOTTA, BROWNE, ARGALL, VULAKOVICH, BOSCOLA, TEPLITZ, YUDICHAK, KILLION, SCAVELLO, COSTA and RESCHENTHALER presented to the Chair **SR 459**, entitled:

A Resolution directing the Joint State Government Commission to establish an animal abuse prevention task force to conduct a thorough and comprehensive analysis of laws for the prevention of animal cruelty and abuse and report to the Senate its findings and recommendations.

Which was committed to the Committee on JUDICIARY, October 18, 2016.

**HOUSE MESSAGES**

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1062** and **SB 1311**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE BILLS FOR CONCURRENCE**

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

October 18, 2016

**HB 1885** -- Committee on Local Government.

**HB 1968** -- Committee on State Government.

**APPOINTMENT BY THE MINORITY LEADER**

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

Mr. Sean Casey as a member of the Pennsylvania Malt and Brewed Beverage Promotion Board.

**BILL SIGNED**

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

**HB 1619.**

**BILLS REPORTED FROM COMMITTEE**

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

**SB 1260 (Pr. No. 1801)**

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for management of cosmetology salons and for powers and duties of board; and providing for variances.

**HB 516 (Pr. No. 4043)** (Amended)

An Act relating to the practice of naturopathic medicine; providing for the issuance of licenses and the suspension and revocation of licenses; and providing for penalties.

**HB 1415 (Pr. No. 3450)**

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for definitions, for reciprocity, for restriction on the use of title "licensed clinical social worker," for penalties and for unlawful practice; and repealing provisions related to appropriation.

**HB 1704 (Pr. No. 2972)**

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for definitions, for continuing professional competency requirements and for exemption from licensure and registration.

**HB 1769 (Pr. No. 3142)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in contract carrier by motor vehicle and broker, further providing for declaration of policy and definitions; and, in violations and penalties, further providing for unauthorized operation by carriers and brokers.

**HB 2290 (Pr. No. 3893)**

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.

**HB 2291 (Pr. No. 3769)**

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.

**LEGISLATIVE LEAVES**

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

Senator CORMAN. Mr. President, I request temporary Capitol leaves for Senator Browne and Senator Ward, and legislative leaves for Senator Smucker and Senator Wagner.

The PRESIDENT. Senator Corman requests temporary Capitol leaves for Senator Browne and Senator Ward, and legislative leaves for Senator Smucker and Senator Wagner. Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of August 23, 2016, is now in print.

The Clerk proceeded to read the Journal of the Session of August 23, 2016.

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

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

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

YEA-50

Alloway	Eichelberger	McIlhinney	Vance
Argall	Farnese	Mensch	Vogel
Aument	Folmer	Rafferty	Vulakovich
Baker	Fontana	Resenthaler	Wagner
Bartolotta	Gordner	Sabatina	Ward

Blake	Greenleaf	Scarnati	White
Boscola	Haywood	Scavello	Wiley
Brewster	Hughes	Schwank	Williams
Brooks	Hutchinson	Smucker	Wozniak
Browne	Killion	Stefano	Yaw
Corman	Kitchen	Tartaglione	Yudichak
Costa	Leach	Teplitz	
Dinniman	McGarrigle	Tomlinson	

NAY-0

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

The PRESIDENT. The Journal is approved.

**GUESTS OF SENATOR JAMES R. BREWSTER  
PRESENTED TO THE SENATE**

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

Senator BREWSTER. Mr. President, today I am honored to offer a few comments about former Representative Joseph M. Gaydos, who was also a former Senator from the 45th Senatorial District. Congressman Gaydos passed away last year, but we wanted to make sure we had the family here, and I am honored to have them, both children and grandchildren, with us today as well.

For those who do not recall his works, Congressman Gaydos was a fixture in the Mon Valley and was a looming presence in the politics of our region and the nation. He was strong, steadfast, dependable, and always ready to engage on behalf of working men and women. He served in the Pennsylvania Senate from 1967 to 1968 and was well-known for his work in Congress from 1968 to 1992. His political career was rooted in the Mon Valley. In many ways, he epitomized the Mon Valley and its people.

Congressman Gaydos was born in Braddock, the youngest of seven children, graduated from Glassport High School, and lived in Liberty Borough. Mr. Gaydos was a veteran of the United States Navy where he served with distinction in the Pacific during World War II. Congressman Gaydos was a dedicated public servant, patriot, and representative of working men and women who made his mark in Washington, D.C., and in the Mon Valley. As a lawyer, he was a fierce advocate who defended the rights of working men and women. As a friend, he was loyal and true to his word. He loved his family and was very proud of his children and grandchildren.

He fought hard for labor and to rebuild our region following the economic turbulence and the decline of the steel industry in the late 1980s. While serving with Presidents, Senators, and others during his time in Congress, Joe never forgot his roots in the Mon Valley. His character was forged here and his principles were as strong as the steel that was produced in the Mon Valley. On a personal level, he always had a kind word and offered welcomed advice about how to approach problems and political issues. As a lawyer who once represented steelworkers, to his later service in the State Senate and the United States House of Representatives, Joe always wore the interest of working men and women on his sleeve. He fought to improve their lives and was a member of the Committee on Labor with his laser-like focus on addressing critical problems that impacted workers. Our region is better today because of his work in both the Senate and in Congress.

Today I have family members with me, Joe and Joey Gaydos, Kelly Gaydos, Colleen Gaydos-Tomsic, Tammy Gaydos-Caye, and Bill and Adam Caye.

Mr. President, at this time I ask that our Minority Leader, Senator Costa, say a few words.

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

Senator COSTA. Mr. President, it truly is my honor to stand here today and recognize somebody who not only had a distinguished career here in Harrisburg, but also a very distinguished career in Washington, D.C. Mr. President, I was probably one of the only folks in this room who had the chance to work with the Congressman in the remaining years of his term of service in Congress. While he did an excellent job there and he was somebody who looked out for young snots like me who were making their way into politics and government, what I can tell you was what he meant to the Mon Valley community. I believe Senator Brewster has covered that as well.

There is no question that he was the epitome of someone who represented community very, very well. Over the years, I got to know his family very well, who are outstanding folks. The Congressman has left a legacy of wonderful folks, but more importantly, his reputation, he was cloaked with integrity around him. He was someone who was extremely helpful to people in the community. I am honored to be able to stand up and say a few words and recognize and honor Congressman Gaydos and extend our appreciation to his family for his service as well.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, I never had the opportunity to meet Congressman Gaydos. I certainly knew him by reputation, and obviously, we feel very close to anyone who served in the Senate as a colleague and as part of a very special institution. When someone passes, it is appropriate for all of us to take a moment for someone who served in this great body. It is certainly worth noting that Congressman Gaydos represented the people of western Pennsylvania during a very difficult economic time. When he first got into the Senate and into Congress, the steel industry was thriving in western Pennsylvania. I think if I recall one of the stories, he was one of the first to sound the alarms and fight for his constituents and say some of the things we are doing at the national level are going to hurt this industry and hurt the jobs in Pennsylvania and his constituents. He fought very hard for them and worked through the transition of the steel industry in the future. So, he was ahead of his time in a lot of ways, but he did it in a way and left a legacy of service and a reputation of working hard and being well-liked both at home and in Washington, D.C., as well as here in Harrisburg for a short stay.

He was known as an old-school politician, and there is nothing wrong with that. He was somebody who worked very hard across party lines doing his best for his constituents. I think that was always his reputation, that he fought for his constituents.

It is appropriate that we honor him here today as someone who gave a lot of his personal time. I always tell people the greatest gift one person can give to another is their time. Time is something that is non-negotiable. Time is something that we do not know how much we have. When someone gives of their time to someone else or to their community, that is the greatest gift

they can give. The Congressman was certainly known for giving a great deal of his time to make his community a better place. So, it is duly appropriate that we recognize him here today.

Thank you, Mr. President.

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

Senator BREWSTER. Mr. President, I thank Senator Corman and Senator Costa. Mr. President, if we could have our colleagues in the Senate stand for a moment of silence.

The PRESIDENT. We will now honor the memory and service of Congressman Gaydos with a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of The Honorable JOSEPH M. GAYDOS.)

The PRESIDENT. Will the family of Congressman Gaydos please rise so that we may welcome you to the Pennsylvania State Senate. It is a pleasure to meet you. You are a wonderful family.

(Applause.)

### **GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE**

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

Senator BAKER. Mr. President, I would like to introduce a young man who is serving as a guest shadow with me today, Matthew Dillon of Dallas High School. He is the son of Dave Dillon and Pam Oliveira. His dad, David, is in the Senate gallery with us today. Matthew joined me for a joint hearing with the Senate and House Committees on Aging and Youth. He has attended various meetings at the Capitol, and today he is serving as a guest Page on the Senate floor. He is a junior, as I said, at Dallas High School. He plays mid-fielder on the Dallas varsity soccer team. He is involved in the model United Nations. He has participated in the Free Enterprise Week at Lycoming College. Matthew reads for visually impaired students through a radio reading program at his school. He is the youngest of four children and hopes to attend college to study business and political science.

As I like to say to my guest Pages, one day, I hope, maybe, he will be joining us seated here on the floor, not as a guest Page, but here as a Member. So, I hope we can inspire young men and women to serve, and it is an honor to have him with us here today. Please help me join in giving a very warm welcome to Matthew Dillon.

Thank you, Mr. President.

The PRESIDENT. Would the guest of Senator Baker, Matthew Dillon, who is on the Senate floor, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

### **GUEST OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE**

The PRESIDENT. Further to introduce guests, he will always help you out and do a good deed, that is why we call him Senator Mensch. It never gets old. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, that intro is starting to get groans over here now, so thank you very much.

The PRESIDENT. Starting?

Senator MENSCH. Mr. President, today it is my pleasure to introduce Mr. Robert Rein, who is currently interning in my Red Hill office. Robert is a senior at Ursinus College majoring in political science with a double minor in economics and international relations. Last spring, Robert was elected by his peers to serve as president of the Ursinus College Student Government for the 2016-17 academic year, and he also serves as vice president of the College Republicans Chapter of Ursinus College. He is also a member of the Ursinus College wrestling team, wrestling at 184 pounds, under the guidance of Coach Bill Racich. This past summer he volunteered with various organizations such as Habitat for Humanity and the Hugh O'Brian Youth Leadership Program. Robert is still deciding what to do after college, however, he hopes to serve one day as an elected official or a public administrator to help facilitate public policy. Mr. President, please join me in welcoming Robert today.

The PRESIDENT. Would the guest of Senator Mensch, Robert Rein, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

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

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

Senator TEPLITZ. Mr. President, I would like to welcome several guests from my district who are seated in the gallery today representing St. Joan of Arc Catholic School in Hershey, Pennsylvania. I welcome school principal Sister Eileen Marie McGowan; development and marketing director Debra Rizzotto; Susan Hampton, former president of the board of education; and from the Diocese of Harrisburg, we have Superintendent Livia Riley and Assistant Superintendent Margaret Barrett.

I am pleased to share that St. Joan of Arc Catholic School has been recognized by the U.S. Department of Education as a Blue Ribbon School of Excellence. The National Blue Ribbon Schools Program recognizes public and private schools based on their overall academic excellence or their progress in closing achievement gaps among students. The blue ribbon is a symbol of exemplary teaching and learning. National Blue Ribbon Schools are an inspiration and a model for schools still striving for excellence.

St. Joan of Arc School has been educating students from Hershey, Pennsylvania, and neighboring communities for 88 years. Mr. President, I ask that my colleagues join me in congratulating the school and its leadership on its coveted and much deserved national designation.

Thank you, Mr. President.

The PRESIDENT. Will the guests of Senator Teplitz from St. Joan of Arc School please rise so that we may congratulate you and welcome you.

(Applause.)

### **GUESTS OF SENATOR GENE YAW PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lycoming, Senator Yaw.

Senator YAW. Mr. President, I rise today to welcome and congratulate an individual from my Senate district who has achieved something very few in the athletic realm ever achieve. Seated in the gallery with us today is former Lycoming College head football Coach Frank Girardi. It seems like today is Lycoming College day here in the Senate.

I also note, very proudly, I am a graduate of Lycoming College, as is Senator Argall, and I believe our Majority Leader at one point was a sports broadcaster for Lycoming College. I am sure that is something that most people do not know.

On December 6 in New York City, Coach Girardi will join an elite list of individuals who will be inducted into the College Football Hall of Fame. For 36 years, Coach Girardi led the Lycoming College Warriors Football Team and concluded his career as one of the most successful coaches in NCAA history. He led the football team to 29 winning seasons and a spot amongst the elite collegiate football programs in the country. He compiled an overall record of 257 wins, 97 losses, and 4 ties, ranking him 16th in all divisions in victories. Coach Girardi is one of 29 coaches to record 200 or more victories at 1 school. He guided the program to two national championship appearances in 1990 and 1997. He led the Warriors to 13 Middle Atlantic Conference titles, including 7 during the 1990s, 11 NCAA play-off berths, and he was named the Middle Atlantic Conference Coach of the Year on 12 occasions and recorded 29 consecutive winning seasons. A lifelong resident of Williamsport, he grew up in the shadows of Lycoming College. He started his career as a running back at Williamsport Area High School and a letter-winner at West Chester University. Coach Girardi served as head coach of Jersey Shore Area High School before joining the Lycoming College staff. He came to the school in 1969 as an assistant coach, and it took him 3 years to finish with a winning record, but then the team, at that point, started a streak of 29 consecutive winning seasons.

Coach Girardi has been inducted into five other halls of fame, including the Lycoming Athletics Hall of Fame, Middle Atlantic Conference Hall of Fame, West Branch Chapter of the Pennsylvania Sports Hall of Fame, the Pennsylvania State Sports Hall of Fame, and West Chester University Hall of Fame. He has also received the Robert W. Maxwell Football Club's Tri-State Coach of the Year Award. This award is presented to an outstanding college or high school coach from Pennsylvania, New Jersey, or Delaware.

Mr. President, it is my honor to again congratulate Coach Frank Girardi on receiving the prestigious honor of being inducted into the College Football Hall of Fame. With Coach Girardi today are President Kent Trachte of Lycoming College, and several other administrators and alumni. I would appreciate if the Senate and my colleagues would give Coach Girardi and his wife, Lynn, and their four children - Frank, Jr., Jerry, Cathi, and Justine - a very warm Senate welcome.

The PRESIDENT. Would the guests of Senator Yaw, the great Hall of Fame coach, Coach Frank Girardi, and your delegation from Lycoming, please rise so that we may welcome you and congratulate you in the Pennsylvania Senate.

(Applause.)

The PRESIDENT. Also to speak on behalf of the great honor to Coach Girardi, the Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, in a prior life of mine, I lived in Williamsport, Pennsylvania, and was actually a radio broadcaster for the Lycoming College Warriors Football Team for one or two seasons. I got to work with the legendary Ken Sawyer. In fact, as someone who grew up in the shadows of Penn State and going to Penn State games on a regular basis, when I got this assignment, I was not necessarily all that thrilled, since it was smaller college football, but when I got there it was really an education on what great football was and what a great team Lycoming had. In fact, the first year I was there they made it all the way to the national championship game in Bradenton, Florida, against Allegheny College, from Pennsylvania as well. Unfortunately for us that day, the Warriors came up a little bit short, but it was a tremendous experience on my part.

In fact, one of my greatest thrills in the short broadcasting career I had was during midweek when you would meet with the coach a little bit and talk about the previous week and the week ahead for interviews, and I pointed out something that he was doing with his defense and one of his players, and he looked at me and said, you picked that up, did you? I said, well, I kind of saw it. He said, well, that is pretty good on your part. To have a legend say to a rookie broadcaster, you picked something up, well, I could have flown home from there. So, not only did they win a lot of games at Lycoming over the years, Coach Girardi is a great person and molded a lot of great men over the years in Williamsport, Pennsylvania.

So, it is a great thrill that he is here. I wish I would have been able to get to the luncheon, hopefully I get to shake your hand before you leave, but it is duly deserved. I do not throw terms like "legend" around very often, but he is clearly, truly a legend of college football in what he has done over the years. So, it is great to add my voice to Senator Yaw recognizing this true legend of Pennsylvania sports history.

Thank you, Mr. President.

The PRESIDENT. Coach, do you remember that incident with him picking that up?

Mr. GIRARDI. I used what Senator Corman told me in the game, and it helped out, so I owe him.

The PRESIDENT. The Coach said he used what Senator Corman told him in the game and it helped out, so he owes him. Thank you, Coach.

(Applause.)

### **GUESTS OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE**

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

Senator McILHINNEY. Mr. President, it is my pleasure to introduce some special guests seated in the gallery today: Tina Christie, president of the board of directors for the Lewy Body Dementia Association. She is accompanied today by her mother, Rosemarie Christie; her brother, James; and her uncle, Father William Chiriaco. They are in Harrisburg today for the introduction of a Senate resolution that I will be submitting designating the month of October 2016 as Lewy Body Dementia Awareness Month.

Please join me in giving them a warm Senate welcome.

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

(Applause.)

### **LEGISLATIVE LEAVE CANCELLED**

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

### **GUESTS OF SENATOR SCOTT E. HUTCHINSON PRESENTED TO THE SENATE**

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

Senator HUTCHINSON. Mr. President, I am pleased to welcome several guests to the Senate today. I am glad to have this opportunity to introduce members and guests of the Franklin Area and Venango Area Chambers of Commerce. They are visiting Harrisburg today to see our State government up close and personal. Mr. President, the Franklin Area Chamber of Commerce has served and represented the local business community of Franklin since 1913. Over 80 percent of its members are small businesses that are vital to our local community.

The Venango Area Chamber of Commerce was established in 2005 following the consolidation of the Cranberry Business and Professional Association and the Oil City Area Chamber of Commerce. It has also seen remarkable growth in this period, representing over 450 local firms, many of them also small businesses. Mr. President, both of these organizations are vital to our local economy in my home county of Venango, and I am so happy they are here visiting with us today. Please join me in welcoming them to the Pennsylvania State Senate.

The PRESIDENT. Would the guests of Senator Hutchinson from the Franklin and Venango Area Chambers of Commerce please rise so that we may welcome you to the Pennsylvania State. Great to have you with us, folks.

(Applause.)

### **GUESTS OF SENATOR JOHN EICHELBERGER PRESENTED TO THE SENATE**

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

Senator EICHELBERGER. Mr. President, it is my pleasure to introduce a group of students from the Great Commission High School in Altoona, which is a private Christian school in my district. They traveled here today as part of their American history and U.S. government studies programs, along with several of their teachers, to take a tour of the Capitol and observe our Senate Session. This morning, Representative McGinnis from Blair County and I met with the group and answered questions and got them started on a tour with our very capable tour staff at the Capitol.

I ask my colleagues this morning to welcome these 11th- and 12th-grade students and their faculty as they visit us here today.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Eichelberger from Great Commission School, students, teachers, faculty, and parents, please rise so that we may welcome you here.

(Applause.)

### **GUESTS OF SENATOR WAYNE D. FONTANA PRESENTED TO THE SENATE**

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

Senator FONTANA. Mr. President, joining us here today in the Senate are officials from the Pittsburgh Public Schools. Among members of the group is Dr. Anthony Hamlet, who was sworn in as the new superintendent of schools in July. He is making his first trip here to the Capitol to introduce himself and build what we know will be an effective working relationship with Members of the General Assembly and the administration, particularly the Department of Education.

Dr. Hamlet comes to Pittsburgh from Palm Beach County, Florida, schools where he served in a number of teaching and administrative positions. Prior to his career in education he played 3 years of professional football as a defensive end in the NFL for the Seattle Seahawks and the Indianapolis Colts, and in the Canadian Football League for the Winnipeg Blue Bombers. While in college, Dr. Hamlet played for the Miami Hurricanes. Joining Dr. Hamlet is Dr. Regina Holley, the president of the Pittsburgh School Board; Sylvia Wilson, first vice president; board member Moira Kaleida; Errika Fearbry Jones, executive director for internal and external affairs; and Ira Weiss, board solicitor.

Mr. President, on behalf of myself and Senator Costa, I ask my colleagues to join me in giving our guests from Pittsburgh our usual warm Senate welcome.

The PRESIDENT. Would the guests of Senator Fontana from the Pittsburgh School District please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

### **GUEST OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, it is my honor and privilege to introduce today's Chaplain, Mr. John Marquette, of the Lehigh Valley Quakers, which is located in Bethlehem. We have not had a Quaker give a prayer in a long time. I tried to go back and look at when, back to 1999, and there has not been one, so I am assuming we have not had one, probably ever.

Anyway, his prayer was so appropriate, so timely, and so beautiful, I wanted to say thank you. It is worth noting that William Penn founded Pennsylvania in 1682 where fellow Quakers could live and freely practice their religion. John told us that Quakers do not normally give verbal prayers, in most cases they pray silently, so I really think this was a rare and special occasion that Mr. Marquette offered his prayer today. So, I want the whole Senate to say thank you and to give its usual warm welcome.

The PRESIDENT. Would the guest of Senator Boscola, Member Marquette, please rise so that we may welcome you to the Pennsylvania State Senate. Thank you for your prayer.

(Applause.)

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

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

Senator TOMLINSON. Mr. President, before I introduce my guests, I join Senator Yaw and Senator Corman in congratulating the great coach from Lycoming on his great career and induction into the Hall of Fame. I also point out that those are wonderful awards, but when you think about the good work that these coaches do, the men they straighten out, and the young boys they actually help transform their lives with discipline – I have always felt that the football field and athletic field is a classroom, and I would just like to add my congratulations to Coach Girardi on his great successes. Thank you, Mr. President.

Mr. President, I also welcome Chet Marshall to the Senate today. He is my guest, along with his family. Chet and I go way back. We both went to school together and played football and athletics together at Bensalem High School. We then went on to be on the school board together serving our community, and if you think that being a Senator or a legislator is a difficult duty, you ought to try being a school board member. It is probably the toughest political position I ever had, and Chet was a great partner in helping build our public schools in Bensalem.

Chet is visiting today with his two sons and their families. His son, Dave, and his wife, Caryn Marshall, and their children, Jackson and Alexander are here. Dave is a Bensalem Township police officer, a technical sergeant in the Pennsylvania Air National Guard, and a volunteer firefighter. His son, Scott, and his wife, Jennifer Marshall, and their children, Tyler and Graham, are here with them. Scott is pastor at the Community Bible Church in Marietta, where he is the worship and creative arts pastor. Scott has also performed in Broadway productions in New York City.

Mr. President, it is an honor to host my longtime friend, Chet Marshall, and his family here today. Please join me in welcoming the Marshall family to the Pennsylvania Senate.

The PRESIDENT. Would the guests of Senator Tomlinson, Chet Marshall and his family, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission has been granted to add the following bill to the agenda for the off-the-floor meeting of the Senate Committee on Appropriations today: Senate Bill No. 1365.

### REQUEST FOR 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 off-the-floor meetings of the Committee on Public Health and Welfare, and the Committee on Education in the Rules room, and then we will caucus immediately following the committee meetings 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 in the Rules room, the Senate Democrats will meet in our caucus room for a caucus as well.

### LEGISLATIVE LEAVE CANCELLED

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

### RECESS

The PRESIDENT. For purposes of off-the-floor meetings of the Committee on Public Health and Welfare, and the Committee on Education, 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 Ward has returned, and her 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 White, and legislative leaves for Senator Rafferty and Senator Smucker.

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

### CALENDAR

#### 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.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 286 (Pr. No. 1437)** -- The Senate proceeded to consideration of the bill, entitled:

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

Joint Commission, for composition, for employees, for financing and for executive sessions; providing for majority approval and contract procedures; further providing for report; providing for conflicts of interest, for master plan and creating the Port Authority Transit Corporation Commuter's Council; further providing for definitions; authorizing the Governor to apply for approval; prohibiting the entrance into a compact until passage of a similar act; and making editorial changes.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 286?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 286.

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

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

YEA-37

Alloway	Eichelberger	Rafferty	Vulakovich
Argall	Farnese	Reschenthaler	Wagner
Aument	Folmer	Scarnati	Ward
Baker	Gordner	Scavello	White
Bartolotta	Greenleaf	Smucker	Williams
Boscola	Hutchinson	Stefano	Wozniak
Brooks	Killion	Teplitz	Yaw
Browne	McGarrigle	Tomlinson	
Corman	McIlhinney	Vance	
Dinniman	Mensch	Vogel	

NAY-13

Blake	Haywood	Leach	Tartaglione
Brewster	Hughes	Sabatina	Wiley
Costa	Kitchen	Schwank	Yudichak
Fontana			

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

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

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL LAID ON THE TABLE

SB 342 (Pr. No. 2021) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions regarding indebtedness and borrowing, further providing for definitions, for qualified interest rate management agreements and for financial reporting and providing for interest rate risk and interest cost management in first class cities and counties; and making editorial changes.

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

BILLS OVER IN ORDER

HB 423 and HB 447 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 535 (Pr. No. 2143) -- The Senate proceeded to consideration of the bill, entitled:

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



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

On the question,  
Shall the bill pass finally?

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

Senator VULAKOVICH. Mr. President, today I ask for an affirmative vote on Senate Bill No. 535, as amended. As a former municipal police officer, I recognize the important role that our local police forces play in neighborhoods across the Commonwealth. It is pretty amazing that in our technological age, Pennsylvania is the only State in the nation--I repeat, the only State in the nation--that still forces its local police to use stop watches to enforce traffic speed limits. We have sophisticated radar available, and police use stopwatches. It simply does not make sense. I do not question the ability of local officers to use ESP, VASCAR, or AccuTrak, but with those systems human error is an issue, and a minimal hesitation on timing can have a dramatic impact on the fines and penalties imposed. Now, based on those variables, more than a few people end up challenging speeding tickets in court, which takes officers off of patrol duties and costs taxpayers to prosecute those relatively minor offenses.

Now, on the other hand, it is much more difficult to challenge the results of a properly-tested and calibrated radar gun when used by a properly-trained police officer. And there is also a deterrence factor. Local motorists can now figure out where traffic speeds are enforced by looking for white lines across the road, and on the other hand, radar is mobile, it only takes one officer to use it as opposed to multiple officers that are usually needed for VASCAR.

I would like to share with you some national statistics to show where Pennsylvania ranks in road safety that were first shared with me by Tom King, who is the former chief of police in State College. The 2013 National Highway Traffic Safety Administration crash data has a lot of important information. The following points identify a problem in Pennsylvania. Pennsylvania had the third-highest number of speed-related fatalities, 550, less than only Texas and California, which are both much more populous States. Across the country, the State average of speed-related deaths in 2013 was 193, making Pennsylvania nearly triple the number of speed-related deaths again in 2013. The clear majority, 87 percent of the 550 speed-related fatalities in PA in 2013 occurred on roadways primarily patrolled and enforced by local law enforcement. We can save lives when it comes to motorists dying from speed-related crashes, and radar is the way to do it.

Getting to this historical vote today would not have been possible without the hard work and dedication of the Radar Coalition and of Jim Nowalk, who is mayor of Whitehall Borough. Jim has fought together with many local government groups to form this coalition, including the FOP, Pennsylvania Chiefs of Police Association, Pennsylvania Association of Township Supervisors, Pennsylvania State Association of Boroughs, Pennsylvania Municipal League, Pennsylvania State Mayors' Association, and even Pittsburgh, my hometown. I thank each and every one of them for their advocacy and hard work. I also thank Senator Rafferty. This bill is something he and I have spoken about for a long time. The amendment added to the bill earlier reflects

many of the provisions of his radar bill, Senate Bill No. 559. His willingness to work with me on this issue is greatly appreciated.

It is time the General Assembly takes action on this issue. We often talk about equipping our officers with the latest and best in technology. We give police officers a badge, taser, handcuffs, and a gun, but we will not give them radar. It is well past time we provide our officers with speed enforcement mechanisms. If you think this bill is going to result in receiving a ticket, I say to you slow down, save a life, and make someone happy instead of sad. I have witnessed too many accidents in my 27 years strictly because of speeding. This will save lives. Once again, we are the only State in the nation that does not allow our local police officers to use radar.

Thank you, Mr. President. I ask for an affirmative vote.

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-47

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

NAY-3

Boscola	Brooks	Vogel
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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 LAID ON THE TABLE

**SB 559 (Pr. No. 2095)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL OVER IN ORDER

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

## BILL AMENDED

**SB 840 (Pr. No. 1962)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; and, in rules of the road in general, further providing for speed timing devices and providing for automated speed enforcement systems.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ALLOWAY, on behalf of Senator RAFFERTY, offered the following amendment No. A9723:

Amend Bill, page 1, lines 1 through 5, by striking out all of said lines and inserting:

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; and, in rules of the road in general, further providing for speed timing devices and providing for automated speed enforcement systems.

Amend Bill, page 1, lines 8 through 19; pages 2 through 13, lines 1 through 30; page 14, lines 1 through 13; by striking out all of said lines on said pages and inserting:

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read:

§ 102. Definitions.  
Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\*\*\*

"Automated speed enforcement system." An electronic traffic sensor system that:

(1) is able to automatically detect vehicles exceeding the posted speed limit with a type of speed timing device; and

(2) records the vehicle's rear license plate, location, date, time and speed.

"Automated speed enforcement work area." The portion of an active work zone where construction, maintenance or utility workers are located on the roadway, berm or shoulder and workers are adjacent to an active travel lane and where an automated speed enforcement system is active. For the purposes of this definition, workers shall also be considered adjacent to an active travel lane where workers are present and are protected by a traffic barrier.

\*\*\*

Section 2. Section 3368(c)(2) of Title 75 is amended and the subsection is amended by adding a paragraph to read:

§ 3368. Speed timing devices.--

\*\*\*

(c) Mechanical, electrical and electronic devices authorized.--

\*\*\*

(2) Except as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices [(commonly referred to as electronic speed meters or radar)], may be used only as part of an automated speed enforcement system or by members of the Pennsylvania State Police.

\*\*\*

(5) Light detection and ranging devices, commonly referred to as LIDAR, may be used only as part of an automated speed enforcement system.

\*\*\*

Section 3. Title 75 is amended by adding a section to read:

§ 3368.1. Automated speed enforcement systems.

(a) Establishment.--A program is established to provide for automated speed enforcement systems in active work areas.

(b) Applicability.--This section shall apply only to automated speed enforcement work areas on interstate highways under the jurisdiction of the department or interstate highways or freeways under the jurisdiction of the Pennsylvania Turnpike Commission. An automated

speed enforcement system shall not be used unless:

(1) At least two appropriate warning signs are conspicuously placed before the active work area notifying the public that an automated speed enforcement device is in use.

(2) A notice identifying the location of the automated speed enforcement system is posted on the department's or Pennsylvania Turnpike Commission's publicly accessible Internet website throughout the period of use.

(c) Liability.--Driving in excess of the posted speed limit in an automated speed enforcement work area by at least 11 miles per hour is a violation of this section.

(d) Notice of violation.--

(1) (i) An action to enforce this section shall be initiated by an administrative notice of violation to the registered owner of a vehicle identified by an automated speed enforcement system as violating this section. A notice of violation based upon inspection of recorded images produced by an automated speed enforcement system and sworn or affirmed by an authorized employee of the department or the Pennsylvania Turnpike Commission shall be prima facie evidence of the facts contained in it. The authorized employee of the department or the Pennsylvania Turnpike Commission must be under contract to the department or the Pennsylvania Turnpike Commission.

(ii) The notice of violation must include written verification that the automated speed enforcement system was operating correctly at the time of the alleged violation and the date of the most recent inspection that confirms it to be operating properly.

(iii) The following shall be attached to the notice of violation:

(A) A copy of the recorded image showing the vehicle with its license plate visible.

(B) The registration number and state of issuance of the vehicle registration.

(C) The date, time and place of the alleged violation.

(D) Notice that the violation charged is under this section.

(E) Instructions for return of the notice of violation.

(2) In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation shall be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner as listed in the records of the department.

(3) In the case of a violation involving a motor vehicle registered in a jurisdiction other than this Commonwealth, the notice of violation shall be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle.

(4) A notice of violation shall be invalid unless provided to an owner within 90 days of the offense.

(5) The notice shall include the following text:

This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner.

(6) Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the system administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.

(e) Penalty.--

(1) The penalty of a violation under this section shall be a fine of \$100, and the fine shall not be subject to 42 Pa.C.S. § 3571 (relating to Commonwealth portion of fines, etc.) or 3573 (relating to municipal corporation portion of fines, etc.).

(2) The fine is not authorized during times when the automated speed enforcement work area is not active.

(3) A penalty imposed under this section shall not be:

(i) deemed a criminal conviction;

(ii) be made part of the operating record under section 1535 (relating to schedule of convictions and points) of the individual upon whom the penalty is imposed;

(iii) the subject of merit rating for insurance purposes; or

(iv) authorize imposition of surcharge points in the provision of motor vehicle insurance coverage.

(f) Limitations.--

(1) Recorded images collected as part of the automated speed

enforcement system may record only violations of this section and may not be used for any other surveillance purposes. The restrictions set forth in this paragraph shall not preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials, if the information is requested solely in connection with a criminal law enforcement action and is reasonably described.

(2) Notwithstanding any other provision of law, information gathered and maintained under this section which is kept by the Commonwealth, its authorized agents or its employees, including recorded images, written records, reports or facsimiles, names and addresses shall be for the exclusive purpose of discharging its duties under this section. The information shall not be deemed a public record under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise or be admissible as evidence in any proceeding except to determine liability under this section. The restrictions set forth in this paragraph shall not preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials, if the information is requested solely in connection with a criminal law enforcement action and is reasonably described.

(3) Recorded images obtained through the use of automated speed enforcement systems deployed as a means of promoting traffic safety in automated speed enforcement work areas shall be destroyed within one year of final disposition of a notice of violation, except that images subject to a court order under paragraph (1) or (2) shall be destroyed within two years after the date of the order, unless further extended by court order.

(4) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated speed enforcement system shall be the exclusive property of the department or Pennsylvania Turnpike Commission and may not be used for any purpose other than prescribed in this section.

(5) A violation of this subsection shall constitute a third-degree misdemeanor punishable by a \$500 fine. Each violation shall constitute a separate and distinct offense.

(g) Defenses.--

(1) It shall be a defense to a violation under this section that the vehicle was reported to a police department as stolen prior to the time the violation occurred and was not recovered prior to that time.

(2) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner of the vehicle at the time of the offense.

(h) Authority and duties of department and Pennsylvania Turnpike Commission.--

(1) The department and Pennsylvania Turnpike Commission shall each establish a five-year automated speed enforcement system program not later than 18 months following the effective date of this section.

(2) (i) The department and Pennsylvania Turnpike Commission may each promulgate regulations for the certification and the use of automated speed enforcement systems.

(ii) In order to facilitate the prompt implementation of this section, regulations promulgated by the department and Pennsylvania Turnpike Commission under this section shall be deemed temporary regulations and not subject to:

(A) Sections 201, 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(B) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) (i) The department and Pennsylvania Turnpike Commission shall each serve directly or through a contracted private service as the system administrator of the program. Compensation under a contract authorized by this paragraph shall be based only upon the value of equipment and services provided or rendered in support of the automated speed enforcement system program and may not be based in any part upon the quantity of notices of violation issued or amount of fines imposed or generated.

(ii) The system administrator shall prepare and issue notices of violation.

(iii) A restricted account is established in the State Treasury for fines remitted to the department or Pennsylvania Turnpike Commission, based on where the violation occurred. The system administrator shall send an invoice to the department or Pennsylvania Turnpike Com-

mission based on the services under subparagraph (i). The department or Pennsylvania Turnpike Commission shall establish a restricted account to remit fines to pay for the administration of the pilot program and the system administrator's invoice costs. Remaining fines shall be allocated by the department or Pennsylvania Turnpike Commission as follows:

(A) Seventy-five percent of the fines over the duration of the five-year program from violations occurring in an automated speed enforcement system on either an interstate highway managed by the department or an interstate highway or freeway under the jurisdiction of the Pennsylvania Turnpike Commission shall be deposited into a restricted account on a quarterly basis. The Department of Revenue shall, within 90 days of the date of deposit, transfer to the Pennsylvania State Police an amount equivalent to the previous quarterly deposit to be used by the Pennsylvania State Police as follows:

(I) Fifty-five percent of the funds shall be dedicated and used for the purpose of recruiting, training or equipping Pennsylvania State Police Cadets.

(II) Forty-five percent of the funds shall be dedicated and used to pay for an increased Pennsylvania State Trooper presence in work zones on the State road system managed by the department or the Pennsylvania Turnpike Commission that do not utilize concrete barriers. The assignments shall be made on as-necessary basis as determined by the Pennsylvania State Police. Funds under this subclause shall be in addition to any contractual agreement between the department or the Pennsylvania Turnpike Commission and the Pennsylvania State Police for enforcement in work zones on the State road system managed by the department or the Pennsylvania Turnpike Commission.

(B) Twenty-five percent of the fines over the duration of the five-year program from violations occurring in an automated speed enforcement system shall be transferred to the department or the Pennsylvania Turnpike Commission, whichever State road system utilized the automated speed enforcement system, for the purpose of work zone safety, traffic safety and educating the motoring public on work zone safety, at the discretion of the department or Pennsylvania Turnpike Commission.

(iv) If the amount of funds under clause (A) is lower than the amount of funds under clause (A) for the previous fiscal year, funds from the Motor License Fund may not be used to supplement the funds for the current fiscal year. Funding provided for under clause (A) shall be supplemental and shall not prohibit the Pennsylvania State Police from obtaining additional funding from any other means.

(v) If the five-year program is not extended by the General Assembly, any remaining fines remitted to the department or Pennsylvania Turnpike Commission shall remain with the department or Pennsylvania Turnpike Commission for the purpose of work zone safety, traffic safety and educating the motoring public on work zone safety, at the discretion of the department or Pennsylvania Turnpike Commission.

(vi) The system administrator shall provide an appropriate printed form by which owners may challenge a notice of violation and convenient hearing hours and times in each of the following metropolitan areas for challenges to be heard as provided in this section: Erie, Harrisburg, Philadelphia, Pittsburgh and Scranton. The form may be included with or as part of the notice of violation.

(4) Not later than April 1 annually, the department and Pennsylvania Turnpike Commission shall submit a report on the program for the preceding calendar year to the chairperson and minority chairperson of the Transportation Committee of the Senate and the chairperson and minority chairperson of the Transportation Committee of the House of Representatives. The report shall be a public record under the Right-to-Know Law and include:

(i) The number of vehicular accidents and related serious injuries and deaths in all work zones and in automated speed enforcement work areas in which the program operated.

(ii) Speed data.

(iii) The number of notices of violation issued.

(iv) The amount of fines imposed and collected.

(v) Amounts paid under contracts authorized by this section.

(vi) The number of hours of Pennsylvania State Police presence that were provided as a result of the funds under paragraph (3)(iii)(A)(II).

(i) Payment of fine.--

(1) An owner may admit responsibility for the violation and pay the fine provided in the notice personally, through an authorized

agent, electronically or by mailing both payment and the notice of violation to the system administrator.

(2) Payment by mail must be made only by money order, credit card or check made payable to the Commonwealth.

(3) Payment of the fine shall operate as a final disposition of the case.

(4) If payment is not received within 90 days of original notice, the department or Pennsylvania Turnpike Commission may turn the matter over to applicable credit collection agencies.

(i) Contest.--

(1) An owner may, within 30 days of the mailing of the notice, request a hearing to contest liability by appearing before the system administrator either personally or by an authorized agent or by mailing a request in writing on the prescribed form. Appearances in person shall be only at the locations and times set by the system administrator.

(2) Upon receipt of a hearing request, the system administrator shall in a timely manner schedule the matter before a hearing officer designated by the department or Pennsylvania Turnpike Commission. Written notice of the date, time and place of hearing must be presented or sent by first class mail to the owner.

(3) The hearing shall be informal and the rules of evidence shall not apply. The decision of the hearing officer shall be final, subject to the right of the owner to appeal the decision.

(4) If the owner requests in writing that the decision of the hearing officer be appealed, the system administrator shall file the notice of violation and supporting documents with the office of the magisterial district judge for the magisterial district where the violation occurred, and the magisterial district judge shall hear and decide the matter de novo.

(k) Expiration.--This section shall expire five years from the effective date of this section.

Section 4. The Secretary of Transportation or the Chairman of the Pennsylvania Turnpike Commission shall publish a notice in the Pennsylvania Bulletin when an automated speed enforcement system is operational in this Commonwealth.

Section 5. This act shall take effect as follows:

(1) The addition of 75 Pa.C.S. § 3368.1(e) shall take effect 60 days after publication in the Pennsylvania Bulletin of the notice under section 4.

(2) The addition of 75 Pa.C.S. § 3368.1(h)(2) shall take effect in 45 days.

(3) Section 4 and this section shall take effect immediately.

(4) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator BROWNE. Mr. President, notwithstanding the sponsor's legitimate intent of this amendment, I am asking the Members of the Senate to respectfully vote against the amendment. Obviously, we have an opportunity every year as a body, this body along with the House and the Governor, to consider all suggestions regarding the appropriate investments that this Commonwealth makes in many different areas, including work-zone safety. What would be the appropriate amount to invest, where it should be invested, that is one of our prime responsibilities. In fact, some would argue it is our only constitutional responsibility legislatively.

The target for this amendment in terms of funding, where it goes, is obviously something that we covet during a budget process, something that the entire Assembly looks to support in regards to a very important organization in Pennsylvania that is in charge of our public safety. We have to keep in mind when we have revenue capacity that is available to the Assembly, it is our obligation to review it on an annual basis to determine where it is best invested. It is quite possibly likely that in that process, if

I had to project forward, that no doubt the State Police would be the logical target for most of the money, maybe all of the money, but that is for us as a body during our annual appropriations process that we do collectively to review every year. This amendment would target it specifically outside of that process. I think the best way to do this is to respect our appropriations process, and it is the best way to insure that the actual substance of the purpose of this bill is honored, so I am asking the Members for a negative vote.

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

Senator COSTA. Mr. President, I rise and ask for support for this particular amendment. I certainly have a tremendous amount of respect for the chairman of the Committee on Appropriations and certainly understand his desire to want to be in a position to be able to drive out those resources, but the fact of the matter is these resources are resources that would be derived from work that the folks who are State Troopers and at the State Police would be working with and encompasses measures that allow for safety enhancement measures as we go forward, particularly as it relates with the universe of folks who would be involved in this process. I think there are a number of areas where this General Assembly, and there will be a decision from this General Assembly in terms of where those revenues would go. That is exactly what is taking place right now. There will be a vote up or down on this particular piece of legislation, similarly in the House, there will be a vote taken, and the Governor can decide whether he thinks it is appropriate to go into the General Fund to be distributed or whether or not it be directed and targeted to the State Police, as defined in this amendment. So I am asking my colleagues to support the amendment because I think it is an appropriate distribution of these resources.

At the end of the day it is a very, very good piece of legislation, and I applaud the makers of the amendment. I know our folks have been involved with this conversation. Senator Schwank and Senator Argall have been at the forefront of this conversation and it is an appropriate measure to move forward, but I think this Chamber should take the lead in determining where these resources should go. I think it is in the best interest of our Commonwealth as a whole that we be able to do this.

So, I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I rise to support this amendment. About 3 years ago, in a big bipartisan fashion, we passed a transportation bill that we gave a commitment and a promise to improve our infrastructure, build our roads, take care of our bridges, our ports, our Rails-to-Trails, our bicyclists, and a myriad of other things. What we have been doing over the past decade is slowly usurping money from transportation and putting it in the general budget, but really putting it into the State Police. So, in other words, we are not taking care of our roads and bridges and all of the commitments that we made, we are using that money to pay for the State Police because we do not have the courage to balance our budget. This is a small but first step to start finding a dedicated funding formula, even though this is not going to raise a lot of money, at least commit it to the State Police, where it should go.

This is an appropriate decision. We need to start looking at a dedicated funding source, not fines of course, but this is a small

step to help defray the cost of the people who are that thin gray line that protect us on our highways. This is a good and prudent amendment, and I ask for an affirmative vote. Thank you.

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

Senator CORMAN. Mr. President, just to, maybe I do not want to say correct, but correct the previous speaker's comments, we took a very large step in dealing with that issue in the budget by capping the amount of money and then ultimately reducing the amount of money that goes from the State Police to the Motor License Fund. So we have addressed that issue, and we will continue to address that issue. It is very important. You are right, we want the Motor License Fund dollars to go to transportation and to the infrastructure of Pennsylvania. That is why we moved that in a bipartisan way, passing the Fiscal Code to take a very large step to begin to remove those dollars out of our Motor License Fund and into the General Fund.

Now, I think what our chairman of the Committee on Appropriations is asking for is every time we do a dedicated source, we take our power away. We remove the power of this General Assembly to appropriate dollars where we see they need to be appropriated. Clearly, one of our priorities, for every Member of the General Assembly, all 50 Members of the Senate - Republican, Democrat, rural, suburban, urban areas - is our State Police. Our State Police come to our appropriations process, they make their case for dollars, and we are always very, very supportive of our State Police, and we will continue to be very, very supportive of the State Police.

So the question before us as Senators, as legislators, and as appropriators of the Committee on Appropriations, is, do we want to just give away our discretion by continuing to develop dedicated funding sources that go to certain places that remove our ability to prioritize dollars and put them where we think they should go, or do we want to pass these dedicated funds and then we have no discretion? They continue to grow, and they continue to grow, and they continue to grow, and all of a sudden, dollars are gone. So, I think we would like to have that flexibility. I think it is important as legislators to have that flexibility. I respect the appropriations process, as a former chairman of the Committee on Appropriations, that we know where to prioritize our dollars. So, to me, this is not a decision about whether we support State Police. Obviously, we all do. I do not think there is a Member in this Chamber who is not very, very supportive of the State Police.

We also support transportation infrastructure. That is why we took a very large step in dealing with that issue in July, but today this gives us flexibility. If we would pass this amendment, we would lose some of that flexibility as far as appropriating our dollars where we see fit, whether it be the State Police, whether it be human services, whether it would be agriculture, whatever it may be. We want to have the flexibility to make sure we take care of all of our priorities here in the Commonwealth.

So I concur with the chairman of the Committee on Appropriations and ask for a "no" vote on this amendment.

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

Senator SCHWANK. Mr. President, notwithstanding the discussion, I will say, on where the funds from this legislation are to go, I want to remind the Members of this body that the idea was never about revenue. The idea was to work on workplace

safety, both for the individuals who work on our roads and the turnpike, as well as our motorists who are oftentimes in accidents within work zones. The whole idea behind this legislation was public safety. The amount of money for the fine was \$100. It was purposely kept low so that we would not think of this as some sort of money grab. I was very mindful of that when I agreed to cosponsor this.

I will remind everyone, and I think Senator Argall will remember this, too, this idea was brought to us from our district executive, District 5, the PennDOT district that Senator Argall and I share, and the district executive said to us, can we work on legislation that will help protect our workers from drivers who are driving too fast and who are endangering their lives? We all see those orange cones and we look at all the good information that PennDOT is putting out. This was part of a safety initiative. I do not want anybody to lose sight of that. Thank you.

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

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

YEA-32

Alloway	Dinniman	Leach	Tartaglione
Argall	Farnese	McGarrigle	Teplitz
Baker	Fontana	McIlhinney	Tomlinson
Bartolotta	Greenleaf	Rafferty	Ward
Blake	Haywood	Sabatina	Wiley
Boscola	Hughes	Scavello	Williams
Brewster	Killion	Schwank	Wozniak
Costa	Kitchen	Stefano	Yudichak

NAY-18

Aument	Folmer	Scarnati	Wagner
Brooks	Gordner	Smucker	White
Browne	Hutchinson	Vance	Yaw
Corman	Mensch	Vogel	
Eichelberger	Resenthaler	Vulakovich	

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

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

BILL OVER IN ORDER TEMPORARILY

**HB 869** -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

BILLS OVER IN ORDER

**HB 928, HB 930 and SB 1160** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1300 (Pr. No. 2144)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for residency during military service.

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 Dauphin, Senator Teplitz.

Senator TEPLITZ. Mr. President, I encourage my colleagues to approve this legislation, which would insure that military service members are not excluded from running for office. Currently, under State law, an individual who is elected or appointed to a municipal office must be a resident of the municipality at the time of the election or appointment, as well as for the immediate prior year. However, military service members who are stationed elsewhere and return to their hometowns may not meet that residency requirement for reasons beyond their control. Senate Bill No. 1300 improves residency qualifications of municipal office for individuals who are seeking election or appointment to fill a vacancy so that their recent service in the military does not interfere with their ability to satisfy the residency requirements. A military service exception already exists for Members of the General Assembly.

It is extremely important that individuals who want to run for office locally are residents of that municipality, but the law should not penalize citizens for their military service. When they return from their military service, these heroes deserve the opportunity to continue to serve their communities by seeking office. I first proposed this legislation after a constituent reached out to me regarding his inability to run for a local office due to his active military service. I recommended the language of the bill to Senator Hutchinson, the chairman of the Committee on Local Government, and also a member of the Local Government Commission, and at Senator Hutchinson's request I presented the proposal at a meeting of the Local Government Commission earlier this year. I appreciate Senator Hutchinson's efforts and the Local Government Commission members' efforts to help make this bipartisan bill a reality. So again, I urge my colleagues to help insure that the members of our military are not excluded from the democratic process.

Thank you very much, Mr. President.  
The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I, too, rise to urge my colleagues to join me in supporting this bill, an important way to allow those who serve our country to also serve their local municipalities as elected officials. I thank Senator Teplitz for his role in formulating this idea and working with us to get it to this point and, hopefully, across the finish line. I thank him for his help, and I ask for my colleagues' votes in favor of this bill.

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-50

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

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.

**SB 1313 (Pr. No. 2145)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

**SB 1323, SB 1324, HB 1334, SB 1344, HB 1403 and HB 1496** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1581 (Pr. No. 3089) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of strangulation.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

Senator GORDNER. Mr. President, I want to take a moment to, first of all, urge my colleagues to support House Bill No. 1581, but in true democratic fashion, I have a student from my district who goes to Lock Haven University, Kristin Gilson, who is in the audience here with her mother. She is getting ready to graduate in December but is doing an internship this semester with a domestic violence shelter. She had scheduled today to come down to advocate for support of House Bill No. 1581. We had a chance to meet here for a moment. So, not only did she come down and advocate, but she is going to be able to see final passage of this legislation. I wanted to recognize her and to encourage folks, on issues that they are passionate about, to come and advocate to us. So, I urge passage of House Bill No. 1581.

Thank you, Mr. President.

The PRESIDENT. Thank you, Senator Gordner. Let us see if Kristin's advocacy helps this bill pass.

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-50

Table with 4 columns of names: Alloway, Argall, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Corman, Costa, Dinniman, Eichelberger, Farnese, Folmer, Fontana, Gordner, Greenleaf, Haywood, Hughes, Hutchinson, Killion, Kitchen, Leach, McGarrigle, McIlhinney, Mensch, Rafferty, Resenthaler, Sabatina, Scarnati, Scavello, Schwank, Smucker, Stefano, Tartaglione, Teplitz, Tomlinson, Vance, Vogel, Vulakovich, Wagner, Ward, White, Wiley, Williams, Wozniak, Yaw, 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.

LEAVE CHANGED

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION RESUMED

BILLS OVER IN ORDER

HB 1734, HB 1841, HB 1842, HB 1864, HB 1923, HB 1948 and HB 1959 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 34 (Pr. No. 3639) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extensively revising statutory arbitration; and making editorial changes.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 185, SB 525, HB 613, HB 813 and SB 851 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION, AMENDED

SB 976 (Pr. No. 1372) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment No. A10646:

Amend Bill, page 1, line 1, by striking out "Title" and inserting: Titles

Amend Bill, page 1, line 1, by inserting after "Offenses)": and 42 (Judiciary and Judicial Procedure)

Amend Bill, page 1, line 3, by striking out "and" and inserting a comma:

Amend Bill, page 1, line 5, by striking out the period after "communications" and inserting:

and for exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices; and providing for recordings by law enforcement officers.

Amend Bill, page 1, lines 13 through 19; pages 2 through 9, lines 1 through 30; page 10, lines 1 through 21; by striking out all of said lines on said pages and inserting:

Section 1. The definition of "oral communication" in section 5702 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5702. Definitions.

As used in this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\*\*\*

"Oral communication." As follows:

(1) Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation. The term does not include any electronic communication [.] or a communication made in the presence of a law enforcement officer on official duty who is in uniform or otherwise clearly identifiable as a law enforcement officer and who is using an electronic, mechanical or other device which has been approved under section 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the oral communication in the course of law enforcement duties.

(2) For purposes of this definition, a law enforcement officer means a member of the Pennsylvania State Police or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

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Section 2. Sections 5704(13), (14) and (16) and 5706(b)(4) of Title 18 are amended to read:

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful and no prior court approval shall be required under this chapter for:

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(13) An investigative officer, a law enforcement officer or employees of the Department of Corrections for State correctional facilities to intercept, record, monitor or divulge any [telephone calls] oral, electronic or wire communication from or to an inmate in a facility under the following conditions:

(i) The Department of Corrections shall adhere to the following procedures and restrictions when intercepting, recording, monitoring or divulging any [telephone calls] oral, electronic or wire communication from or to an inmate in a State correctional facility as provided for by this paragraph:

(A) Before the implementation of this paragraph, all inmates of the facility shall be notified in writing that, as of the effective date of this paragraph, their [telephone conversations] oral, electronic or wire communications may be intercepted, recorded, monitored or divulged.

(B) Unless otherwise provided for in this paragraph, after intercepting or recording [a telephone conversation] any oral, electronic or wire communication, only the superintendent, warden or a designee of the superintendent or warden or other chief administrative official or his or her designee, or law enforcement officers shall have access to that recording.

(C) The contents of an intercepted and recorded [telephone conversation] oral, electronic or wire communication shall be divulged only as is necessary to safeguard the orderly operation of the facility, in response to a court order or in the prosecution or investigation of any crime.

(ii) So as to safeguard the attorney-client privilege, the Department of Corrections shall not intercept, record, monitor or divulge any [conversation] oral, electronic or wire communication between an inmate and an attorney.

(iii) [Persons who are calling in to a facility to speak to an inmate shall be notified that the call may be recorded or monitored.] Persons who are engaging in an oral, electronic or wire communication

with an inmate shall be notified that the communication may be recorded or monitored. Notice may be provided by any means reasonably designed to inform the non-inmate party to the communication of the recording or monitoring.

(iv) The Department of Corrections shall promulgate guidelines to implement the provisions of this paragraph for State correctional facilities.

(14) An investigative officer, a law enforcement officer or employees of a county correctional facility to intercept, record, monitor or divulge any [telephone calls] oral, electronic or wire communication from or to an inmate in a facility under the following conditions:

(i) The county correctional facility shall adhere to the following procedures and restrictions when intercepting, recording, monitoring or divulging any [telephone calls] oral, electronic or wire communication from or to an inmate in a county correctional facility as provided for by this paragraph:

(A) Before the implementation of this paragraph, all inmates of the facility shall be notified in writing that, as of the effective date of this paragraph, their [telephone conversations] oral, electronic or wire communications may be intercepted, recorded, monitored or divulged.

(B) Unless otherwise provided for in this paragraph, after intercepting or recording [a telephone conversation] any oral, electronic or wire communication, only the superintendent, warden or a designee of the superintendent or warden or other chief administrative official or his or her designee, or law enforcement officers shall have access to that recording.

(C) The contents of an intercepted and recorded [telephone conversation] oral, electronic or wire communication shall be divulged only as is necessary to safeguard the orderly operation of the facility, in response to a court order or in the prosecution or investigation of any crime.

(ii) So as to safeguard the attorney-client privilege, the county correctional facility shall not intercept, record, monitor or divulge any [conversation] oral, electronic or wire communication between an inmate and an attorney.

(iii) [Persons who are calling into a facility to speak to an inmate shall be notified that the call may be recorded or monitored.] Persons who are engaging in an oral or wire communication with an inmate shall be notified that the communication may be recorded or monitored. Notice may be provided by any means reasonably designed to inform the non-inmate party to the communication of the recording or monitoring.

(iv) The superintendent, warden or a designee of the superintendent or warden or other chief administrative official of the county correctional system shall promulgate guidelines to implement the provisions of this paragraph for county correctional facilities.

\*\*\*

[(16) A law enforcement officer, whether or not certified under section 5724 (relating to training), acting in the performance of his official duties to intercept and record an oral communication between individuals in accordance with the following:

(i) At the time of the interception, the oral communication does not occur inside the residence of any of the individuals.

(ii) At the time of the interception, the law enforcement officer:

(A) is in uniform or otherwise clearly identifiable as a law enforcement officer;

(B) is in close proximity to the individuals' oral communication;

(C) is using an electronic, mechanical or other device which has been approved under section 5706(b)(4) (relating to exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices) to intercept the oral communication; and

(D) informs, as soon as reasonably practicable, the individuals identifiably present that he has intercepted and recorded the oral communication.

(iii) As used in this paragraph, the term "law enforcement officer" means a member of the Pennsylvania State Police or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).]

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§ 5706. Exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices.

\* \* \*

(b) Responsibility.--

\* \* \*

(4) The Pennsylvania State Police shall annually establish equipment standards for any electronic, mechanical or other device which is to be used by law enforcement officers [for purposes of interception as authorized under section 5704(16).] to record communications made in the presence of a law enforcement officer that are excepted from the definition of "oral communication" in section 5702 (relating to definitions). The equipment standards shall be published annually in the Pennsylvania Bulletin.

Section 3. Title 42 is amended by adding a chapter to read:

CHAPTER 67

RECORDINGS BY LAW ENFORCEMENT OFFICERS

Sec.

6701. Definitions.

6702. Production of an audio or video recording.

6703. Procedure for requesting production of a law enforcement audio or video recording.

§ 6701. Definitions.

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

"Audio or video recording pertaining to an investigation." An audio or video recording pertains to an investigation if it includes:

(1) Complaints of potential criminal conduct.

(2) The identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.

(3) Information made confidential by law or court order.

(4) Victim information, including any information that would jeopardize the safety of the victim.

(5) Information that would, if disclosed, do any of the following:

(i) Reveal the institution, progress or result of a criminal investigation, except for the filing of criminal charges.

(ii) Deprive an individual of the right to a fair trial or an impartial adjudication.

(iii) Impair the ability of a law enforcement officer, a district attorney or the Attorney General to locate a defendant or codefendant.

(iv) Hinder a law enforcement officer's, a district attorney's or the Attorney General's ability to secure an arrest, prosecution or conviction.

(v) Endanger the life or physical safety of an individual.

"Law enforcement officer." A member of the Pennsylvania State Police or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

§ 6702. Production of an audio or video recording.

An audio or video recording by a law enforcement officer shall not be subject to production under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

§ 6703. Procedure for requesting production of a law enforcement audio or video recording.

(a) Written request.--A party seeking production of an audio or video recording made by a law enforcement officer shall, within 14 days of the date on which the audio or video recording was made, serve a written request on the person who is designated as the Right-to-Know officer under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, for the law enforcement agency that employs the law enforcement officer that made the audio or video recording. The following shall apply:

(1) The written request must identify with particularity an incident or event that is the subject of the audio or video recording, including the date, time and location of the incident or event.

(2) The written request must identify each individual who was present at the time of the audio or video recording or, if the identity of an individual is unknown, describe the individual.

(3) If the audio or video recording has been identified by the law enforcement agency as potential evidence in a criminal matter, the law enforcement agency shall notify the appropriate district attorney or

the Attorney General, who shall be permitted to certify that the audio or video recording pertains to an investigation.

(4) It shall be grounds for denial of the written request if the district attorney or Attorney General certifies that the audio or video recording pertains to an investigation.

(5) A law enforcement agency may establish reasonable fees relating to the costs incurred to disclose audio or video recordings. The fees shall be paid by the requesting party at the time of disclosure of the audio or video recording.

(b) Petition.--A party seeking production of an audio or video recording made by a law enforcement officer may, within 14 days of the date on which the written request was denied or deemed to be denied by the law enforcement agency, file a petition in the court of common pleas having jurisdiction of the matter. The following shall apply:

(1) The petitioner shall pay a filing fee of \$250.

(2) The petitioner shall certify that notice of the petition has been served or that service was attempted on each individual who was present at the time of the audio or video recording and, if the requested audio or video recording was made inside a structure, the owner and occupant of the structure.

(3) The petition shall include a copy of the written request that was served on the law enforcement agency and any written response by the law enforcement agency to the request.

(c) Summary dismissal.--It shall be grounds for summary dismissal of the petition under subsection (b) if any of the following apply:

(1) The written request to the law enforcement agency or the filing of the petition was untimely.

(2) The written request to the law enforcement agency failed to describe with sufficient particularity the incident or event that is the subject of the audio or video recording, including the date, time and location of the incident or event.

(3) The district attorney or Attorney General certified in response to the written request that the audio or video recording pertains to an investigation.

(d) Order.--

(1) The court may grant the petition under subsection (b), in whole or in part, and order disclosure of the audio or video recording if the court determines that the petitioner has established all of the following by a preponderance of the evidence:

(i) Neither the district attorney nor the Attorney General has certified that the audio or video recording pertains to an investigation.

(ii) Disclosure of the audio or video recording would be permissible under the Right-to-Know Law.

(iii) The public interest in disclosure outweighs the interests of the law enforcement agency, the Commonwealth or any individual's interest in nondisclosure.

(2) When making a determination under paragraph (1)(iii), the court may consider the public's interest in understanding how law enforcement officers interact with the public, the interests of crime victims and others in safety and privacy and the resources available to review and disclose audio or video recordings.

Section 4. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator GREENLEAF. Mr. President, I rise to offer this amendment that we have been working on for several years with various groups that have an interest in this and we have come to an agreement. It deals with body cams and the use of body cams by law enforcement. We found that the use of body cams is something that we all want, certainly law enforcement wants it, and so do those people who come in contact with law enforcement. We found that it has an effect that reduces conflict, reduces confrontation among the parties, has a positive impact, and it also establishes what actually happened during the use of and the encounter with an individual and with police officers using body cams.

We have had to work out issues such as the liability of a police officer when they walk into a home, for example, and then find themselves in a situation such as when do they turn it on? When do they turn it off? We do not want them to turn it off at all, and so we came up with a compromise that the various groups have agreed to, the police, particularly the law enforcement community, that would allow them not to be subject to criminal prosecution because they were actually using the body cam. So, this amendment changes the definition of oral communication under the Wiretap Act to exclude oral communications made to a law enforcement officer who was in uniform or otherwise identified as a law enforcement officer. An officer may, therefore, record with the body cam without being prosecuted under the Wiretap Act.

The second thing it deals with is public access. This proposal would allow an individual to petition the Court of Common Pleas using the guidelines of the Right-to-Know Law to obtain the recording. There are a number of things that have to be established by that request, and if the district attorney or the Attorney General has certified that the recording is part of an investigation, then it is a different story because they need that for the investigation. Secondly, the recording would be available under the standards of the Right-to-Know Law, as I said previously, and thirdly, the public interest in disclosing the contents of the body cam outweighs the government's and other individual's interests in nondisclosure.

The third thing it does is address a recent Pennsylvania Supreme Court decision dealing with whether intercom phone systems in a prison are subject to the Wiretap Law or not. They found that they were not. This legislation would establish that regardless of whether they are attached to and connected to the outside telephone lines, they would be subject to the wiretap legislation but they would also be incapable of being used by the prison authorities to maintain order and to maintain security.

I ask for an affirmative vote and adoption of this amendment.

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

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

YEA-48

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

NAY-1

Haywood

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

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.

BILLS OVER IN ORDER

**HB 1070** and **HB 1103** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

**HB 1104 (Pr. No. 3956)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the use of investigational drugs, biological products and devices by terminally ill patients.

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

BILLS ON SECOND CONSIDERATION, AMENDED

**HB 1118 (Pr. No. 3640)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator GORDNER offered the following amendment No. A10552:

Amend Bill, page 68, line 23, by inserting after "A":

president

Amend Bill, page 70, line 5, by striking out "IN" and inserting:  
on

Amend Bill, page 71, line 10, by striking out "PRESIDENT"

Amend Bill, page 72, line 23, by inserting after "ATTORNEY":

with appropriate jurisdiction

Amend Bill, page 72, line 25, by inserting after "OFFENSE" where it occurs the first time:

which is classified

Amend Bill, page 73, line 23, by striking out "PRESIDENT" and inserting:

Requesting

Amend Bill, page 73, line 23, by striking out "PRESIDENT" and inserting:

requesting  
Amend Bill, page 83, line 15, by striking out "(a) CARRYING OUT FUNCTIONS.--"

Amend Bill, page 83, lines 21 through 30; page 84, lines 1 through 5; by striking out all of said lines on said pages

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 1331 (Pr. No. 2089)** -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator RESCHENTHALER offered the following amendment No. A10634:

Amend Bill, page 6, lines 15 and 16, by striking out "selling, soliciting or negotiating travel insurance" and inserting:

offering and disseminating travel insurance information

Amend Bill, page 6, line 26, by striking out "make available" and inserting:  
provide

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

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

Senator WILEY. Mr. President, I thank the chairman of the Committee on Banking and Insurance and the prime sponsor for their engagement. We had some concerns originally with this piece of legislation, and I am grateful to the prime sponsor, and, as I said, the chairman of the Committee on Banking and Insurance, Chairman White, for their commitment to continue to work together to improve this bill even further. In that spirit of working in a collaborative way, I thank them for their willingness to do so.

And the question recurring,  
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.

## BILLS OVER IN ORDER

**SB 1357, SB 1360, SB 1363, SB 1366, SB 1369, HB 1437, HB 1452, HB 1455 and HB 1476** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

## BILL ON SECOND CONSIDERATION

**HB 1538 (Pr. No. 4029)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, adding provisions for law enforcement activities by providing for release of law enforcement officer information when firearm discharged or use of force.

Considered the second time and agreed to,

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

## BILL ON SECOND CONSIDERATION, AMENDED

**HB 1600 (Pr. No. 3511)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in veteran-owned small businesses, further providing for definitions and for regulations and providing for business fee exemption.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator HUGHES offered the following amendment No. A10502:

Amend Bill, page 1, line 2, by inserting after "Statutes,":  
providing for voluntary veterans' preference in private employment;  
and,

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting:

Section 1. Title 51 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

### CHAPTER 72 VOLUNTARY VETERANS' PREFERENCE IN PRIVATE EMPLOYMENT

Sec.

7201. Scope of chapter.

7202. Definitions.

7203. Veterans' preference private employment policy.

7204. Eligibility for preference.

7205. Nonviolation of equal opportunity laws.

§ 7201. Scope of chapter.

This chapter relates to private employer's veterans' preference policies.

§ 7202. Definitions.

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

"DD 214." A United States Department of Defense Report of Separation Form 214 or a similarly effective form issued by the Department of Defense relating to separation from military service.

"Private employer." A sole proprietor, corporation, partnership, limited liability company or any other legal entity, including nonprofits, with more than one employee.

"Soldier." A person who served or hereafter serves in the armed forces of the United States, or in any women's organization officially

connected therewith, during any war or armed conflict in which the United States engaged and who was released from active duty under honorable conditions, other than from periods of active duty for training, or with an honorable discharge from such service, or a person who so served or hereafter serves in the armed forces of the United States, or in any women's organization officially connected therewith, since July 27, 1953, including service in Vietnam, and who has an honorable discharge from such service. Qualifying periods of service during a war or armed conflict, for purposes of this definition, will be designated by the Department of Military and Veterans Affairs.

"Spouse of a disabled veteran." The spouse of a veteran who has been classified by the United States Department of Veterans Affairs' Veterans Benefits Administration as having a permanent total disability and is a United States citizen.

"Surviving spouse." A spouse of a deceased soldier.

"Veteran." An individual who has served in the armed forces of the United States, including a reserve component and National Guard, and who has been discharged or released from the service under conditions other than dishonorable.

"Veterans' preference employment policy." A voluntary policy adopted by a private employer for hiring, promoting or retaining a veteran, a spouse of a disabled veteran or a surviving spouse over another qualified applicant or employee.

§ 7203. Veterans' preference private employment policy.

(a) Authority.--A private employer may adopt and apply a veterans' employment policy.

(b) Policy.--A veterans' preference employment policy shall:

(1) be in writing;

(2) require the inclusion of a statement in any job posting that indicates that the employer has and applies a veterans' preference employment policy;

(3) be provided to the applicant at time of hiring and provided to all employees on an annual basis; and

(4) be applied uniformly to employment decisions regarding:

(i) the hiring of new applicants;

(ii) the promotion of current employees; and

(iii) the retention of employees during a reduction in the work

force.

§ 7204. Eligibility for preference.

A veteran, spouse of a disabled veteran or surviving spouse shall submit the DD 214 of the veteran to a private employer with a veterans' preference employment policy for consideration by the employer.

§ 7205. Nonviolation of equal opportunity laws.

A voluntary veterans' preference employment policy adopted and applied in accordance with this chapter shall not be considered a violation of any State or local equal employment opportunity law.

Section 2. Chapter 96 of Title 51 is amended by adding a subchapter heading to read:

Amend Bill, page 1, line 12, by striking out "2" and inserting:

3

Amend Bill, page 3, line 9, by striking out "3" and inserting:

4

Amend Bill, page 3, line 13, by striking out "4" and inserting:

5

Amend Bill, page 4, line 11, by striking out "5" and inserting:

6

Amend Bill, page 6, line 5, by striking out "6" and inserting:

7

Amend Bill, page 6, line 10, by striking out "7" and inserting:

8

On the question,

Will the Senate agree to the amendment?

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

Senator HUGHES. Mr. President, so the Members know, this amendment is agreed to. It allows for private employers to adopt a voluntary veterans preference in employment practices to further support our veterans in their return to the workforce.

Thank you, Mr. President.

And the question recurring,

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 AMENDED

**HB 1618 (Pr. No. 2569)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Office of State Inspector General.

On the question,

Will the Senate agree to the bill on second consideration?

AUMENT AMENDMENT A10478

Senator AUMENT offered the following amendment No. A10478:

Amend Bill, page 1, line 24, by striking out "of the agencies" and inserting:

in the administration

Amend Bill, page 1, line 24, by inserting after "government":

agencies

Amend Bill, page 2, line 3, by striking out "State agencies" and inserting:

the administration of State government

Amend Bill, page 4, line 7, by striking out "a Federal, State or" and inserting:

the Federal Government, an executive agency or a

Amend Bill, page 4, lines 10 and 11, by striking out "and the Executive Department"

Amend Bill, page 4, line 20, by striking out "employees" and inserting:

employees

Amend Bill, page 4, line 30; page 5, lines 1 and 2; by striking out "the" in line 30 on page 4, all of line 1 and "Speaker of the House of Representatives" in line 2 on page 5

Amend Bill, page 5, line 3, by inserting after "the":

operation or

Amend Bill, page 5, line 4, by striking out "operation and contracting in" and inserting:

or contracts entered into by

Amend Bill, page 5, line 7, by striking out "insure" and inserting:

ensure

Amend Bill, page 5, line 20, by striking out "criminal,"

Amend Bill, page 5, line 21, by inserting after "investigations":

of a program or operation of an executive agency

Amend Bill, page 5, line 30, by inserting after "acts":

discovered during the course of an investigation into an executive agency

Amend Bill, page 6, line 4, by striking out "a" and inserting:

an executive agency

Amend Bill, page 6, line 14, by inserting after "agencies":

that are consistent with the powers and duties contained under

this article

Amend Bill, page 6, lines 20 through 22, by striking out all of lines 20 and 21 and "(13)" in line 22 and inserting:

(12)

Amend Bill, page 6, line 26, by striking out "(14)" and inserting:  
(13)

Amend Bill, page 7, line 1, by inserting after "days":  
respond to the request and

Amend Bill, page 7, line 7, by striking out the comma after  
"agency" and inserting:  
and

Amend Bill, page 7, lines 7 through 9, by striking out ", the Presi-  
dent pro" in line 7, all of line 8 and "Representatives" in line 9

Amend Bill, page 7, line 11, by striking out "THE" and inserting:  
In accordance with the powers under section 503-A(a) and duties  
under section 503-A(c), the

Amend Bill, page 7, line 12, by striking out the period after "EX-  
AMINATION" and inserting:

to a person under the State Inspector General's jurisdiction or to an  
individual or a person receiving services from or through an executive  
agency.

Amend Bill, page 8, by inserting between lines 28 and 29:  
Section 508-A. Report to General Assembly.

By December 31 of each year, the State Inspector General shall  
issue an annual report to the Senate and the House of Representatives.  
The annual report shall include, at a minimum, the following:

(1) Information relating to investigations undertaken by the  
office, including the number of cases investigated, categorized by type,  
with a specific section detailing investigations conducted within the  
Department of Human Services.

(2) An accounting of taxpayer money that was recovered as  
a result of the work of the office.

(3) The monetary value that resulted from fraud prevention  
activities as a result of the work of the office.

(4) Summaries of performance of each bureau within the of-  
fice.

(5) Specific recommendations concerning the improvement of  
any State program to further reduce waste, fraud and abuse.

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?

ARGALL AMENDMENT A10628

Senator ARGALL offered the following amendment No.  
A10628:

Amend Bill, page 8, by inserting between lines 28 and 29:  
Section 508-A. Complement of office.

(a) General rule.--Subject to sufficient funds being appropriated for  
such purpose, the office shall hire additional employees and such em-  
ployees shall, for a period of not less than two years, investigate fraud,  
waste, misconduct and abuse claims from the Department of Human  
Services and the Department of Health.

(b) Number of additional employees.--The number of new employ-  
ees hired under subsection (a) shall be sufficient to increase by at least  
50% the total complement of employees in the Office of Inspector Gen-  
eral on March 31, 2016.

(c) Report to General Assembly.--Not later than one year after the  
additional employees are hired under subsection (a), the office shall  
submit a written report to the Appropriations Committee of the Senate,  
the Public Health and Welfare Committee of the Senate, the Appropria-  
tions Committee of the House of Representatives and the Human Ser-  
vices Committee of the House of Representatives. The report shall  
include:

(1) The number of total investigations addressed by the office,  
including a breakdown by new and prior employees.

(2) The dollar amount of recovery/cost avoidance per em-  
ployee, including a breakdown by new and prior employees.

(3) The number of investigations filed with the office that

were not addressed.

(4) Any additional cost-saving efforts initiated by the office  
as a result of additional employees.

The report shall be a public record under the act of February 14,  
2008 (P.L.6, No.3), known as the Right-to-Know Law.

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

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

Senator ARGALL. Mr. President, many of us have heard  
complaints in our districts for many years about possible waste,  
fraud, and abuse in the many programs formerly operated by the  
Department of Public Welfare, now Human Services. It is, of  
course, very difficult to prove. At a recent meeting that I held  
with some other Senators, a former Inspector General had essen-  
tially said to me and to our colleagues, if only we had more re-  
sources. So this amendment, of course, would be contingent  
upon further work in our next State budget, but this amendment  
would say, let us bring more people on into the Office of Inspec-  
tor General.

We believe, based on past data, that every single welfare  
fraud investigator brings \$1.28 million to the State, and so we  
believe that if this were given a 1- or 2-year trial, that the costs  
would be heavily outweighed by the benefits. Some of the dollars  
would be Federal dollars, some of the dollars would be State  
dollars, but most importantly, all of the dollars saved would be  
taxpayer dollars that could be better used in helping people, the  
truly needy who genuinely need the assistance, not the people  
who have been proven again and again and again to defraud our  
system. That is why I am asking for a "yes" vote on this amend-  
ment.

LEGISLATIVE LEAVE

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

Senator COSTA. Mr. President, I ask for a temporary Capitol  
leave for Senator Teplitz.

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

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

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

YEA-34

Alloway	Eichelberger	Resenthaler	Vogel
Argall	Folmer	Sabatina	Vulakovich
Aument	Gordner	Scarnati	Wagner
Baker	Greenleaf	Scavello	Ward
Bartolotta	Hutchinson	Schwank	White
Brooks	Killion	Smucker	Yaw
Browne	McGarrigle	Stefano	Yudichak
Corman	McIlhinney	Tomlinson	
Dinniman	Mensch	Vance	

NAY-15

Blake	Farnese	Kitchen	Wiley
Boscola	Fontana	Leach	Williams
Brewster	Haywood	Tartaglione	Wozniak
Costa	Hughes	Teplitz	

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

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

BILLS ON SECOND CONSIDERATION

**HB 1737 (Pr. No. 4028)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," further providing for household hazardous waste collection program.

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

**HB 1774 (Pr. No. 3953)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

**HB 1779, HB 1785, HB 1838, HB 1872 and HB 1974** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

**HB 1998 (Pr. No. 3515)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in parking authorities, further providing for special provisions for authorities in cities of the first class.

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

BILL AMENDED

**HB 2025 (Pr. No. 3663)** -- 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 temporary registration cards; and, in inspection of vehicles, further providing for limited liability of inspection station or mechanic, for suspension of certificates of appointment and for certification of mechanics.

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

RAFFERTY AMENDMENT A10636

Senator CORMAN, on behalf of Senator RAFFERTY, offered the following amendment No. A10636:

Amend Bill, page 1, line 2, by inserting after "Statutes," in general provisions, further providing for definitions;  
Amend Bill, page 1, line 3, by striking out "; AND," and inserting: , 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; in commercial drivers, further providing for commercial driver's license; in fees, further providing for reinstatement of operating privilege or vehicle registration; in miscellaneous provisions, further providing for the offense of homicide by vehicle and for the offense of aggravated assault by vehicle;  
Amend Bill, page 1, line 6, by inserting after "mechanics": ; and, in abandoned vehicles and cargo, further providing for reports by private property owners of abandoned vehicles  
Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Paragraph (1) of the definition of "abandoned vehicle" in section 102 of the Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subparagraph to read:  
§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Abandoned vehicle."

(1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

\*\*\*

(v) The vehicle has remained on the private property of a salvor for 20 days.

\*\*\*

Section 2. Sections 1310(b), 1332(b) and (c) and 1376(b.1) of Title 75 are amended to read:

Amend Bill, page 2, by inserting between lines 4 and 5:  
§ 1332. Display of registration plate.

\*\*\*

(b) Obscuring plate.--It is unlawful to display on any vehicle a registration plate which:

- (1) is so dirty as to prevent the reading of the number or letters thereon at a reasonable distance;
- (2) is obscured in any manner which inhibits the proper operation.

tion of an automated red light enforcement system in place pursuant to section 3116 (relating to automated red light enforcement systems in first class cities) or 3117 (relating to automated red light enforcement systems in certain municipalities) or any other automated enforcement system authorized by this title or an electronic toll collection system as authorized under 74 Pa.C.S. § 8117 (relating to toll collection); [or]

(3) is otherwise illegible at a reasonable distance or is obscured in any manner[.]; or

(4) is obscured, covered or otherwise obstructed in a manner which inhibits the visibility of the issuing jurisdiction at a reasonable distance.

(c) Penalty for obscured plate.--Any person who violates subsection (b)(2) or (4) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

\*\*\*

§ 1376. Surrender of registration plates and cards upon suspension or revocation.

\*\*\*

(b.1) Immediate seizure of registration plates and cards.--The department may delegate authority to the persons described in this section to immediately seize registration plates and cards upon imposition of the following:

(1) a suspension imposed pursuant to section 1374(d)(3) or (4) (relating to suspension or revocation of vehicle business registration plates) until all fees, taxes and penalties have been paid;

(2) a suspension or revocation imposed pursuant to section 1373(b)(3) (relating to suspension of registration) or 1374(g);

(3) a suspension or revocation is reinstated after determination of a matter as provided in section 1377 (relating to judicial review); [or]

(4) a suspension imposed pursuant to section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class) until all fines, penalties and costs have been paid[.]; or

(5) a suspension imposed pursuant to section 1380 (relating to suspension of registration upon unpaid tolls) until all tolls, administrative fees and costs have been paid, dismissed, reversed on appeal or canceled or if the owner or registrant enters into an agreement with the tolling entity to make installment payments.

\*\*\*

Section 3. Title 75 is amended by adding a section to read:  
§ 1380. Suspension of registration upon unpaid tolls.

(a) General rule.--

(1) The department shall suspend the registration of a vehicle upon notification from a tolling entity that the owner or registrant of the vehicle has either:

(i) failed to pay or defaulted in the payment of six or more violations issued under 74 Pa.C.S. § 8116(a) (relating to collection and disposition of tolls and other revenue) or 8117(a)(1) (relating to electronic toll collection) or other law, regulation, ordinance or standard applicable to the toll collection or payment requirements for a tolling entity; or

(ii) incurred unpaid tolls or administrative fees or costs that collectively total a minimum of \$500, regardless of the number of violations.

(2) Nothing in paragraph (1) shall be construed to limit a tolling entity's ability to recoup unpaid tolls or administrative fees or costs by any means available under the law.

(b) Notice.--Prior to notifying the department under subsection (c), the tolling entity shall provide the owner or registrant written notice by first class mail of its intent to seek suspension of the vehicle registration under this section and afford the owner or registrant with the opportunity to be heard during an administrative proceeding.

(c) Notice to department.--

(1) Not sooner than 30 days after mailing the notice under subsection (b), the tolling entity, provided it has entered into an agreement with the department to enforce the provisions of this section, may notify the department electronically in a format prescribed by the department whenever an owner or registrant meets the requirements for suspension under subsection (a)(1).

(2) When a tolling entity has provided notice under this subsection and all of the violations are subsequently paid, dismissed, reversed on appeal or canceled, the tolling entity shall notify the department electronically in a format prescribed by the department of the disposition of the violation and shall provide the owner or registrant

with a release from the suspension.

(d) Period of suspension.--A suspension under subsection (a) shall continue until the department receives notice from the tolling entity that the violations are paid, dismissed, reversed on appeal or canceled or the owner or registrant enters into an agreement with the tolling entity to make installment payments for tolls, administrative fees and costs imposed and pays the fee prescribed in section 1960 (relating to reinstatement of operating privilege or vehicle registration), provided that the suspension may be reimposed by the department if the owner or registrant fails to make regular installment payments.

(e) Additional suspension.--The department shall impose an additional period of registration suspension if, subsequent to the issuance of a suspension under subsection (a) but prior to the restoration of the registration, the department is notified by the tolling entity that the owner or registrant has failed to pay, failed to respond or defaulted in the payment of an additional violation issued under 74 Pa.C.S. § 8117(a)(1).

(f) Violations outside Commonwealth.--

(1) The department shall suspend the registration of a vehicle upon the notification from a tolling entity that has entered into an enforcement agreement with the department as authorized under section 6146 (relating to enforcement agreements) for any toll violation of that state or an authority or for failure to pay any fine or costs imposed in accordance with the laws of the jurisdiction in which the violation occurred.

(2) An owner or registrant who provides proof satisfactory to the department that the full amount of the fine and costs has been forwarded to and received by the other state may not be regarded as having failed to pay for the purposes of this subsection.

(g) Documentation.--

(1) In any proceeding under this section, documents obtained by the department from a tolling entity or from the appropriate agency of the Commonwealth or another state shall be admissible into evidence to support the department's case.

(2) The department may treat the documents and reports as documents of the department and use any of the methods of storage permitted under the provisions of 42 Pa.C.S. § 6109 (relating to photographic copies of business and public records) and may reproduce the documents in accordance with the provisions of 42 Pa.C.S. § 6103 (relating to proof of official records).

(3) The department may certify that it has received or obtained documents and reports from a tolling entity, the Commonwealth or other states, and the certification shall be prima facie proof of the facts contained in the documents and reports.

(h) Three-year statute of limitations.--No suspension may be imposed based upon a violation of 74 Pa.C.S. § 8117(a)(1) or similar provision from another state more than three years after the violation is committed.

(i) Collection of out-of-State tolls.--The department or a tolling entity may collect the civil penalties and tolls imposed by an out-of-State tolling entity if the department or tolling entity has entered into a reciprocity agreement that confirms the following:

(1) The other state or tolling entity has its own effective reciprocal procedure for collecting penalties and tolls imposed by a Commonwealth tolling entity and agrees to collect penalties and tolls of the Commonwealth tolling entity by employing sanctions that include denial of an owner's or registrant's right to register or reregister a motor vehicle.

(2) The penalties, exclusive of tolls, claimed by the other state or tolling entity against an owner or registrant of a motor vehicle registered in this Commonwealth do not exceed \$100 for a first violation or \$600 for all pending violations.

(3) The other state or tolling entity provides due process and appeal protections to avoid the likelihood that a false, mistaken or unjustified claim will be pursued against an owner or registrant.

(4) An owner or registrant of a motor vehicle registered in this Commonwealth may present evidence to the other state or tolling entity by mail, telephone, electronic means or other means to invoke rights of due process, without having to appear personally in the jurisdiction where the violation is alleged to have occurred.

(5) The reciprocal collection agreement between the department or a tolling entity and the other state or tolling entity provides that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by the agency that registers

motor vehicles.

(j) Definition.--As used in this section, the term "tolling entity" means any of the following:

- (1) The Pennsylvania Turnpike Commission.
- (2) An entity authorized to impose and collect tolls in accordance with any of the following:
  - (i) The laws of this Commonwealth.
  - (ii) The laws of another state.
  - (iii) The terms of an interstate compact or agreement.
- (3) An authorized agent of an entity under paragraph (2).

Section 4. Section 1610(b) of Title 75 is amended by adding a paragraph to read:

§ 1610. Commercial driver's license.

\*\*\*

(b) Classifications, endorsements and restrictions.--

\*\*\*

(4) A hazardous materials (code H) endorsement shall not be required for a driver with Class A commercial driver's license who is operating a commercial motor vehicle in accordance with 49 CFR § 383.3(i) (relating to applicability).

\*\*\*

Section 5. Sections 1960, 3732(b)(1.1) and (3), 3732.1(b)(2) and (4), 4702.1(b), 4724(a) and (b), 4726(b) and (c) and 7311.1 of Title 75 are amended to read:

§ 1960. Reinstatement of operating privilege or vehicle registration.

The department shall charge a fee of \$70 or, if section 1379 (relating to suspension of registration upon sixth unpaid parking violation in cities of the first class), 1380 (relating to suspension of registration upon unpaid tolls) or 1786(d) (relating to required financial responsibility) applies, a fee of \$88 to restore a person's operating privilege or the registration of a vehicle following a suspension or revocation.

§ 3732. Homicide by vehicle.

\*\*\*

(b) Sentencing.--

\*\*\*

(1.1) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) as the result of a violation of section 3316 (relating to prohibiting text-based communications), 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas) and who is convicted of violating section 3316, 3325 or 3327 may be sentenced to an additional term not to exceed five years' confinement when the violation resulted in death.

\*\*\*

(3) The Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or was the result of a violation of section 3316, 3325 or 3327.

§ 3732.1. Aggravated assault by vehicle.

\*\*\*

(b) Sentencing.--

\*\*\*

(2) In addition to any other penalty provided by law, a person convicted of a violation of subsection (a) as the result of a violation of section 3316 (relating to prohibiting text-based communications), 3325 (relating to duty of driver on approach of emergency vehicle) or 3327 (relating to duty of driver in emergency response areas) and who is convicted of violating section 3316, 3325 or 3327 may be sentenced to an additional term not to exceed two years' confinement when the violation resulted in serious bodily injury.

\*\*\*

(4) The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or was the result of a violation of section 3316, 3325 or 3327.

Amend Bill, page 4, by inserting between lines 4 and 5:

§ 7311.1. Reports by private property owners of abandoned vehicles.

(a) Removal of abandoned vehicles.--

(1) A person on whose private property is located a vehicle which has remained on the property without the consent of the property owner or his agent for more than 24 hours may authorize the removal

or processing of the vehicle.

(2) Prior to removal or processing of the vehicle, that person shall file a report, on a multipart form prescribed by the department, with the local police department declaring that an unauthorized vehicle has been left unattended and on private property for at least 24 hours. One part of such report shall be retained by that person, and the other part shall be filed with the police department.

(3) The police department shall, within five business days, process the vehicle as abandoned under this chapter and attach a copy of the report to the abandoned vehicle information report.

(b) Salvors.--

(1) An unauthorized vehicle that has been left unattended and on private property includes a vehicle towed to a salvor's property that has remained on the salvor's property for a period of 20 days.

(2) After the 20-day period, the salvor may file a report as provided under subsection (a). If the salvor elects to file a report, the salvor shall retain and process the vehicle for which the report has been filed.

Amend Bill, page 4, line 5, by striking out all of said line and inserting:

Section 6. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) This section.

(ii) The amendment of 75 Pa.C.S. § 102.

(iii) The addition of 75 Pa.C.S. § 1610(b)(4).

(iv) The amendment of 75 Pa.C.S. § 7311.1.

(2) The following provisions shall take effect in nine months:

(i) The amendment of 75 Pa.C.S. § 1332(b) and (c).

(ii) The amendment of 75 Pa.C.S. § 1376(b.1).

(iii) The addition of 75 Pa.C.S. § 1380.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, I rise to seek a ruling from the Chair under Rule 20 as to whether I can vote on the amendment to House Bill No. 2025. I operate a small business in the 46th Senatorial District that performs vehicle inspections. This legislation addresses training qualifications, requirements of safety inspections, mechanics, as well as sanctions that PennDOT can impose on safety inspection stations and mechanics.

The PRESIDENT. Senator Bartolotta, it would be the ruling of the Chair that you should vote, in accordance with Senate Rule 20. In fact, you must vote on the amendment. The Chair finds there is nothing particularly personal to you in this amendment. You are one of a class of business owners or individuals who may or may not be affected by the passage of this amendment, but the Chair does not find anything from the facts as you relayed them particular to your case or that you would benefit specially from passage of this amendment. Therefore, you are required to vote on the amendment.

Senator BARTOLOTTA. Mr. President, thank you.

And the question recurring,

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?



## BROWNE AMENDMENT A10505

Senator BROWNE offered the following amendment No. A10505:

Amend Bill, page 1, lines 3 and 4, by striking out "AND, in inspection of vehicles, further providing" and inserting:  
in fees, further providing for trucks and truck tractors; and, in inspection of vehicles, further providing for requirement for periodic inspection of vehicles,

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Section 1310(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Bill, page 2, by inserting between lines 4 and 5:

Section 2. Section 1916(a) of Title 75 is amended by adding paragraphs to read:

§ 1916. Trucks and truck tractors.

(a) General rule.--

\*\*\*

(3) A registration fee for a motor carrier vehicle in excess of 17,000 pounds shall be refunded if the vehicle is stolen or demolished and the vehicle has a nonrepairable certificate or certificate of salvage. The refund shall be prorated based on the number of months the vehicle was operational.

(4) In the case of apportioned registrations, only the fees paid for the Commonwealth portion of the fees shall be eligible for a refund.

\*\*\*

Section 3. Section 4702(b)(7) of Title 75 is repealed:

§ 4702. Requirement for periodic inspection of vehicles.

\*\*\*

(b) Semiannual safety inspection of certain vehicles.--The following vehicles shall be subject to semiannual safety inspection:

\*\*\*

[(7) Motor carrier vehicles with a registered gross weight in excess of 17,000 pounds, other than farm vehicles for which a biennial certificate of exemption has been issued.]

\*\*\*

Section 4. Sections 4702.1(b), 4724(a) and (b) and 4726(b) and (c) of Title 75 are amended to read:

Amend Bill, page 4, line 5, by striking out all of said line and inserting:

Section 5. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The following provisions shall take effect in 90 days:
  - (i) The addition of 75 Pa.C.S. § 1916(a)(3).
  - (ii) The repeal of 75 Pa.C.S. § 4702(b)(7).
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

## McILHINNEY AMENDMENT A9602

Senator McILHINNEY offered the following amendment No. A9602:

Amend Bill, page 1, line 3, by striking out "AND,"

Amend Bill, page 1, line 6, by inserting after "mechanics":  
; and, in size, weight and load, further providing for permit for movement during course of manufacture

Amend Bill, page 4, by inserting between lines 4 and 5:

Section 2. Section 4968(a.1)(3) of Title 75 is amended, subsection (a.2) is amended by adding a paragraph and subsection (b) is amended

by adding a definition to read:

§ 4968. Permit for movement during course of manufacture.

(a.1) General rule.--An annual permit may be issued authorizing movement on specified highways of:

\*\*\*

(3) aircraft refueling vehicles or vehicles and combinations carrying milk, raw coal, flat-rolled steel coils, steel slabs, hot ingots, a hot box, pulpwood and wood chips, raw water or cryogenic liquid or sugar which exceed the maximum weight specified in Subchapter C while they are in the course of manufacture and under contract with or under the direct control of the manufacturer, provided that they do not exceed the maximum height, width or length specified in Subchapter B unless they also qualify under paragraph (1), subject to the provisions in subsection (a.2).

(a.2) Specifications.--

\*\*\*

(14) A combination vehicle hauling sugar may be permitted by the department and local authorities to move upon specified highways within their respective jurisdictions a distance not exceeding five miles if the gross weight does not exceed 95,000 pounds and the weight of any nonsteering axle does not exceed 21,000 pounds. No permit may be issued for this type of movement upon an interstate highway.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

\*\*\*

"Sugar." The term shall refer to granulated raw, semi-refined or refined sugar derived from the processing of sugar cane or sugar beets, requiring further processing and not intended for direct consumption or retail sale.

Amend Bill, page 4, line 5, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

## BILL ON SECOND CONSIDERATION

**HB 2026 (Pr. No. 3253)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 51 (Military Affairs) and 74 (Transportation) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, providing for Civil Air Patrol; and, in authority of Department of Transportation, further providing for authority of department.

Considered the second time and agreed to,

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

## THIRD CONSIDERATION CALENDAR RESUMED

## HB 869 CALLED UP

**HB 869 (Pr. No. 3013)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator CORMAN.

## BILL AMENDED

**HB 869 (Pr. No. 3013)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator ALLOWAY offered the following amendment No. A10663:

Amend Bill, page 1, lines 6 through 9, by striking out all of said lines

Amend Bill, page 1, by inserting after line 16:

Section 1. Section 5511(a)(2.1), (c) and (m) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding subsections to read:

§ 5511. Cruelty to animals.

(a) Killing, maiming or poisoning domestic animals or zoo animals, etc.--

\*\*\*

(2.1) (i) A person commits a misdemeanor of the first degree if he willfully and maliciously:

(A) Kills, maims, mutilates, tortures or disfigures any dog [or] cat or equine animal, whether belonging to himself or otherwise. [If a person kills, maims, mutilates, tortures or disfigures a dog guide for an individual who is blind, a hearing dog for an individual who is deaf or audibly impaired or a service dog for an individual who is physically limited, whether belonging to the individual or otherwise, that person, in addition to any other applicable penalty, shall be required to make reparations for veterinary costs in treating the dog and, if necessary, the cost of obtaining and training a replacement dog.]

(B) Administers poison to or exposes any poisonous substance with the intent to administer such poison to any dog [or] cat or equine animal, whether belonging to himself or otherwise.

(ii) Any person convicted of violating the provisions of this paragraph shall be sentenced to pay a fine of not less than \$1,000 or to imprisonment for not more than two years, or both. The court may also order a presentence mental evaluation. A subsequent conviction under this paragraph shall be a felony of the third degree. [This paragraph shall apply to dogs and cats only.]

(iii) The killing of a dog [or] cat or equine animal by the owner of that animal is not malicious if it is accomplished in accordance with the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law.

(iv) If a person kills, maims, mutilates, tortures or disfigures a guide dog for an individual who is blind, a hearing dog for an individual who is deaf or audibly impaired or a service dog for an individual who is physically limited, whether belonging to the individual or otherwise, that person, in addition to any other applicable penalty, shall be required to make reparations for veterinary costs in treating the dog and, if necessary, the cost of obtaining and training a replacement dog.

(v) For purposes of this paragraph, "torture" shall include any of the following, unless directed to be performed by a licensed veterinarian:

(A) breaking, severing or severely impairing limbs;

(B) inflicting severe and prolonged pain from burning, crushing or wounding; or

(C) causing or allowing, through prolonged deprivation of food or sustenance, the loss of more than one-third of the animal's normal body mass without veterinary care.

\*\*\*

(c) Cruelty to animals.--

(1) A person commits an offense if he [wantonly or cruelly] knowingly or recklessly illtreats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep [it] the animal dry.

(2) (i) Except as provided in [subparagraph] subparagraphs (ii) and (iii), a person convicted of violating paragraph (1) commits a summary offense.

(ii) A person convicted for a second or subsequent time of violating paragraph (1) commits a misdemeanor of the third degree [if all of the following occurred:

(A) The action or omission for which the person was convicted for a subsequent time was performed on a dog or cat.

(B) The dog or cat was seriously injured, suffered severe physical distress or was placed at imminent risk of serious physical harm as the result of the person's action or omission.];

(iii) A person convicted of violating paragraph (1) in combination with a first violation of paragraph (4) or (5) or subsection (c.1) commits a misdemeanor of the third degree.

(3) This subsection shall not apply to activity undertaken in normal agricultural operation.

(4) Tethering an unattended dog out of doors for more than nine hours within a 24-hour period or without providing for the animal's basic needs, as set forth in this paragraph, shall constitute neglect within the meaning of this section. When the same dog is observed to be tethered in the same location that it was after an initial observation of the dog in that location, there shall be a rebuttable presumption that the dog has been continuously tethered in that location since the initial observation. The following shall apply:

(i) A tether must be of a type and length commonly used for the size and breed of dog. A tether must be the longer of 10 feet, or three times the length of the dog as measured from the tip of its nose to the base of its tail. No tow or log chain may be used.

(ii) A tether must be secured by means of a swivel anchor, swivel latch or any other mechanism designed to prevent the dog from becoming entangled. A tether must be connected to a well-fitted collar or body harness. No choke, pinch, prong or chain collar may be used.

(iii) A tethered dog must have access to potable water and an area of shade that permits the dog to escape the direct rays of the sun aside from the shelter required by this section.

(5) The presence of any of the following conditions regarding a tethered dog shall create a rebuttable presumption of neglect:

(i) Excessive waste or excrement in the area where the dog is tethered.

(ii) The dog has been tethered out of doors for more than 30 minutes in temperatures above 90 degrees or below 32 degrees Fahrenheit.

(iii) The dog is tethered in an area where a severe weather warning has been issued by the National Weather Service.

(6) Paragraph (4) shall not be construed to prohibit any of the following:

(i) Tethering a dog while actively engaged in lawful hunting, exhibition, performance events or field training.

(ii) Tethering a hunting or sporting dog breed where tethering is integral to the training, conditioning or purpose of the dog.

(iii) Tethering a dog in compliance with the requirements of a camping or recreational area.

(7) A person who commits an offense under paragraph (4) or (5) shall, upon conviction, be sentenced to pay:

(i) a fine of not less than \$200 nor more than \$750;

(ii) all veterinary costs;

(iii) shelter costs, which may not exceed \$15 per day per dog;

and

(iv) court costs.

(c.1) Shelters for dogs.--

(1) A person in charge or control of a dog which is kept outdoors or in an unheated enclosure shall, at a minimum, provide the dog with shelter and bedding as follows:

(i) The following shall apply:

(A) The shelter must be a moisture-proof and wind-proof structure of suitable size to accommodate the dog and allow retention of body heat. At minimum, a shelter must meet the following dimensions:

(I) Depth - dog's length plus 12 inches.

(II) Width - dog's length plus 18 inches.

(III) Height - dog's height plus 3 inches on the low side of the shelter and dog's height plus 9 inches on the high side of the shelter.

(B) The shelter must be made of durable material with a solid, moisture-proof floor raised at least three inches from the ground.

(C) The roof must extend eight inches over the doorway to keep out rain.

(D) The shelter may not be constructed of any material that readily conducts heat or cold.

(ii) Between May 1 and October 31, the person in charge or control of the dog must ensure that the dog is provided with shade from the direct rays of the sun.

(iii) Between November 1 and March 31, the structure must

have a windbreak at the entrance. The person in charge or control of the dog must provide a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote retention of body heat. Hay, blankets, rags or other material that retains moisture may not be utilized for bedding.

(2) (i) Except as provided under subsection (c)(2) or subparagraph (ii), a person convicted of violating paragraph (1) commits a summary offense.

(ii) A person convicted for a second or subsequent time of violating paragraph (1) commits a misdemeanor of the third degree.

(3) A person who commits an offense under this subsection shall, upon conviction, be sentenced to pay:

(i) a fine of not less than \$200 nor more than \$750;

(ii) all veterinary costs;

(iii) shelter costs, which may not exceed \$15 per day per dog;

and

(iv) court costs.

(c.2) Aggravated cruelty to animals.--

(1) A person commits the offense of aggravated cruelty to animals if an animal suffers bodily injury, as defined in 18 Pa.C.S. § 2301 (relating to definitions), as a result of the person knowingly or recklessly:

(i) torturing or abusing an animal;

(ii) neglecting an animal as to which he has a duty of care; or

(iii) depriving an animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep the animal dry.

(2) (i) Except as provided in subparagraph (ii), a person convicted of violating paragraph (1) commits a misdemeanor of the first degree.

(ii) A person convicted of violating paragraph (1) in a case where the animal suffers serious bodily injury, as defined in 18 Pa.C.S. § 2301, or death commits a felony of the third degree.

(3) This subsection shall not apply to activity undertaken in normal agricultural operation.

\* \* \*

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

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, thank you for allowing me to rise today to speak on this important amendment. For lack of a better term, we are calling it an animal protection package. I thank the Members of this body for standing by me and others who worked hard to raise awareness and raise attention to animal cruelty and to make sure that folks who perpetrate cruelty on animals receive stiffer penalties.

These were three separate bills that we put into one amendment. Briefly, it deals with my anti-tethering bill, which passed this body overwhelmingly. It also deals with Cordelia's Law, dealing with cruelty to horses, which was Senator Eichelberger's bill which passed this body unanimously, and it also includes Libre's Law, which many of you are aware of the poor dog that was left to die and was rescued. It creates a new section of aggravated cruelty and gives enhanced penalties of misdemeanor and potentially a felony, but it would ultimately leave it up to the district attorney. So, I thank you all for dealing with me on this issue. I know I have been very passionate about it. I know I have aggravated some folks on this issue, but I do thank you for sticking with me. It is very important to me, and I thank the citizens of Pennsylvania who care so much about the welfare of our pets.

Thank you, Mr. President.

LEAVE CHANGED

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

Senator COSTA. Mr. President, I request that Senator Teplitz's leave be changed from a temporary Capitol leave to a personal leave.

The PRESIDENT. Senator Costa requests that Senator Teplitz's leave be changed from a temporary Capitol leave to a personal leave. Without objection, the leave will be changed.

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

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I also rise to affirm the importance of this amendment. What we know is that the way we treat animals – the violence that is done against animals is reflective of the violence that we do to each other. Study after study has shown the relationship between animal abuse and abuse that people do to each other, whether it is, in fact, in the area of domestic abuse. One out of every 10 cases involves abuse to the animal as well, as a way to inflict emotional damage on one's spouse or one's mate. Animals in this Commonwealth are members of our family. We love them dearly. This bill protects dogs, cats, and other animals. Also, it is very important in this amendment that horses will finally come under the provisions of the animal abuse act. So, this is an important piece of legislation, and I hope we all unite behind it.

Thank you, Mr. President.

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

It was agreed to.

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

SENATE RESOLUTION No. 385, ADOPTED

Senator CORMAN, without objection, called up from page 11 of the Calendar, **Senate Resolution No. 385**, entitled:

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.

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

On the question,  
Will the Senate adopt the resolution?

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

YEA-27

Alloway	Corman	Scarnati	Wagner
Argall	Eichelberger	Scavello	Ward
Aument	Folmer	Smucker	White
Baker	Gordner	Stefano	Wozniak

Bartolotta	Hutchinson	Vance	Yaw
Brooks	Mensch	Vogel	Yudichak
Browne	Resenthaler	Vulakovich	

NAY-21

Blake	Fontana	Leach	Tomlinson
Boscola	Greenleaf	McGarrigle	Wiley
Brewster	Haywood	McIlhinney	Williams
Costa	Hughes	Sabatina	
Dinniman	Killion	Schwank	
Farnese	Kitchen	Tartaglione	

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

The PRESIDENT. The resolution is adopted.

**SENATE RESOLUTION No. 448, ADOPTED**

Senator CORMAN, without objection, called up from page 12 of the Calendar, **Senate Resolution No. 448**, entitled:

A Concurrent Resolution commemorating the 200th session of the General Assembly.

On the question,  
Will the Senate adopt the resolution?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The resolution is adopted.

**SB 805, HB 192, HB 263 AND HB 1703  
TAKEN FROM THE TABLE**

Senator CORMAN. Mr. President, I move that Senate Bill No. 805, Printer's No. 1900; House Bill No. 192, Printer's No. 1189; House Bill No. 263, Printer's No. 2535; and House Bill No. 1703, Printer's No. 2849, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.  
The PRESIDENT. The bills will be placed on the Calendar.

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEES**

Senator VANCE, from the Committee on Public Health and Welfare, reported the following bill:

**HB 1699 (Pr. No. 4044) (Amended)**

An Act providing for limitations on the dispensing of opioid drug products in hospital emergency departments and urgent care centers and to patients in observation status and for duties of the Department of Health; and imposing a penalty.

Senator SMUCKER, from the Committee on Education, reported the following bills:

**HB 1907 (Pr. No. 4045) (Amended)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for purpose, further providing for definitions, providing for attendance policy at charter, regional charter and cyber charter schools, further providing for excuses from attending school and for penalties for violation of compulsory attendance requirements, providing for procedure by school when child habitually truant, for procedure upon filing of citation, for penalties for violating compulsory school attendance requirements and for study of truancy procedure and repealing provisions relating to suspension of operating privilege; in charter schools, further providing for provisions applicable to charter schools and for applicability of other provisions of this act and of other acts and regulations; and, in disruptive student programs, further providing for definitions.

**HB 2078 (Pr. No. 3452)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in certification of teachers, further providing for issuing permanent college certificates, for program of continuing professional education and for professional educator discipline fee.

**HB 2338 (Pr. No. 3963)**

An Act providing for student protection during the transition of a postsecondary education institution to new accreditation.

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

**SB 1365 (Pr. No. 2068) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, increasing the number of judges in certain judicial districts.

**HB 123 (Pr. No. 2253) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, further providing for bail to be governed by general rules.

**HB 162 (Pr. No. 3955) (Rereported)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for definitions and for original birth record.

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

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 1398 (Pr. No. 4062) (Amended) (Rereported)**

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, modernizing the law on limited liability partnerships, general partnerships, limited partnerships and limited liability companies; and making conforming changes with respect to associations, corporations, unincorporated nonprofit associations and business trusts by doing the following: As to general provisions, making conforming changes by revising provisions on application of title, definitions, defense of usury, tax clearance of certain fundamental transactions and fee schedule. As to entities generally, making conforming changes by revising requirements for foreign association names. As to entity transactions, making conforming changes by revising provisions on regulatory conditions and required notices and approvals, nature of transactions, approval by limited partnership, effect of merger, statement of division and effectiveness, effect of division and effect of domestication. As to foreign associations, making conforming changes by revising provisions on governing law. As to corporations, making conforming changes by revising provisions on distributions by business corporations and by adding provisions on derivative actions and the use of special litigation committees by business corporations and nonprofit corporations. As to partnerships generally: extensively revising provisions on: interchangeability of partnership, limited liability company and corporate forms of organization; and ownership of certain professional partnerships; and adding a provision on failure to observe formalities. As to limited liability partnerships: extensively revising provisions on: scope; definitions; limitation on liability of partners; extraterritorial application of subchapter; foreign registered limited liability partnerships; and annual registration; and adding provisions on: distributions; and dissolution. As to general partnerships, repealing existing Chapter 83 and replacing it with a new Chapter 84 relating to: general provisions; nature of partnership; relations of partners to persons dealing with partnership; relations of partners to each other and to partnership; transferable interests and rights of transferees and creditors; dissociation; dissociation as partner if business not wound up; and dissolution and winding up. As to limited partnerships, repealing existing Chapter 85 and replacing it with a new Chapter 86 relating to: general provisions; formation and filings; limited partners; general partners; contributions and distributions; dissociation; transferable interests and rights of transferees and creditors; dissociation and winding up; and actions by partners. As to limited liability companies: repealing existing Subchapters A, B, C, D, E, F, I and K of Chapter 89 and replacing them with a new Chapter 88 relating to: general provisions; formation and filings; relations of members and managers to persons dealing with limited liability company; relations of members to each other and to limited liability company; transferable interests and rights of transferees and creditors; dissociation; dissolution and winding up; actions by members; and benefit companies; and revising provisions on restricted professional companies. As to unincorporated nonprofit associations, making conforming amendments by revising provisions on ownership and transfer of property. As to business trusts, making conforming changes by revising provisions on application and effect of chapter and liability of trustees and beneficiaries. As to names, revising provisions on register established.

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

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 2084 (Pr. No. 3509) (Rereported)**

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, providing for oleoresin capsicum spray.

**HB 2107 (Pr. No. 4063) (Amended) (Rereported)**

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.

**HB 2148 (Pr. No. 4064) (Amended) (Rereported)**

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; providing for eligibility of firemen of airport authorities, firemen employed by the Commonwealth and emergency medical services personnel of cities; and making editorial changes.

**SENATE RESOLUTIONS ADOPTED**

Senators TARTAGLIONE, GREENLEAF, BAKER, DINNIMAN, BLAKE, FONTANA, McGARRIGLE, BREWSTER, SABATINA, BOSCOLA, KITCHEN, FARNESE, FOLMER, VULAKOVICH, HUTCHINSON, WARD, TEPLITZ, ARGALL, KILLION, BROWNE, YUDICHAK, COSTA, MENSCH, AUMENT, RESCHENTHALER, WHITE, BARTOLOTTA and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 460**, entitled:

A Resolution recognizing the month of October 2016 as "National Breast Cancer Awareness Month" in Pennsylvania and October 21, 2016, as "National Mammography Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, I am here to talk about a disease that affects too many people and claims too many lives each year. The disease I am referring to today is breast cancer. Breast cancer is the second-most common cause of cancer in women. In the U.S., a woman is diagnosed every 2 minutes, and one dies every 13 minutes, from this terrible disease. About 1 in 8 women born today will develop breast cancer at some point in their lives. In Pennsylvania, breast cancer is the leading cause of cancer deaths among 25- to 54-year-old women and 60- to 70-year-old men.

As many of you know, breast cancer has personally affected my family, as my own sister lost her battle with breast cancer 10 years ago. But there is good news thanks to medical research, awareness, and early detection, the 5-year survival rate for breast cancer is 100 percent. "Breast Cancer Awareness Month" is our chance to continue to raise awareness about the importance of early detection. Mr. President, in honor of the many individuals who have lost their lives to breast cancer, and in recognition and support of those who are living with and who have survived this disease, I introduce this resolution recognizing the month of October as Breast Cancer Awareness Month, and October 21 as

"National Mammography Day." I implore everyone to become aware of the risks of breast cancer and to take advantage of the early prevention services available to them. I ask all of my colleagues for an affirmative vote on this resolution.

Thank you, Mr. President.

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

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

Senator YAW, by unanimous consent, offered **Senate Resolution No. 461**, entitled:

A Resolution designating the week of October 23 through 29, 2016, as "Pro Bono Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lycoming, Senator Yaw.

Senator YAW. Mr. President, I remind people or bring it to their attention that lawyers in Pennsylvania do an awful lot of free legal work. As stated in the resolution, every year lawyers in Pennsylvania handle about 12,000 domestic violence cases and over 10,000 mortgage foreclosures. So, the work that they do to protect people on a pro bono basis is a very, very important consideration and worthy of designating the last week in October as "Pro Bono Week." Thank you.

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

**MOTION PURSUANT TO SENATE RULE 12**

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 3, Senate Bill No. 840, and move the Senate proceed to consider Senate Bill No. 840, notwithstanding the provisions of Senate Rule 12.

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 840 (Pr. No. 2163)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; and, in rules of the road in general, further providing for speed timing devices and providing for automated speed enforcement systems.

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

On the question,  
Shall the bill pass finally?

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

**YEA-48**

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

**UNFINISHED BUSINESS - (Continued)  
SENATE RESOLUTION ADOPTED**

Senator RESCHENTHALER, by unanimous consent, offered **Senate Resolution No. 462**, entitled:

A Resolution designating October 18, 2016, as "Suits for Soldiers Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator RESCHENTHALER. Mr. President, today I offer my strong support for this resolution marking today as "Suits for Soldiers Day" in Pennsylvania. As a veteran myself, I have personally witnessed the sacrifice and courage of these men and women. Many veterans, upon returning home, strive to live their lives to their fullest potential despite injuries, both mental and physical, suffered as a consequence of their service. Many of these veterans lack the funds to acquire the professional attire necessary to interview for civilian jobs. Farmer's Insurance, through its Suits for Soldiers campaign, has collected and donated more than 8,000 suits to help transitioning veterans enter the workforce with professional attire.

I ask all Pennsylvanians to join me today in recognizing these veterans and all that they have provided for us and encourage you to participate in the Suits for Soldiers campaign. Therefore, Mr. President, I would like to say thank you to our veterans, and I ask my colleagues to support this resolution and declare today Suits for Soldiers day in Pennsylvania.

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2**

**BILL AMENDED**

**SB 1365 (Pr. No. 2068)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, increasing the number of judges in certain judicial districts.

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

Senator McILHINNEY offered the following amendment No. A10667:

Amend Bill, page 2, line 2, by striking out "14" and inserting:  
15

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

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

**YEA-46**

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

**NAY-2**

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

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

**UNFINISHED BUSINESS - (Continued)  
SENATE RESOLUTIONS ADOPTED**

Senators BAKER, SABATINA, TARTAGLIONE, BOSCOLA, DINNIMAN, GREENLEAF, BARTOLOTTA, FONTANA, ARGALL, BREWSTER, RESCHENTHALER, KILLION, SCHWANK, FARNESE, VULAKOVICH, HUTCHINSON, WARD, BROWNE, AUMENT and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 463**, entitled:

A Resolution designating the month of November 2016 as "COPD Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator BAKER. Mr. President, Chronic Obstructive Pulmonary Disease, commonly known as COPD, is a term used for progressive lung diseases that include emphysema and chronic bronchitis. Common symptoms include breathlessness, frequent coughing, wheezing, and tightness in the chest. It affects an estimated three-quarters of a million individuals in the Commonwealth, and it is the fourth-leading cause of death. So, with this resolution we are designating the month of November as "COPD Awareness Month" in Pennsylvania to promote public awareness, enhance education, erase the stigma, and increase the early diagnosis of a disease to help save lives and reduce healthcare costs here in the Commonwealth. I urge an affirmative vote on the resolution.

Thank you, Mr. President.

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

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

Senator McILHINNEY, by unanimous consent, offered **Senate Resolution No. 464**, entitled:

A Resolution designating the month of October 2016 as "Lewy Body Dementia Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator McILHINNEY. Mr. President, I ask my colleagues to support this resolution designating October 2016 as "Lewy Body Dementia Awareness Month" in Pennsylvania. The reason why this issue is so important is because this condition is frequently misdiagnosed, and the consequences of an inaccurate diagnosis can be extremely dire. Some of the symptoms of this form of dementia mirror those of patients suffering from Alzheimer's or Parkinson's disease. Unfortunately, medications prescribed to treat those diseases can have serious negative effects on patients who suffer from Lewy Body dementia. There is currently no cure or treatment to slow the progression of symptoms, but there is

hope that further study of this disorder will lead to new breakthroughs that will improve the quality of life for patients.

It is estimated that more than 1.4 million Americans suffer from this condition, and earlier this year I actually suffered a loss in my own household when my mother-in-law, Maxine Baram, died from this disease. It is my hope that we can raise awareness of this issue both among the healthcare professionals and the general public in order to insure a more timely and accurate diagnosis. I ask for an affirmative vote.

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

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

Senator EICHELBERGER, by unanimous consent, offered **Senate Resolution No. 465**, entitled:

A Resolution designating the week of October 16 through 22, 2016, as "Credit Union Week" 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, the Commonwealth of Pennsylvania currently has 427 credit unions that serve 3.8 million Pennsylvanians. These people are associated through local and international organizations that share the same commitment to serving one another, and they operate as a cooperative. They pool their money, manage their resources, and provide services to the folks who are members. I ask my colleagues to join me in designating October 16 through 22, 2016, as "Credit Union Week" in this great State of Pennsylvania. Thank you.

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

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

Senators VOGEL, SABATINA, BOSCOLA, GREENLEAF, FONTANA, FARNESE, BROWNE, DINNIMAN, EICHELBERGER, FOLMER, VULAKOVICH, HUTCHINSON, WARD, TEPLITZ, ARGALL, KILLION, YUDICHAK, COSTA, MENSCH, AUMENT, RESCHENTHALER, BAKER and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 466**, entitled:

A Resolution designating the month of October 2016 as "Agent Orange Recognition Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, I stand to offer this resolution recognizing October 2016 as "Agent Orange Recognition Month" in Pennsylvania. Thousands of Vietnam War veterans have died due to the use of Agent Orange, and thousands of veterans still suffer from cancer and other health disorders caused

by exposure to Agent Orange. I appreciate the Senate's support to honor these veterans and to bring awareness to this issue.

Thank you, Mr. President.

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

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Virginia C. Boyd by Senator Aument.

Congratulations of the Senate were extended to Joseph Regenski, Laurie Beahan, Jane Varcoe, Ann O'Hara, the Lodge at Woodloch, Wayne Highlands School District and to Lake Region IGA by Senator Baker.

Congratulations of the Senate were extended to Maureen O'Meara and to PPL Corporation by Senators Boscola, Browne, and Scavello.

Congratulations of the Senate were extended to Kaisha Rosa by Senator Boscola and others.

Congratulations of the Senate were extended to Walter Michael Drda by Senator Brooks.

Congratulations of the Senate were extended to the American Helicopter Museum and Education Center by Senators Dinniman and Killion.

Congratulations of the Senate were extended to Charles A. Torisky by Senator Fontana.

Congratulations of the Senate were extended to Sheryl Biju by Senator McGarrigle.

Congratulations of the Senate were extended to Lawrence Feinberg by Senators Rafferty and Vance.

Congratulations of the Senate were extended to Dan Butler, Robert A. Wild, Joe Hutelmeyer, Judy Steuber, John Bailey and to Michael Chapman by Senator Tomlinson.

Congratulations of the Senate were extended to Ronald W. Huff by Senator White.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Jacqueline Regina Marut by Senator Baker.

### BILLS ON FIRST CONSIDERATION

Senator WILLIAMS. 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 1260, HB 516, HB 1415, HB 1699, HB 1704, HB 1769, HB 1907, HB 2078, HB 2290, HB 2291 and HB 2338.**

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



**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 19, 2016

9:30 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 978; House Bills No. 1698 and 2241; and a public hearing on Senate Bill No. 1158)	Hrg. Rm. 1 North Off.
10:00 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 297, 1885 and 2186)	Room 461 Main Capitol
Off the Floor	AGRICULTURE AND RURAL AFFAIRS (to consider House Bills No. 1265 and 2303)	Rules Cmte. Conf. Rm.
Off the Floor	APPROPRIATIONS (to consider House Bills No. 74, 245, 319, 946, 1351, 1683, 1699, 2290 and 2291)	Rules Cmte. Conf. Rm.
Off the Floor	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider House Bill No. 1887)	Rules Cmte. Conf. Rm.
Off the Floor	STATE GOVERNMENT (to consider Senate Bill No. 1334; and House Bills No. 1348 and 1968)	Rules Cmte. Conf. Rm.
Off the Floor	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1387; and Senate Resolution No. 421)	Rules Cmte. Conf. Rm.

WEDNESDAY, OCTOBER 26, 2016

9:00 A.M.	GAME AND FISHERIES (public hearing on Chronic Wasting Disease (CWD) with officials from the PA Dept. of Agriculture and the PA Game Commission)	Room 8E-B East Wing
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WEDNESDAY, NOVEMBER 16, 2016

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) (joint hearing to review emergency preparedness and response measures for natural gas/petroleum pipeline infrastructure across Pennsylvania)	Hrg. Rm. 1 North Off.
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**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, I submit comments for the record on Senate Resolution No. 385. Thank you.

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 Mercer, Senator BROOKS:)*

Mr. President, I rise today to ask my colleagues for an affirmative vote on Senate Resolution No. 385, which directs the Joint State Gov-

ernment Commission to conduct a comprehensive study of the environmental laws and regulations in our Commonwealth for the explicit purpose of identifying those measures that are more stringent than what is required by the Federal government.

It is the intent of this resolution to establish a measuring stick by which we, in the General Assembly and the public at large, can determine the scope and range of our environmental laws and regulations, particularly when compared against those established by Congress, the President of the United States, and the Federal Environmental Protection Agency.

While we certainly understand and appreciate the importance of our environment, it is my sincere hope that this resolution will give us the background and facts to move forward in identifying overreaching regulations. This information will enable us to find and establish an appropriate supervisory balance through the practical application of laws and regulations that will provide Pennsylvanians the flexibility, without using a cookie-cutter approach, to protect our environment, while at the same time permitting economic growth and job creation.

Hopefully, Mr. President, this resolution can be a first step in pinpointing those current laws and regulations that impact hardworking citizens and businesses, and pave the way for common sense changes intended to make Pennsylvania more competitive in attracting new businesses.

I ask for an affirmative vote. Thank you.

**MOTION PURSUANT TO SENATE RULE 12**

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

Senator CORMAN. Mr. President, as a special order of business, I call up Senate Supplemental Calendar No. 4, Senate Bill No. 1365, and move the Senate proceed to consider Senate Bill No. 1365, notwithstanding the provisions of Senate Rule 12.

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1365 (Pr. No. 2168)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, increasing the number of judges in certain judicial districts.

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

On the question,  
Shall the bill pass finally?

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

YEA-46

Alloway	Dinniman	McGarrigle	Vance
Argall	Eichelberger	McIlhinney	Vogel
Aument	Farnese	Mensch	Vulakovich

Baker	Folmer	Reschenthaler	Wagner
Bartolotta	Fontana	Sabatina	Ward
Blake	Gordner	Scarnati	White
Boscola	Greenleaf	Scavello	Wiley
Brewster	Haywood	Schwank	Williams
Brooks	Hughes	Smucker	Yaw
Browne	Killion	Stefano	Yudichak
Corman	Kitchen	Tartaglione	
Costa	Leach	Tomlinson	

NAY-2

Hutchinson      Wozniak

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.

**RECESS**

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

Senator CORMAN. Mr. President, I move that the Senate do now recess until Wednesday, October 19, 2016, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 7:04 p.m., Eastern Daylight Saving Time.