

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, OCTOBER 24, 2016

SESSION OF 2016 200TH OF THE GENERAL ASSEMBLY

No. 53

SENATE

MONDAY, October 24, 2016

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

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend PETER SMITH, Pastor of Hope Valley Community Church, Red Hill, offered the following prayer:

I am truly honored and humbled to be here today and blessed to have Stephen Curley and my 18-year-old son, Nick, here with me. I am honored and blessed to be with each of you here and to be able to bless the government of Pennsylvania and this Harrisburg State Capitol. I am thankful to be invited by Senator Mensch from the 24th Senatorial District. Before I pray, Stephen Curley has a Shofar horn that he is going to blow at the end of my prayer, and it is an instrument of prayer and blessing. So, we want to bless the Pennsylvania State government here today through this prayer and through the Shofar horn.

Let us pray.

Father God, today we pray God's peace and blessings over all Pennsylvania's governmental seats, over all Pennsylvania government officials, over all the Senate and House of Representatives and their staff, and their families. Father, release Philadelphia's destiny as a City of Brotherly Love over this State government today, that the government of man would operate with the brotherly love from heaven. Father God, You are the wisdom of heaven. Today we decree and declare that the wisdom of heaven is coming into all of the government seats of Pennsylvania to create legislation and make laws that will release righteousness, peace and joy, and the Holy Spirit over this land. Today Your name is righteousness and justice, and we come up to God's throne and we ask You, Father, to drop the plumbline of righteousness and justice over all governmental seats in the State of Pennsylvania today, over all local governmental seats, all county seats, all State seats, and all Federal government seats. Align the State of Pennsylvania and align our nation with righteousness, peace, and joy in the Holy Spirit.

Today we decree and declare that God's throne is above all other thrones and all other seats here in Pennsylvania. Today we decree and declare that everything that can be shaken in the Pennsylvania government will be shaken. We agree that we are receiving a kingdom that cannot be shaken. Let us be thankful

and so worship God acceptably with reverence and awe, for our God is a consuming fire. Today we decree and declare that the Lord is our judge, the Lord is our lawgiver, and the Lord is our King, Isaiah 33:22. It is He who will save Pennsylvania and our nation.

Today we acknowledge that the government of man is imperfect but that the government of God is everything we need to live in righteousness and justice. Today we decree and declare that the wisdom of Earth is imperfect but that the wisdom of heaven is what is needed in this hour. We call on the wisdom of heaven to guide all legislation for the State of Pennsylvania. Today we call on the God of Abraham, Isaac, and Jacob to come and rescue us. Bless Israel and pray for the peace of Jerusalem, we pray for the peace of God to reside over Pennsylvania, and over all of America.

Oh Pennsylvania, if you will humble yourselves and pray and seek the Father's face, if you will repent of your sins and turn from your wicked ways, then the Father will hear from heaven and will forgive your sins and will heal the land of the Holy Experiment of Pennsylvania, 2 Chronicles 7:14.

Father God, Your name is the cornerstone. We decree and declare that the foundation of the State of Pennsylvania is the precious cornerstone for a sure foundation. The one who trusts in Him will never be disappointed, Isaiah 28:16.

Father God, Your name is a wall of fire. Today be a wall of fire around our hearts, around the 67 Pennsylvania counties, around all Pennsylvania government districts, and around the boundaries of the entire State of Pennsylvania. Father, let Your glory come and dwell inside the wall of fire You establish over this State of Pennsylvania. Today we decree and declare that the Pennsylvania State government of Earth is aligning with the host of heaven to bring about the purposes and destinies of the Father's heart for Pennsylvania and for our nation. Today we acknowledge that the State of Pennsylvania has been in the past, and will be in the future, a Holy Experiment from the hand of God to inspire this nation and to inspire the nations of the Earth, that the Earth will be filled with the knowledge of the glory of God as the waters cover the sea.

We decree and declare that the righteous sons and daughters of William Penn's Holy Experiment are rising up here in these governmental Chambers and throughout the State of Pennsylvania. Today on this October 24, 2016, that aligns with the last day and the greatest day of the Hebraic Feast of Tabernacles, we are reminded of Jesus' declaration in John 7:37: On the last and greatest day of the feast, Jesus stood and said in a loud voice, If anyone is thirsty, let him come to me and drink. Whoever believes in me, as the Scripture has said, streams of living waters will flow from within him. By this He meant the Spirit by those who had believed in Him were later to receive.

Today we ask that the God of our Lord Jesus Christ, the glorious Father, will give the governmental leaders of Pennsylvania the spirit of wisdom and revelation to know the Father, God, better. Today we bless the Capitol of Pennsylvania, we bless all government business that will be done today, and we pray for righteousness, peace, and joy in the Holy Spirit to prevail and all legislation considered today through the remainder of this legislative term through Wednesday, and through the next 2-year legislative term.

Father God, be glorified through the State Capitol and through the continuing Holy Experiment originally established here through William Penn on March 4, 1681. Today we decree and declare that the Holy Experiment of Pennsylvania will be fully unlocked, and that this Holy Experiment will come in the fullness of the Father's purposes and destiny for the State of Pennsylvania to rise into its chosen destiny. Today we decree and declare that the fullness of God's purpose for the righteous route of the Holy Experiment of Pennsylvania is being fully unlocked and fully restored on this 335th anniversary of the land grant of Pennsylvania.

We pray all of these things in the powerful name of Jesus Christ of Nazareth, and in His name we pray. Amen.

(Whereupon, the Shofar horn was blown.)

The PRESIDENT pro tempore. The Chair thanks Pastor Smith, who is the guest today of Senator Mensch.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

October 19, 2016

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

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

TOM WOLF
Governor

MAGISTERIAL DISTRICT JUDGE

October 19, 2016

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Yablonski, Jr., 901 Capital Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-2-04, to serve until the first Monday of January 2018, vice The Honorable David W. Tidd, resigned.

TOM WOLF
Governor

CORRECTION TO CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

October 24, 2016

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

Please note that the letter dated June 28, 2016, and then corrected on July 6, 2016, for the nomination of Gary Wills, 2363 Saint Augustine Road, Dystart *[sic]* 16636, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until January 21, 2021, and until his successor is appointed and qualified, vice Dixie Henry, Mount Union, resigned, should be corrected to read:

Gary Wills, 2363 Saint Augustine Road, Dysart 16636, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until January 19, 2021, and until his successor is appointed and qualified, vice Dixie Henry, Mount Union, resigned.

TOM WOLF
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 49**.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 984** and **SB 1219**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS INTRODUCED AND REFERRED

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

October 20, 2016

Senators SCHWANK, HUGHES, BOSCOLA, BLAKE, KITCHEN, FONTANA, TEPLITZ, SABATINA, FARNESE, RAFFERTY, COSTA and YUDICHAK presented to the Chair **SB 1394**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and course of study, further providing for dating violence education; and, in sexual violence education at institutions of higher education, further providing for definitions and for education program.

Which was committed to the Committee on EDUCATION, October 20, 2016.

Senator WARD presented to the Chair **SB 1396**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions and for sanitary rules.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 20, 2016.

October 24, 2016

Senators VULAKOVICH, RESCHENTHALER, ALLOWAY, BARTOLOTTA, STEFANO, WAGNER, KILLION and WHITE presented to the Chair **SB 1397**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; and, in licenses and regulations and liquor, alcohol and malt and brewed beverages, providing for spirit expanded permits.

Which was committed to the Committee on LAW AND JUSTICE, October 24, 2016.

BILL SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bill:

HB 49.

LEGISLATIVE LEAVES

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

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

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

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

The PRESIDENT pro tempore. Senator Corman requests a temporary Capitol leave for Senator Smucker, and a legislative leave for Senator Tomlinson.

Senator Costa requests a temporary Capitol leave for Senator Schwank, and a legislative leave for Senator Leach.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator CORMAN asked and obtained leaves of absence for Senator BAKER and Senator WAGNER, for today's Session, for personal reasons.

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, October 24, 2016

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene the week of Monday, November 14, 2016, unless sooner recalled by the President pro tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene the week of Monday, November 14, 2016, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

GUESTS OF SENATOR MICHELE BROOKS AND SENATOR SEAN D. WILEY PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, I am very excited today to have in the gallery members of the Pennsylvania District 1 All-Star Senior League Softball Team, who impressively took third place in the world. I am so proud to say that they are from Crawford, Erie, and Warren Counties. This team truly excelled as Pennsylvania's representative in a series of regional and national tournaments this past summer. After winning the Senior League Softball East Regional Tournament in Massachusetts, they advanced to the semi-final round of the Senior League Softball World Series in Delaware, where they competed against teams from other regions of the United States, as well as squads from around the world.

Mr. President, to accomplish what these young ladies have achieved requires tremendous dedication, tenacity, hard work, and considerable sacrifice. This team has brought such great credit not only to themselves, but to their communities, as well as our Commonwealth. For every great team, there is always a strong coaching staff.

Joining us today is their head coach, John Kutz. Team members accompanying him in the gallery include Kaylene Chaffee; Payton Cole; Selaina Dragosavac; Kayla Freyermuth; Mackenzie Freyermuth; Shealeigh Keller; Carlie Schlosser; Taylor Schultz; Brittney Williams; Katelyn Young; Brienna Canter, a constituent of Senator Hutchinson; Haley Wells, a constituent of Senator Wiley; as well as team managers Madelynn Dragosavac and Brooklyn Cole. Additionally, I would like to take this opportunity to thank the parents and family members for their support of this team's journey and great accomplishment.

Mr. President, I ask my colleagues in the Senate to offer their usual warm welcome to the Pennsylvania District 1 All-Star Senior League Softball Team and congratulate them on their third place finish in the world. Thank you.

The PRESIDENT pro tempore. Would the guests of Senator Brooks please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

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

Senator WILEY. Mr. President, it is my honor today to join Senator Brooks in welcoming the District 1 All-Star Softball Team, and one very special team member who happens to be my constituent. Haley Wells is the only member of the team who resides in my senatorial district, and I wanted to be sure that I recognized her accomplishments as well.

I also thank Haley's father, Greg, for selfishly serving our community as a firefighter in the city of Erie. Mr. President, I ask my colleagues again to join Senator Brooks and me in congratulating Haley and welcoming her and her family to the Senate of Pennsylvania.

The PRESIDENT pro tempore. Would the guests of Senator Wiley please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

GUEST OF SENATOR MICHAEL J. FOLMER PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I rise today to introduce William Gelgot, a constituent of the 48th Senatorial District. William is a lifelong resident of Lebanon and a graduate of Cedar Crest High School. He is currently a political science major at Penn State Harrisburg, where he is a member of the club water polo team, campus ambassador, a member of THON, and has been a resident assistant for the past 3 years. William says his passion for serving people comes from his family. His mother, Martha, is a public schoolteacher, actually at my alma mater, Lebanon Senior High School, where she teaches physics. His father, William, is a police officer. William will graduate college this December and hopes to be a United States Senator one day.

Senators, please join me in giving a warm welcome to William Gelgot.

The PRESIDENT pro tempore. Would the guest of Senator Folmer please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR GENE YAW ON BEHALF OF ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator YAW. Mr. President, on behalf of Senator Baker, it is my pleasure today to introduce the Tunkhannock Area 8- to 10-Year-Old Girls' Little League Team who won the 2016 Pennsylvania State Girls' Little League Championship. Please welcome today the manager, Tim Hannon, and coaches Mike Marabell and Chris Lockard. Team members include Hallie Brown, Kaya Hannon, Sydney Huff, Karley Lockard, Ella McNeff, Julianna Roote, Alexis Gilroy, McKenzie Hannon, Elaina Kulsicavage, Paige Marabell, Lily Parr, and Cali Wisnosky. The team is also accompanied by many of their parents. Please join me in giving these fine young athletes our usual warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Baker please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR ROBERT F. TEPLITZ PRESENTED TO THE SENATE

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

Senator TEPLITZ. Mr. President, I have two sets of guests today. First, I would like to recognize Avery Staley, her family, and her school principal to the Senate. Avery is a third-grader at Thomas Holtzman Elementary School located in Susquehanna Township in my district. She is the winner of my 2016 Fire Prevention Week Poster Contest. Avery is a friend and classmate of my son, Adam. That is not how she won the contest, but he assures me that it was the amount of glitter on her poster that put her over the top. Avery is joined by her parents, Ali and Shane Staley, and her principal, Jackie Wapinsky.

Avery's colorful poster depicts this year's Fire Prevention Week theme: "Don't Wait: Check the Date! Replace Smoke

Alarms Every Ten Years." According to the National Fire Protection Association, the public has many misconceptions about smoke alarms, which may put them at an increased risk in the event of a home fire. For example, only a small percentage of people know how old their smoke alarms are or how often they need to be replaced.

So, Mr. President, I ask that my Senate colleagues join me in congratulating Avery Staley on winning my Fire Prevention Week Poster Contest and welcome her, her family, and her school principal to the Senate today.

Thank you, Mr. President.

The PRESIDENT pro tempore. Would the guests of Senator Teplitz please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

Senator TEPLITZ. Mr. President, I have another set of guests seated in the gallery today. Matilda Barrington is an exchange student from Australia. She is from Goulburn, New South Wales, which is 2 hours south of Sydney. Tilly is participating in the Rotary Youth Exchange, which is being sponsored by the Rotary Club of Susquehanna Township and the Rotary Club of Hershey. She is here today with Rotary Youth Exchange Club Counselor Heather Royer.

Tilly is 16 years old and attends Susquehanna Township High School. She was recently elected as co-president of the high school's Interact Club. Students in the Interact Club join together to tackle issues in their community, perform service projects, develop leadership skills, and have fun. The Susquehanna Township Interact Club is currently growing and harvesting fresh produce at a community garden in Susquehanna Township to benefit the Manna Food Pantry in Penbrook. Tilly has developed an expansion plan for the garden which will provide a greater variety of produce to those in need in our community. She has also been involved in many school fundraisers as well.

She has immersed herself in our American culture by living with four different host families during the course of her 1-year stay. She has learned about varying lifestyles and perspectives, she has been a wonderful ambassador for her own country, and has shared interesting information about her culture with us. As a member of the Rotary Club of Harrisburg, I am pleased to see that our local Rotary Clubs are giving students the amazing opportunity to explore other countries and experience other cultures. Mr. President, I ask that my colleagues join me in welcoming Tilly Barrington to the Senate and to our Commonwealth, and also her counselor, Heather Royer.

Thank you, Mr. President

The PRESIDENT pro tempore. Would the guests of Senator Teplitz please rise to be welcomed by the Pennsylvania Senate.

(Applause.)

GUEST OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator ARGALL. Mr. President, I would like to introduce Brett Ennis, who is in the gallery. He is currently interning in

my Harrisburg office for this semester. He is a native of Gordon, in Schuylkill County, and is a sophomore at Temple University, where he is studying political science. I met Brett several years ago when he served at my Senator for a Day program and was active at North Schuylkill High School. This past summer he interned for the Schuylkill Economic Development Corporation, where he learned about the significant impact that economic development has in our communities. I am glad to have him as an intern in the office. I look forward to seeing him continue to gain firsthand experience into the inner workings and functions of our State government.

The PRESIDENT pro tempore. Would the guest of Senator Argall please rise to be welcomed by the Senate.

(Applause.)

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Smucker has returned, and his temporary Capitol leave is cancelled.

GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Mensch.

Senator MENSCH. Mr. President, today it is my honor to introduce our Senate guest Chaplain. Pastor Peter Smith is a regional leader in the prayer transformation movement in Pennsylvania. He is the Eastern State Leader with the Pennsylvania Apostolic Prayer Network, where he oversees 22 eastern Pennsylvania counties. He is the founding and senior pastor of the Hope Valley Community Church in Red Hill, Pennsylvania, which happens to be literally right next to my district office. He founded the Transformation Prayer Network in the Upper Perkiomen Valley in 2004, and he is a transformation practitioner. Pastor Smith lives in southeastern Pennsylvania with his wife, Julie, and their teenage son, Nick, and daughter, Madison. Nick is here with the pastor today seated in the gallery. Nick recently graduated from the Pennsylvania Cyber School. He now is involved in his own business doing Web site design, and shortly will be enlisting in the United States Navy, where he would like to pursue a career with the Navy SEALs.

Joining Pastor Smith is Mr. Stephen Curley, who is a 64-year native of Pennsylvania and a Montgomery County resident. He happens to be my neighbor in Marlborough Township. He has been married to his wife, Susan, for 42 years. They have four children, Aaron, Nathaniel, Luke, and Benjamin. Stephen is a 1970 graduate of East Stroudsburg State University and has taught in the Quakertown Community School District as a physical education teacher for 40 years. He also coached football, wrestling, and track and field. Steve served as a PIAA track and field official for over 30 years, and he is now enjoying retirement.

Stephen has been co-leader of the Third Heaven House of Prayer at Hope Valley Community Church in Red Hill, Pennsylvania, for 3 years. He has been a member of Hope Valley and an elder for 10 years.

Mr. President, please join me in extending a very warm Senate welcome to Pastor Smith, his son, Nick, and their guest, Stephen Curley.

The PRESIDENT pro tempore. Will the guests of Senator Mensch please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR JAKE CORMAN
ON BEHALF OF THE PRESIDENT PRO
TEMPORE PRESENTED TO THE SENATE**

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

Senator CORMAN. Mr. President, earlier today, they are not here with us now, we were joined by the Keystone Little League All-Star Team. Keystone comes from a Little League in Clinton County, which is in your district, Mr. President. It used to be in my district, actually very close to my home. They were here today because they won the 12-and-Under Major All-Star Team State title this year. It was a great year for them. These young athletes of the 25th Senatorial District, being State Champions, received great guidance from head coach Ben Falls and assistant coaches Cole Hanley and Tom Miller. The 2016 team members include Brady Bendik, Kaden Falls, Nate Helms, Josh Keibler, Aiden Major, Cayde McCloskey, Aaron Miller, Blade Myers, Ryan Pentz, Cy Probst, Ryan Thompson, and Nash Welch.

They finished the season, Mr. President, 17-3, and after winning the State title, they just lost in the Eastern Regional final to the team from New York that went on to win the Little League World Series. So obviously they were a tremendous team, and unfortunately they are not here with us now, but they were here earlier and we want to make recognition of such a great season that the Keystone Little League had.

The PRESIDENT pro tempore. The Chair thanks the gentleman.

HB 2014 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 2014, Printer's No. 3220, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of a series of off-the-floor committee meetings, starting with the Committee on Finance, then the Committee on Labor and Industry, the Committee on Education, followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the meetings the Majority Leader just referenced, Senate Democrats will meet in the rear of the Chamber for a caucus.

The PRESIDENT pro tempore. For purposes of off-the-floor meetings of the Committee on Finance, the Committee on Labor and Industry, the Committee on Education,

followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Schwank has returned, and her temporary Capitol leave is cancelled.

LEGISLATIVE LEAVE

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

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

SB 1331 CALLED UP OUT OF ORDER

SB 1331 (Pr. No. 2166) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL REREFERRED

SB 1331 (Pr. No. 2166) -- 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.

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

HB 1403 CALLED UP OUT OF ORDER

HB 1403 (Pr. No. 3934) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL REREFERRED

HB 1403 (Pr. No. 3934) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 1774 CALLED UP OUT OF ORDER

HB 1774 (Pr. No. 3953) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL REREFERRED

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.

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

SECOND CONSIDERATION CALENDAR

HB 192 CALLED UP OUT OF ORDER

HB 192 (Pr. No. 1189) -- Without objection, the bill was called up out of order, from page 9 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 192 (Pr. No. 1189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for powers and duties of director.

On the question,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

HB 516 CALLED UP OUT OF ORDER

HB 516 (Pr. No. 4043) -- Without objection, the bill was called up out of order, from page 9 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 516 (Pr. No. 4043) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

HB 1437 CALLED UP OUT OF ORDER

HB 1437 (Pr. No. 3952) -- Without objection, the bill was called up out of order, from page 14 of the Second Consideration Calendar, by Senator CORMAN, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1437 (Pr. No. 3952) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

October 21, 2016

HB 2375 -- Committee on Labor and Industry.

HB 2381 -- Committee on Education.

October 24, 2016

HB 2370 -- Committee on Finance.

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 committee meetings to be held in the Rules room in the rear of the Chamber, starting with the Committee on Rules and Executive Nominations, and followed by the Committee on Appropriations.

The PRESIDENT. For purposes of off-the-floor meetings of the Committee on Rules and Executive Nominations, followed by the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 16, HB 34 and HB 123 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 162 (Pr. No. 3955) -- The Senate proceeded to consideration of the bill, entitled:

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

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-47

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

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.

BILLS OVER IN ORDER

HB 263, HB 319, HB 423 and HB 850 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A10742:

Amend Bill, page 1, lines 7 and 8, by striking out "AND FOR ADMINISTRATION OF REDEVELOPMENT ASSISTANCE CAPITAL PROJECTS"

Amend Bill, page 2, line 14, by striking out "\$2,950,000,000" and inserting:

\$3,200,000,000

Amend Bill, page 2, lines 22 through 30; page 3, lines 1 through 30; page 4, lines 1 through 6; by striking out all of said lines on said pages

Amend Bill, page 4, line 7, by striking out "3" and inserting:

2

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.

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 930 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1118 (Pr. No. 4066) -- 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.

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-47

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

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.

BILLS OVER IN ORDER

SB 1160, SB 1323, SB 1324, HB 1334, SB 1344, HB 1452, HB 1496 and HB 1538 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL AMENDED

HB 1600 (Pr. No. 4067) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for voluntary veterans' preference in private employment; and, 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 third consideration?

Senator COSTA, on behalf of Senator HUGHES, offered the following amendment No. A10832:

Amend Bill, page 3, line 18, by inserting after "VETERANS":
preference

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

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

Senator COSTA. Mr. President, I understand the amendment is technical in nature, and I understand it has been agreed to.

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1618 (Pr. No. 4068) -- 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.

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 Costa.

Senator COSTA. Mr. President, I rise to ask for a negative vote on House Bill No. 1618. For colleagues on our side of the aisle, this is legislation that we discussed in caucus. This is the Inspector General legislation that establishes the State Office of Inspector General. We already have in place an Attorney General and an Auditor General who serve sufficiently along those lines. This particular position would basically work through the executive branch under the administration of the

Governor's Office, and for a variety of reasons, without taking away the authority of the Governor to appoint this person without Senate approval, and the crossover of the respective branches, I am asking for a negative vote. Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-29

Alloway	Folmer	Reschenthaler	Vulakovich
Argall	Gordner	Scarnati	Ward
Aument	Hutchinson	Scavello	White
Bartolotta	Killion	Smucker	Yaw
Brooks	McGarrigle	Stefano	Yudichak
Browne	McIlhinney	Tomlinson	
Corman	Mensch	Vance	
Eichelberger	Rafferty	Vogel	

NAY-18

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

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

Ordered, That the Secretary of the Senate 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 AMENDED

HB 1699 (Pr. No. 4044) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A10718:

Amend Bill, page 4, line 10, by striking out "access" and inserting:

query

Amend Bill, page 4, line 16, by striking out "the patient is admitted to a hospital or "

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 1703, HB 1737 and HB 1864 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL REREFERRED

HB 1887 (Pr. No. 3421) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in administration and enforcement relating to gaming, further providing for compulsive and problem gambling program.

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

BILLS OVER IN ORDER

HB 1948, HB 1959, HB 1974 and HB 1998 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL OVER IN ORDER TEMPORARILY

HB 2025 -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

BILL REREFERRED

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.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2058 (Pr. No. 3428) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-47

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

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.

BILL OVER IN ORDER

HB 2084 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL AMENDED

HB 2107 (Pr. No. 4063) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator BARTOLOTTA offered the following amendment No. A10855:

Amend Bill, page 7, line 12, by striking out "the department" and inserting:

and, except as provided under section 516 (relating to emergency procurement), a purchasing agency

Amend Bill, page 7, line 14, by inserting after "construction": that exceed the applicable small purchase threshold

On the question,

Will the Senate agree to the amendment?

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

YEA-46

Alloway	Eichelberger	McIlhinney	Vance
Argall	Farnese	Mensch	Vogel
Aument	Folmer	Rafferty	Vulakovich
Bartolotta	Fontana	Reschenthaler	Ward
Blake	Gordner	Sabatina	White

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

NAY-1

Haywood

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2148 (Pr. No. 4064) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator RAFFERTY. Mr. President, very briefly, I commend Representative Farry for this very important piece of legislation. I thank the Majority Leader, Senator Corman, for his cooperation in having this bill run today. House Bill No. 2148 amends what we know as the Heart and Lung Act and it actually adds more individuals employed as firefighters throughout this great Commonwealth, those men and women, firefighters and EMTs, who day in and day out put their lives on the line protecting us, our lives, and property; who day in and day out rush to scenes of disasters and scenes of destruction putting their lives on the line for us. So this is the least we can do for them. I am very appreciative of the opportunity to have this bill come up for a vote. I ask for an affirmative vote. I know there are a number of firefighters here with us today from across the Commonwealth to see this important bill go over the finish line.

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-47

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Farnese	McIlhinney	Vance
Aument	Folmer	Mensch	Vogel

Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Reschenthaler	Ward
Boscola	Greenleaf	Sabatina	White
Brewster	Haywood	Scarnati	Wiley
Brooks	Hughes	Scavello	Williams
Browne	Hutchinson	Schwank	Wozniak
Corman	Killion	Smucker	Yaw
Costa	Kitchen	Stefano	Yudichak
Dinniman	Leach	Teplitz	

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.

STATEMENT BY THE PRESIDENT

The PRESIDENT. Our friends who are in the gallery, the firefighters, good to see you. Tell the House we passed the bill. Thank you.

(Applause.)

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2290 (Pr. No. 3893) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Eichelberger	McGarrigle	Tomlinson
Argall	Farnese	McIlhinney	Vance
Aument	Folmer	Mensch	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Reschenthaler	Ward

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

NAY-0

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

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

HB 2291 (Pr. No. 3769) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

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 Baker's leave be changed from a personal leave to a legislative leave.

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

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

BILL ON SECOND CONSIDERATION, AMENDED

HB 245 (Pr. No. 3951) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local taxes, further providing for definitions, for payroll tax, for payment of tax to other political subdivisions or states as credit or deduction and withholding tax and for tax limitations; in consolidated collection of local income taxes, further providing for definitions, for declaration and payment of income taxes, for tax collection committees, for powers and duties of Department of Community and Economic Development, for powers and duties of tax officer and for withholding and remittance; and, in collection of delinquent taxes, further providing for penalties and for costs of collection of delinquent per capita, occupation, occupational privilege, emergency and municipal services, local services and income taxes.

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

BROWNE AMENDMENT A10652

Senator BROWNE offered the following amendment No. A10652:

Amend Bill, page 1, line 24, by striking out "and" where it occurs the second time and inserting a comma

Amend Bill, page 1, line 25, by inserting after "limitations":
and for limitations on assessment

Amend Bill, page 6, by inserting between lines 10 and 11:

Section 2.1. Section 319 of the act, renumbered and amended July 2, 2008 (P.L.197, No.32), is amended to read:

Section 319. Limitation on Assessment.--No assessment may be made of any earned income tax imposed under this [chapter] act more than five years after the date on which such tax should have been [paid] filed, including extended due dates, except where a fraudulent return [or no return] has been filed.

Amend Bill, page 7, line 21, by inserting after "tax.":

The term includes a person or business that filed a return of taxable income during the prior year but that had no taxable income during the current year and was required by the tax collector to file a final return indicating why the person or business no longer has tax-

able income.

Amend Bill, page 8, line 29, by inserting after "department":
unless permitted by the department under subsection (a.3)

Amend Bill, page 9, line 6, by inserting after "DEPARTMENT":
unless, for religious reasons, the department expressly grants an exception to this requirement

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

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

YEA-48

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

NAY-0

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?

GORDNER AMENDMENT A10828

Senator GORDNER offered the following amendment No. A10828:

Amend Bill, page 1, line 25, by inserting after "limitations;":
in optional occupational tax elimination, further providing for income tax rate limits;

Amend Bill, page 6, by inserting between lines 18 and 19:

Section 3.1. Section 404(a) of the act, added October 15, 2008 (P.L.1615, No.130), is amended and the section is amended by adding a subsection to read:

Section 404. Income tax rate limits.

(a) Income tax rate limits.--For the first fiscal year beginning after approval of the referendum under section 407, and each fiscal year thereafter, the governing body of a political subdivision using the procedures authorized by this chapter shall be authorized to impose an income tax at a rate not exceeding the maximum income tax rate as calculated under subsection (b) [or], (b.1) or (b.2).

* * *

(b.2) Calculation of maximum tax rate.--The maximum income tax rate for a school district that levied an occupation tax for the fiscal year ending in 2016, or a municipality that levied an occupation tax for the calendar year ending December 31, 2015, shall be determined by taking the sum of the rates calculated under paragraphs (1) and (2) and limited by paragraph (3):

(1) The rate of the income tax that would have resulted in the collection by the political subdivision of an amount equal to the amount collected from the occupation tax. The calculation by a school district under this paragraph shall be made using actual revenue collections for the fiscal year ending immediately prior to the year in which the resolution is adopted under section 406. The calcu-

lation by a municipality under this paragraph shall be made using actual revenue collections for the calendar year ending immediately prior to the year in which the resolution is adopted under section 406.

(2) The rate at which the income tax was collected by a school district for the fiscal year ending immediately prior to the year in which the resolution is adopted under section 406 or the rate at which an earned income tax was collected by a municipality for the calendar year ending immediately prior to the year in which the resolution is adopted under section 406.

(3) The tax rate determined under paragraphs (1) and (2) shall be rounded off to the nearest increment of 0.1%.

The maximum rate of the income tax calculated under this subsection shall not be subject to the limits on the earned income tax specified under section 311(3).

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

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

YEA-48

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

NAY-0

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

And the question recurring,
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 297, SB 525 and HB 613 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION, AMENDED

SB 805 (Pr. No. 1900) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Senator BOSCOLA offered the following amendment No. A10642:

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 30; page 3, lines 1 through 18; by striking out all of said lines on said pages and inserting:

Section 1. Section 2806.1(a)(10), (b)(1) introductory paragraph and (i)(B) and (I), (c)(3), (d)(2), (f)(1)(i) and (ii) and (2)(i) and (ii) introductory paragraph and (A) and the definition of "conservation service provider" in subsection (m) of Title 66 of the Pennsylvania Consolidated Statutes are amended, subsection (m) is amended by adding a definition and the section is amended by adding subsections to read:

§ 2806.1. Energy efficiency and conservation program.

(a) Program.--The commission shall, by January 15, 2009, adopt an energy efficiency and conservation program to require electric distribution companies to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy demand and consumption within the service territory of each electric distribution company in this Commonwealth. The program shall include:

(10) A requirement for the [participation] utilization of conservation service providers [in] to facilitate the implementation of all or part of a plan.

(b) Duties of electric distribution companies.--

(1) The following apply:

(i) By July 1, 2009, each electric distribution company shall develop and file an energy efficiency and conservation plan with the commission for approval to meet the requirements of subsection (a) and the requirements for reduction in consumption under subsections (c) and (d). The plan shall be implemented upon approval by the commission. The following are the plan requirements:

[(B) A minimum of 10% of the required reductions in consumption under subsections (c) and (d) shall be obtained from units of Federal, State and local government, including municipalities, school districts, institutions of higher education and nonprofit entities.]

(I) The electric distribution company shall demonstrate that the plan is cost effective using a total resource cost test approved by the commission and provides a diverse cross section of alternatives for participating customers of [all] rate classes included in the plan.

(c) Reductions in consumption.--The plans adopted under subsection (b) shall reduce electric consumption as follows:

(3) By November 30, 2013, [and every five years thereafter,] the commission shall evaluate the costs and benefits of the program established under subsection (a) and of approved energy efficiency and conservation plans submitted to the program. The evaluation shall be consistent with a total resource cost test or a cost-benefit analysis determined by the commission. If the commission determines that the benefits of the program exceed the costs, the commission shall adopt additional required incremental reductions in consumption. Following May 31, 2021, the term of a plan shall be determined by the commission but shall not exceed five years.

(c.1) Option.--

(1) Prior to each phase of implementation of the program beginning after May 31, 2021, by a date determined by the commission, a customer that is a member of a large commercial class or industrial class may opt to cease participation in the electric distribution company plan for all of the customer's eligible accounts. A customer that opts to cease participation in a plan under this paragraph shall remain opted out of the electric distribution company plan for all subsequent phases of implementation of the program unless and until the customer, by a date determined by the commission prior to implementation of a subsequent phase, opts to resume participation in the electric distribution company plan.

(2) A customer that opts out of a plan under paragraph (1):

(i) shall not be eligible to receive grants, rebates or other

funding contained in the plan for the opt-out accounts during the applicable phase; and

(ii) shall not be required to pay a recovery under subsection (k) for the opt-out accounts during the applicable phase.

(3) By December 31, 2017, the commission shall establish guidelines to implement this subsection.

(c.2) Refund.--Any over collections or under collections from any customer classes shall be refunded or recovered, as appropriate in accordance with the commission's implementation order for the subsequent phase.

(d) Peak demand.--The plans adopted under subsection (b) shall reduce electric demand as follows:

(2) [By November 30, 2013, the commission shall compare the total costs of energy efficiency and conservation plans implemented under this section to the total savings in energy and capacity costs to retail customers in this Commonwealth or other costs determined by the commission. If the commission determines that the benefits of the plans exceed the costs, the commission shall set additional incremental requirements for reduction in peak demand for the 100 hours of greatest demand or an alternative reduction approved by the commission. Reductions in demand shall be measured from the electric distribution company's peak demand for the period from June 1, 2011, through May 31, 2012. The reductions in consumption required by the commission shall be accomplished no later than May 31, 2017.] The commission shall not mandate any peak demand reductions in any new plan implemented after May 31, 2021.

(f) Penalties.--

(1) The following shall apply for failure to submit a plan:

(i) An electric distribution company that fails to file a plan under subsection (b) or (c.1)(2) shall be subject to a civil penalty of not more than \$100,000 per day until the plan is filed.

(ii) An electric distribution company that fails to file a revised plan under subsection (e)(2)(ii) shall be subject to a civil penalty of not more than \$100,000 per day until the plan is filed.

(2) The following shall apply to an electric distribution company that fails to achieve the reductions in consumption required [under subsection (c) or (d)] by the commission under subsection (c):

(i) The electric distribution company shall be subject to a civil penalty [not less than \$1,000,000 and] not to exceed [\$20,000,000] \$5,000,000 for failure to achieve the [required] reductions in consumption [under subsection (c) or (d)] required by the commission under subsection (c). Any penalty paid by an electric distribution company under this subparagraph shall not be recoverable from ratepayers.

(ii) If an electric distribution company fails to achieve the [required] reductions in consumption [under subsection (c) or (d)] required by the commission under subsection (c), responsibility to achieve the reductions in consumption shall be transferred to the commission. The commission shall do all of the following:

(A) Implement a plan to achieve the [required] reductions in consumption [under subsection (c) or (d)] required by the commission under subsection (c).

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

"Conservation service provider." An entity that provides information and technical assistance on measures to enable a person to increase energy efficiency or reduce energy consumption [and that has no direct or indirect ownership, partnership or other affiliated interest with an electric distribution company].

"Large commercial class or industrial class." The group of customers categorized as large commercial or as industrial by an electric distribution company in its original energy efficiency and conservation plan under subsection (b)(1)(i) or as filed in the company's tariff.

Section 2. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator BOSCOLA. Mr. President, I rise to urge support for this reasonable amendment to Senate Bill No. 805. This amendment would allow our large commercial and industrial customers to opt out of Act 129 requirements. Now, I know that some of you have heard from a number of groups saying that the passage of this amendment would lead to the end of the civilized world as we know it, but, Mr. President, nothing could be further from the truth. Energy efficiency has been a way of life for energy-intensive industrial users for years. Since 1990, industrial customers have reduced their energy consumption by 45 percent. That is 18 years before Act 129 was even a thought. We have heard opponents of this legislation say that these companies will not continue with energy efficiency projects. Again, Mr. President, the reality is that many of these businesses are in electricity-intensive operations. In fact, for many of them, energy costs account for over half of their overall expenses to operate a facility. It is counterintuitive to think that these operations will suddenly stop being energy efficient simply because they are not able to opt out of the mandatory Act 129 program. No, Mr. President, energy efficiency among the industrial sector will not stop with the passage of this amendment. It will not.

So to prove this point, from 2012 to 2015, eight Pennsylvania manufacturers invested \$1.6 billion in energy efficiency projects and received zero dollars from Act 129. So this demonstrates that the rhetoric used against this legislation by some is simply not accurate. Mr. President, perhaps it might have helped if we allowed those eight companies to invest their own money in their own energy efficiency projects.

What this mandate does is impede on that viability and competitiveness of Pennsylvania's struggling manufacturing sector. Here is another statistic or fact: With nearly 60 percent of the program proceeds going out the window in administrative or overhead costs, very few Act 129 dollars are used for projects. It is unacceptable. So only 40 percent of the money goes to the projects and 60 percent is out the window in administrative and overhead costs. That is not energy efficiency.

Mr. President, allowing larger industrial companies to opt out of Act 129 will actually enable these larger customers to do more to improve their energy efficiency. I say this knowing that they have already done plenty on energy efficiency. You see, for these manufacturing and industrial businesses, energy efficiency is a crucial component of their bottom line. It is not about meeting some environmental goal or satisfying Act 129 bureaucrats. For these businesses it is about surviving in an intense, competitive global playing field. Out of 33 States that have some mandatory energy efficiency and conservation programs, sort of like Act 129, half of them allow their industrials to opt out. Our neighboring States of Ohio and West Virginia are among them. It is also worth emphasizing that allowing these larger companies to opt out of Act 129 will not adversely impact other rate classes because the funding that feeds energy efficiency projects in those classes stays and is contained within that class. So, there is more rhetoric being used by opponents to confuse this issue. This will not harm the program in other classes, right? And it will not result in rate hikes for small businesses or residential customers; why not let them opt out?

Mr. President, the whole point of Act 129 was to protect against anticipated price spikes and encourage energy efficiency. Well, those huge rate hikes never happened, and these industrial customers are already committed to energy efficiency. Mr. President, sometimes government mandates help and sometimes they do not. This is a very clear example of a program that has done more harm than it has good. For industrial customers, we would be doing them, their workers, and our constituents a great service by allowing them to pull the plug on this inefficient energy, or what I would say, boondoggle.

Thank you, Mr. President.

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

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

YEA-43

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

NAY-5

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 813, SB 851 and HB 932 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION, AMENDED

HB 946 (Pr. No. 3933) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BROWNE AMENDMENT A10665

Senator BROWNE offered the following amendment No. A10665:

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

Amend Bill, page 1, line 3, by inserting after "TRANSPARENCY":

and for prescription drugs reimbursed under the PACE and PACENET program; and making related repeals

Amend Bill, page 21, by inserting after line 30:

CHAPTER 7

PACE AND PACENET PROGRAM PAYMENTS

Section 701. 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:

"A-rated generic therapeutically equivalent drug." A drug product that the Commissioner of Food and Drugs of the United States Food and Drug Administration has approved as safe and effective and has determined to be therapeutically equivalent, as listed in "The Approved Drug Products with Therapeutic Equivalence Evaluations" (Food and Drug Administration "Orange Book"), with a specific "A" code designation only.

"Claimant." An eligible person who is enrolled in the program.

"Department." The Department of Aging of the Commonwealth.

"Less expensive." The lowest net cost to the program. The net cost shall include the amount paid by the Commonwealth to a pharmacy for a drug under a current retail pharmacy reimbursement formula less any discount or rebates, including those paid during the previous calendar quarter and inclusive of all dispensing fees.

"NADAC per unit." The current National Average Drug Acquisition Cost per unit.

"Prescription drug." All drugs requiring a prescription in this Commonwealth, insulin, insulin syringes and insulin needles. Experimental drugs or drugs prescribed for wrinkle removal or hair growth are prohibited.

"Program." The Pharmaceutical Assistance Contract for the Elderly (PACE) and the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET) as established by the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law.

"Provider." A pharmacy, dispensing physician or certified registered nurse practitioner enrolled as a provider in the program.

"Wholesale acquisition cost." The cost of a dispensed drug based upon the price published in a national drug pricing system in current use by the Department of Aging as the wholesale acquisition cost of a prescription drug in the most common package size.

Section 702. Program payment.

In addition to the requirements under section 509 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, the department shall administer the program in accordance with the following:

(1) If the NADAC per unit is available, the program payment shall be the lower of the following amounts:

(i) the NADAC per unit;

(A) with the addition of a professional dispensing fee of

\$13 per prescription; and

(B) the subtraction of the copayment; or

(i) the pharmacy's usual and customary charge for the drug dispensed with the subtraction of the copayment.

(2) If the NADAC per unit is unavailable, the program payment shall be the lower of the following amounts:

(i) the wholesale acquisition cost plus 3.2%:

(A) with the addition of a professional dispensing fee of

\$13 per prescription; and

(B) the subtraction of the copayment; or

(ii) the pharmacy's usual and customary charge for the drug dispensed with the subtraction of the copayment.

Section 703. Generic drugs.

(a) General rule.--Notwithstanding any other statute or regulation, a brand name product shall be dispensed and not substituted with an A-rated generic therapeutically equivalent drug if it is less expensive to the program. If a less expensive A-rated generic therapeutically equivalent drug is available for dispensing to a claimant, the provider shall dispense the A-rated generic therapeutically equivalent drug to the claimant. The department shall reimburse providers based upon the most current listing of the NADAC per unit plus a professional dispensing fee of \$13 per prescription. The department shall not reimburse providers for brand name products except in the following circumstances:

(1) There is no A-rated generic therapeutically equivalent drug available on the market. This paragraph does not apply to the lack of availability of an A-rated generic therapeutically equivalent drug in the providing pharmacy unless it can be shown to the department that the provider made reasonable attempts to obtain the A-rated generic therapeutically equivalent drug or that there was an unforeseeable demand and depletion of the supply of the A-rated generic therapeutically equivalent drug. In either case, the department shall reimburse the provider for the NADAC per unit plus a professional dispensing fee of \$13 per prescription.

(2) An A-rated generic therapeutically equivalent drug is deemed by the department, in consultation with a utilization review committee, to have too narrow a therapeutic index for safe and effective dispensing in the community setting. The department shall notify providing pharmacies of A-rated generic therapeutically equivalent drugs that are identified pursuant to this paragraph on a regular basis.

(3) The Department of Health has determined that a drug shall not be recognized as an A-rated generic therapeutically equivalent drug for purpose of substitution under section 5(b) of the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law.

(4) At the time of dispensing, the provider has a prescription on which the brand name drug dispensed is billed to the program by the provider at a usual and customary charge which is equal to or less than the least expensive usual and customary charge of any A-rated generic therapeutically equivalent drug reasonably available on the market to the provider.

(5) The brand name drug is less expensive to the program.

(b) Generic not accepted.--If a claimant chooses not to accept the A-rated generic therapeutically equivalent drug required by subsection (a), the claimant shall be liable for the copayment and the NADAC per unit.

Amend Bill, page 22, by inserting between lines 2 and 3:

Section 1101. Repeals.

Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraph (2) are necessary to effectuate Chapter 7.

(2) Sections 509(6) and 510(a) and (b) of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, are repealed.

Amend Bill, page 22, line 3, by striking out "1101" and inserting:

1102

Amend Bill, page 22, by inserting between lines 4 and 5:

(1) The following provisions shall take effect immediately:

(i) This section.

(ii) Chapter 7.

Amend Bill, page 22, line 5, by striking out "(1) THE ADDITION OF" and inserting:

(2)

Amend Bill, page 22, line 7, by striking out "(2)" and inserting:
(3)

On the question,

Will the Senate agree to the amendment?

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

YEA-47

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

NAY-1

Vance

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?

WHITE AMENDMENT A10845

Senator CORMAN, on behalf of Senator WHITE, offered the following amendment No. A10845:

Amend Bill, page 1, line 3, by inserting after "MANAGERS":
and auditing entities

Amend Bill, page 10, lines 9 and 10, by striking out "A HEALTH PROGRAM ADMINISTERED BY A DEPARTMENT OF THE COMMONWEALTH OR ANY" and inserting:

or an

Amend Bill, page 10, lines 10 and 11, by striking out "COMPANY, GROUP OR DEPARTMENT" and inserting:

covered entity

Amend Bill, page 10, line 16, by striking out the comma after "PERSON" and inserting:

or

Amend Bill, page 10, line 16, by striking out "OR GOVERNMENT ENTITY"

Amend Bill, page 10, line 17, by striking out "PLAN SPONSOR" and inserting:

covered entity

Amend Bill, page 10, line 22, by striking out "MEMBER, PARTICIPANT, ENROLLEE,"

Amend Bill, page 10, line 24, by striking out "COVERAGE PLAN" and inserting:

insurance policy

Amend Bill, page 10, line 27, by striking out "CONTRACT HOLDER OR POLICYHOLDER"

Amend Bill, page 10, line 30, by striking out ", CONTRACT OR PLAN" and inserting:

or contract

Amend Bill, page 11, lines 9 through 11, by striking out all of said lines

Amend Bill, page 11, by inserting between lines 14 and 15:
 "Health insurance policy." A policy, subscriber contract, certificate or plan that provides prescription drug coverage. The term includes both comprehensive and limited benefit health policies.

"Health insurer." An entity licensed by the department with authority to issue a policy, subscriber contract, certificate or plan that provides prescription drug coverage that is offered or governed under any of the following:

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, including section 630 and Article XXIV thereof.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

Amend Bill, page 11, by inserting between lines 22 and 23:

"Multiple source generic list." A list of drugs, medical products or devices, or both, for which a maximum allowable cost has been established by a pharmacy benefits manager.

Amend Bill, page 12, line 13, by striking out "BENEFICIARIES OF A HEALTH BENEFIT PLAN" and inserting:

a covered individual

Amend Bill, page 12, line 14, by striking out "ANY ENTITY THAT PERFORMS" and inserting:

The performance of

Amend Bill, page 12, lines 22 and 23, by striking out "PROVISION OF ANY OF THE FOLLOWING IN CONJUNCTION WITH THE"

Amend Bill, page 12, line 23, by inserting after "benefits":

, including

Amend Bill, page 12, line 24, by striking out "MAIL-SERVICE" and inserting:

Operating a mail-service

Amend Bill, page 12, line 26, by striking out "RETAIL" and inserting:

Managing a retail pharmacy

Amend Bill, page 12, line 26, by striking out "MANAGEMENT"

Amend Bill, page 12, line 27, by striking out "PAYMENT OF" and inserting:

Paying

Amend Bill, page 12, line 27, by striking out "PHARMACIES" and inserting:

a pharmacy

Amend Bill, page 12, line 30, by striking out "CLINICAL" and inserting:

Developing and managing a clinical

Amend Bill, page 12, line 30; page 13, line 1; by striking out "DEVELOPMENT AND MANAGEMENT" in line 30 on page 12 and "SERVICES" in line 1 on page 13

Amend Bill, page 13, line 1, by striking out ", BUT NOT LIMITED TO,"

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

Managing a

Amend Bill, page 13, line 5, by striking out "PROGRAMS" and inserting:

program

Amend Bill, page 13, line 6, by striking out "DISEASE" and inserting:

Operating a disease

Amend Bill, page 13, line 6, by striking out "PROGRAMS" and inserting:

program

Amend Bill, page 13, line 19, by striking out "PHARMACIES" and inserting:

a pharmacy

Amend Bill, page 13, line 20, by striking out "CAN" and inserting:

that may

Amend Bill, page 13, lines 21 and 22, by striking out ". THE ADMINISTRATIVE SERVICES VARY BUT MAY INCLUDE" and inserting:

, including

Amend Bill, page 13, lines 24 through 30; page 14, lines 1 through 13; by striking out all of said lines on said pages

Amend Bill, page 14, line 22, by striking out "AN" and inserting:

that

Amend Bill, page 14, line 23, by striking out "ANY INFORMATION" and inserting:

Information

Amend Bill, page 14, line 26, by striking out "PLAN SPONSOR" and inserting:

covered entity

Amend Bill, page 14, line 28, by striking out "NO" and inserting:

The

Amend Bill, page 14, line 28, by striking out "SHALL" and inserting:

may not

Amend Bill, page 14, line 29, by striking out "ANY OF ITS EMPLOYEES" and inserting:

an employee

Amend Bill, page 14, line 29, by striking out "ANY" where it occurs the second time

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

solely

Amend Bill, page 15, line 3, by inserting after "THE":

auditing

Amend Bill, page 15, lines 9 and 10, by striking out all of line 9 and "(6)" in line 10 and inserting:

(5)

Amend Bill, page 15, line 10, by inserting after "THE":

auditing

Amend Bill, page 15, line 12, by striking out "ANY" and inserting:

a

Amend Bill, page 15, line 14, by striking out "(7)" and inserting:

(6)

Amend Bill, page 15, line 14, by inserting after "THE":

auditing

Amend Bill, page 15, line 18, by striking out "(8)" and inserting:

(7)

Amend Bill, page 15, line 18, by inserting after "THE":

auditing

Amend Bill, page 15, line 22, by striking out "(9) ANY" and inserting:

(8) A

Amend Bill, page 15, line 24, by striking out "(10) NO" and inserting:

(9) A

Amend Bill, page 15, line 24, by striking out "SHALL" and inserting:

may not

Amend Bill, page 15, line 27, by striking out "PLAN SPONSOR" and inserting:

covered entity

Amend Bill, page 15, line 30, by striking out "SHALL" and inserting:

does

Amend Bill, page 16, line 2, by striking out "(11) NO" and inserting:

(10) The

Amend Bill, page 16, line 2, by inserting after "MAY":

not

Amend Bill, page 16, line 6, by striking out "(12) NO" and inserting:

(11) The

Amend Bill, page 16, line 6, by striking out "SHALL" and inserting:

may not

Amend Bill, page 16, line 13, by striking out "(13)" and inserting:

(12)

Amend Bill, page 17, line 7, by striking out "THE" and inserting:

A
 Amend Bill, page 17, line 8, by inserting after "60":
 calendar
 Amend Bill, page 17, line 19, by inserting after "30":
 calendar
 Amend Bill, page 17, line 29, by striking out "PHARMACY"
 Amend Bill, page 18, line 1, by striking out "NO" and inserting:
 A
 Amend Bill, page 18, line 1, by striking out "SHALL" and insert-
 ing:
 may not
 Amend Bill, page 18, line 6, by striking out "NO" and inserting:
 An
 Amend Bill, page 18, line 7, by striking out "SHALL" and insert-
 ing:
 may not
 Amend Bill, page 18, line 24, by striking out "SHALL" and insert-
 ing:
 do
 Amend Bill, page 18, line 25, by inserting after "AN":
 investigative
 Amend Bill, page 19, line 4, by striking out "ENFORCEMENT"
 and inserting:
 Regulations
 Amend Bill, page 19, lines 5 through 8, by striking out "SHALL
 HAVE ENFORCEMENT AUTHORITY AND TAKE" in line 5, all
 of lines 6 and 7 and "any" in line 8 and inserting:
 may promulgate
 Amend Bill, page 19, line 8, by inserting after "REGULA-
 TIONS":
 as
 Amend Bill, page 19, line 8, by inserting after "NECESSARY":
 and appropriate
 Amend Bill, page 19, line 10, by striking out all of said line and
 inserting:

REGISTRATION

Amend Bill, page 19, line 11, by inserting after "PBM":
 and auditing entity
 Amend Bill, page 19, line 12, by inserting before "TO"
 (a) General rule.--
 Amend Bill, page 19, line 12, by inserting after "PBM":
 or auditing entity
 Amend Bill, page 19, lines 13 and 14, by striking out "PRO-
 MULGATE REGULATIONS" in line 13 and all of line 14 and insert-
 ing:
 make an application form available on its publicly accessible
 Internet website that shall require:
 (1) The identity, address and telephone number of the applic-
 cant.
 (2) The name, business address and telephone number of
 the contact person for the applicant.
 (3) When applicable, the Federal employer identification
 number for the applicant.
 (b) Term and fee.--
 (1) The term of registration shall be two years from the date
 of issuance.
 (2) The department shall set an initial application fee and a
 renewal application fee, which shall be submitted with an application
 for registration. An initial application fee shall be nonrefundable. A
 renewal application fee shall be returned if the renewal of the regis-
 tration is not granted.
 (3) The amount of the initial application fee and renewal
 application fee shall be sufficient to fund the department's duties in
 relation to its responsibilities under this chapter, but may not exceed
 \$1,000.
 (c) Registration.--
 (1) The department shall issue a registration, as appropriate,
 to an applicant when the department determines that the applicant has
 submitted a completed application and paid the required registration
 fee.
 (2) The registration may be in paper or electronic form,
 shall be nontransferable and shall prominently list the expiration date
 of the registration.
 (d) Duplicate registration.--

(1) A licensed insurer or a managed care plan with a certifi-
 cate of authority shall comply with the standards and procedures of
 this act but shall not be required to separately register as either a
 PBM or auditing entity.

(2) A PBM that is registered under this chapter shall com-
 ply with the standards and procedures of this act but shall not be re-
 quired to register separately as an auditing entity.

CHAPTER 7

**PBM COST TRANSPARENCY
 REQUIREMENTS**

Amend Bill, page 19, line 15, by striking out "502" and insert-
 ing:
 701

Amend Bill, page 19, line 15, by striking out "GENERIC
 DRUG" and inserting:

Multiple source generic

Amend Bill, page 19, line 17, by striking out "GENERIC
 DRUG" and inserting:

multiple source generic

Amend Bill, page 19, line 18, by striking out "'A," "B," "NR" or
 "NA"' and inserting:

"A" or "B"

Amend Bill, page 19, lines 21 and 22, by striking out the semi-
 colon in line 21 and all of line 22 and: inserting

, or "NR" or "NA" rated, or similar rating, by a nationally
 recognized reference;

(2) There are at least two therapeutically equivalent multi-
 ple source drugs or at least one generic drug available from only one
 manufacturer; and

Amend Bill, page 19, line 23, by striking out "(2)" and inserting:

(3)

Amend Bill, page 19, line 24, by striking out "STATE" and insert-
 ing:

Commonwealth

Amend Bill, page 20, line 5, by striking out "503" and inserting:
 702

Amend Bill, page 20, line 5, by striking out "GENERIC DRUG"
 and inserting:

multiple source generic

Amend Bill, page 20, lines 8 and 9, by striking out "ALTERNA-
 TIVELY, A PBM AND A PHARMACY'S CONTRACTING REP-
 REPRESENTATIVE OR AGENT SUCH AS" and inserting:

its representative, including

Amend Bill, page 20, line 22, by striking out "PHARMACY'S
 OR PHARMACIST'S CONTRACTING" and inserting:

pharmacy or its

Amend Bill, page 20, line 23, by striking out "AGENT SUCH
 AS" and inserting:

, including

Amend Bill, page 20, line 24, by striking out "504" and insert-
 ing:
 703

Amend Bill, page 21, line 20, by striking out "505. ENFORCE-
 MENT." and inserting:

704. Regulations.

Amend Bill, page 21, lines 21 through 24, by striking out all of
 said lines

Amend Bill, page 21, line 25, by striking out "SHALL" and insert-
 ing:

may

Amend Bill, page 21, line 25, by inserting after "REGULA-
 TIONS":

as

Amend Bill, page 21, line 25, by inserting after "NECESSARY":
 and appropriate

Amend Bill, page 21, line 27, by striking out "507" and insert-
 ing:
 705

Amend Bill, page 21, by inserting after line 30:

CHAPTER 9

ENFORCEMENTS

Section 901. Scope of enforcement authority.

(a) Scope.--The department may investigate and enforce the
 provisions of this act only insofar as the actions or inactions being

investigated relate to prescription drug coverage under a health insurance policy.

(b) Remedy.--Actions or inactions within the scope of the department's investigative and enforcement authority under subsection (a) found to violate this act constitute "unfair methods of competition" and "unfair or deceptive acts or practices" within the meaning of section 5 of the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act. A proceeding under this section shall be conducted in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

Amend Bill, page 22, line 5, by striking out "THE ADDITION OF CHAPTER" and inserting:

Chapters

Amend Bill, page 22, line 5, by inserting after "5":
, 9 and 11

Amend Bill, page 22, line 7, by striking out "60" and inserting:
180

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

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

YEA-48

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

NAY-0

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

And the question recurring,

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 978, HB 1070, HB 1103 and SB 1260 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 1265 (Pr. No. 4075) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, in milk pricing, further providing for terms and method of payment.

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

BILLS OVER IN ORDER

SB 1334, HB 1348, HB 1351, SB 1357, SB 1360, SB 1363, SB 1366, SB 1369 and SB 1387 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL LAID ON THE TABLE

HB 1398 (Pr. No. 4062) -- The Senate proceeded to consideration of the bill, entitled:

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; dissolution 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.

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

BILLS OVER IN ORDER

HB 1415, HB 1455, HB 1476 and HB 1683 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 1698 (Pr. No. 3532) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for coverage requirements by an insurance carrier or health insurance plan for abuse-deterrent opioid analgesic drug products.

Considered the second time and agreed to,

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

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

BILLS OVER IN ORDER

HB 1704, HB 1769, HB 1779, HB 1785, HB 1838 and HB 1872 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION,
AMENDED AND REREFERRED

HB 1885 (Pr. No. 3075) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for exceptions to governmental immunity related to unauthorized aliens; and, in preemptions, providing for restriction on municipal regulation of official and employee communications relating to immigration status.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ALLOWAY offered the following amendment No. A10867:

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

Amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for liability imposed on and eligibility for public benefits of a municipality of refuge.

Amend Bill, page 1, lines 10 through 18; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 5; by striking out all of said lines on said pages and inserting:

Section 1. Section 8542 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:
§ 8542. Exceptions to governmental immunity.

(a.1) Liability imposed on municipality of refuge.-- Notwithstanding subsection (a), a municipality of refuge shall be liable for damages on account of an injury to a person or property within the limits set forth in this subchapter if the injury was caused by the act of an individual that was in the custody of the law enforcement agency of the municipality of refuge and was released, notwithstanding the existence of a United States Immigration and Customs En-

forcement civil immigration detainer request for the individual. As used in this subsection, the term "municipality of refuge" shall have the same meaning as given to the term in 53 Pa.C.S. § 305 (relating to municipality of refuge).

Section 2. Title 53 is amended by adding a section to read:
§ 305. Municipality of refuge.

(a) Enforcement.--The following may assist in the enforcement of each law, mandate, request and order of the Federal Government relating to immigration, if the law, mandate, request or order does not conflict with the rights guaranteed under the Pennsylvania Constitution or the United States Constitution:

(1) The governing body of any municipality.

(2) An officer or employee of any municipality.

(3) A law enforcement official or a law enforcement agency.

(4) A district attorney.

(b) Immigration.--The governing body of any municipality may not adopt a rule, order, ordinance or policy which prohibits the enforcement of a Federal law or the laws of this Commonwealth, pertaining to an immigrant or immigrants.

(c) Eligibility.--A municipality of refuge shall not be eligible:

(1) for any State law enforcement grant; or

(2) to participate in the sale of State surplus property.

(d) Reinstatement.--A municipality that has lost eligibility under subsection (c) may be reinstated for eligibility by providing proof to the appropriate State agency that it is currently enforcing immigration orders and that it has rescinded any rule, order, ordinance or policy described under subsection (b).

(e) Applicability.--This section shall not apply to an individual or entity under subsection (a) that has made an attempt to coordinate with a Federal agency pursuant to an immigration order to transfer the custody of a suspect in question but was unable to do so.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Municipality." Any county, city, borough, incorporated township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be created or authorized by statute.

"Municipality of refuge." A municipality that adopts a rule, order, ordinance or policy which does either of the following:

(1) prohibits the enforcement of a Federal law or the laws of this Commonwealth pertaining to an immigrant or immigrants; or

(2) permits the release of an individual in the custody of the law enforcement agency of the municipality notwithstanding the existence of a United States Immigration and Customs Enforcement civil immigration detainer request for the individual.

Section 3. 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 Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I ask to interrogate the maker of the amendment.

The PRESIDENT. Senator Alloway, will you agree to interrogation?

Senator ALLOWAY. Mr. President, I would love to.

The PRESIDENT. The gentleman indicates he would be pleased to do so. Senator Williams, proceed.

Senator WILLIAMS. Mr. President, I have some basic questions for those of us who are a little bit confused by why we are doing this. I understand that the gentleman has attempted several times to modify this particular piece of legislation to accommodate those of us who might be concerned about motivation. So, I appreciate that, and I do take that in the spirit of compromise and effort.

With that said, this is to rectify what many people would describe as illegal people in this country, some describe them as illegal aliens, participating in the ICE program. As I understand it, maybe the gentleman can correct me if I am wrong, is there a Federal statute which has been established that requires the Federal government or the States to participate in the space of holding illegal aliens?

Senator ALLOWAY. Mr. President, I apologize, I could not hear the gentleman.

The PRESIDENT. If the Senators will do their best to give the Members who are in an interrogation their full attention. We do not want Senator Alloway to miss the question. One more time, Senator Williams.

Senator WILLIAMS. Mr. President, the question is, I am not aware that there is a Federal statute or requirement by any department or the Obama administration that requires the participation in the area of ICE as we have described it. I want to know if the gentleman is aware of any particular statute or executive order that defines this area that we are legislating tonight.

Senator ALLOWAY. Mr. President, no, I am not.

Senator WILLIAMS. Mr. President, so the question is, if there is not a policy, why are we legislating something that is requiring us to enact the Federal government but there is no standard or codification?

Senator ALLOWAY. Mr. President, my bill simply requires local municipalities to honor an ICE detainer, if one is placed.

Senator WILLIAMS. Mr. President, again, I understand that, but if that is not coming from anyplace other than a request from the Obama administration, as I understand it, this is what the President of the United States, Barack Obama, is requesting. Is that accurate?

Senator ALLOWAY. Mr. President, I am not aware of what the President of the United States does or does not want to do. The purpose of this bill is to have the local arresting authority of the municipality honor the ICE detainer, if one is placed, requesting that an illegal alien be turned over to ICE.

Senator WILLIAMS. Mr. President, the question resounds, it is a Federal request. I understand that. I understand what the mechanism is. I am asking where it is coming from. The department cannot require that from any State. An agency of the Federal government cannot require that of any State. So, as I understand it, it is outlined by the Obama administration. I am just trying to get for the record if that is accurate or not. And if so, why we would be doing it?

Senator ALLOWAY. Mr. President, asked and answered. The gentleman disagrees with it, so to ask why we are doing it is an irrelevant question. I suggest he call the President of the United States himself and ask him what the policy is, because I am not sure I know.

Senator WILLIAMS. Hold on.

The PRESIDENT. Senator Williams is now calling the President of the United States.

Senator WILLIAMS. Mr. President, if you can wait as long as it will take for him to answer the phone, we will be fine.

Mr. President, I looked at the amendment and there is a comment made about best, or best faith, or some commentary around that issue. So, I would like to know what that term of art is being used to do.

Senator ALLOWAY. Mr. President, the question is about a term of art?

The PRESIDENT. Would you repeat the question, Senator Williams.

Senator WILLIAMS. Mr. President, if the gentleman will stay and listen to the question, I would be more than happy to repeat it. I said that directly, there is a term of art being used within the amendment and I asked what the term of art meant, because it could be liberally applied, and that is best faith effort. So, I want to understand what that meant in the context of this amendment.

Senator ALLOWAY. So, Mr. President, the question is best faith effort is a term of art, what does that mean? Is that the question, Mr. President?

The PRESIDENT. I believe the Senator is referring to language within the amendment.

Senator WILLIAMS. Mr. President, correct.

The PRESIDENT. Senator, do you have the language handy specifically for the gentleman?

Senator ALLOWAY. Mr. President, I have it. I will answer it. The purpose of the best faith effort is that if ICE places a detainer and asks for a 48-hour hold on the detainee, that it be honored by the municipality. That is what would define it. Thank you.

Senator WILLIAMS. Mr. President, I understand the category in which it applies, but what does best faith effort mean? Does it mean if somebody does not do 48 hours, that is not a best faith effort? When one uses that term, it is normally recognized by legal folks as a very broad spectrum of consideration, which can be applied in an arbitrary and capricious manner. That is the heart of this issue. So, I want to understand it in the manner in which the gentleman intended it to be applied.

Senator ALLOWAY. Mr. President, look, best faith effort, I do not know if it is or is not considered a term of art. Apparently, my colleague knows that it is in the legal community. Reasonable minds would all agree that a best faith effort would be to comply with an ICE detainer, a Federal agency, that asks a local municipality to hold an illegal for 48 hours. To me, that would define a reasonable best faith effort.

Senator WILLIAMS. Mr. President, I will conclude my questions and I will make a comment on the amendment, if one does not mind.

The PRESIDENT. The gentleman indicates that his interrogation has ended. The Chair thanks Senator Alloway.

Senator Williams, the floor is yours.

Senator WILLIAMS. Mr. President, I have read this amendment and I have read the bill. For those of us, regardless of whether we agree with some of the emotions that are connected to this, this rises to a level of jurisprudence in this country, it is called due process, and it cuts to the heart of all Americans. With all due respect, I am struck by the fact that in an administration that many people on the other side disagrees with, that we would now move past the rule of law in this country and recognize that those of us who are concerned about due process have great concern with this.

To me it is not a matter of whether you agree or disagree. Of course, for those of us who believe that anyone who has committed a crime in this country, whether they are an illegal alien as one would describe them, or a U.S. citizen, certainly

they should be locked up. The question is, if someone is illegally locked up and then held without a process, then we have violated the Constitution of the United States. Those of us who are concerned about it are certainly concerned about the liability that would be held upon a county. I am not sure that the gentleman I was trying to question in good faith really cared about my questions, and I am generally concerned about this issue. Certainly, the counties I represent, Philadelphia and Delaware Counties, have their own problems in this space, and, certainly, I would not suggest that anyone who has committed a crime in this country, especially if they are an illegal alien, should do anything other than be locked up and convicted. If the Federal government is able to get their hands upon them and remove them from the United States, we are fine with that. But the issue for myself and those of us who are opposed to this is very simple: you lock someone up, you lock the wrong person up, there is no description about how you would go about not profiling someone. Because when you lock someone up in the local police department, at least in my counties, Philadelphia and surrounding counties, and, by the way, across Pennsylvania, an officer locks you up, they ask for information about your background. You may give them a license, you may give them whatever you give them, they check to see if you committed another crime, but they do not necessarily know whether that is a valid piece of information, or, in fact, if it will denote that you are from a different place and illegally in this country. There is no national database, there is no coordinated information that comes to the State of Pennsylvania about that. So, in fact, you will be locking up people who may not be appropriately locked up. The only way that I suggest for someone to be locked up who they consider to be an illegal alien is by looking at them, and I suggest that is going to further complicate the situation with regard to profiling.

I am not going to call into question the motivations of individuals who support this because I think they are generally concerned about protecting their communities, but the manner in which we are doing this, no statute from the Federal government, no mandate from the Federal government, no answer about who is requiring us to do it, just arbitrarily saying it is something to hop on politically, concerns me greatly. Then adjusting the amendment with all sorts of terminology, it is very broad. By the way, other people in this Chamber have argued against this terminology before. So, it is not a matter of whether I think that we should lock up someone who has committed a crime. We should. It is not a matter of whether we should remove someone from this country who should not have committed those crimes. You should. This does not solve that problem. There is not one ounce of money supporting a database, there is no training that supports police officers who will be the arresting officer, and there is no guarantee that the Federal government, which is stressed to its wits' end, is able to accommodate and come in 48 hours to take away these illegal immigrants.

All this seems to be is an arbitrary concept taken out of press clippings that we read about every day and based upon some level of panic around people who think they are going to be robbed, raped, or murdered by someone from a different country. I think that is unfortunate. I think if we come to some accommodation where I can see a database, where I can understand what the officer was going to do, and be required to do,

and then apply it to a relationship with the Federal government. If I could understand what the Federal government was going to do in response to it, I think all Americans could understand that and many Americans could support it, regardless of who you are or where you come from. Without that, I think we are left with many questions.

Mr. President, I thank you very much for the opportunity and I thank the gentleman for standing for interrogation. I stand in opposition to the amendment.

Thank you, Mr. President.

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-37

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

NAY-11

Blake	Farnese	Hughes	Wiley
Brooks	Fontana	Kitchen	Williams
Costa	Haywood	Leach	

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.

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 2025 CALLED UP

HB 2025 (Pr. No. 4069) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Third Consideration Calendar, by Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2025 (Pr. No. 4069) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for defini-

tions; in registration of vehicles, further providing for temporary registration cards, 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 trucks and truck tractors and 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; in inspection of vehicles, further providing for requirement for periodic inspection of vehicles, for limited liability of inspection station or mechanic, for suspension of certificates of appointment and for certification of mechanics; in size, weight and load, further providing for permit for movement during course of manufacture; and, in abandoned vehicles and cargo, further providing for reports by private property owners of abandoned vehicles.

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

AMENDMENT OFFERED

Senator SABATINA offered the following amendment No. A10700:

Amend Bill, page 8, by inserting after line 30:

(i.1) Conversion.--Notwithstanding any law to the contrary, the Pennsylvania Turnpike Commission may not convert any existing tolling locations to new electronic-only tolling locations unless affected employees covered under a collective bargaining agreement have been reassigned without loss of seniority, pay or benefits to another worksite in accordance with a collective bargaining agreement. This subsection shall expire on December 31, 2022.

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

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

Senator SABATINA. Mr. President, this amendment would prohibit the Pennsylvania Turnpike Commission from converting an existing tolling location to an all-electronic tolling location unless affected employees are reassigned to a comparable position in accordance with the collective bargaining agreement. That means a current employee would have been offered a similar position with no loss of pay or reduction of benefits. This provision would sunset on December 31, 2022.

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

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

YEA-17

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

NAY-31

Alloway	Eichelberger	McIlhinney	Tomlinson
Argall	Folmer	Mensch	Vance
Aument	Gordner	Rafferty	Vogel
Baker	Greenleaf	Reschenthaler	Vulakovich

Bartolotta	Haywood	Scarnati	Ward
Brooks	Hutchinson	Scavello	White
Browne	Killion	Smucker	Yaw
Corman	McGarrigle	Stefano	

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

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

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

On the question,
Shall the bill pass finally?

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

YEA-48

Alloway	Dinniman	Leach	Teplitz
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Farnese	McIlhinney	Vance
Baker	Folmer	Mensch	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Reschenthaler	Ward
Boscola	Greenleaf	Sabatina	White
Brewster	Haywood	Scarnati	Wiley
Brooks	Hughes	Scavello	Williams
Browne	Hutchinson	Schwank	Wozniak
Corman	Killion	Smucker	Yaw
Costa	Kitchen	Stefano	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 with amendments in which concurrence of the House is requested.

RECONSIDERATION OF HB 2107

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

Senator COSTA. Mr. President, I move to reconsider the vote by which House Bill No. 2107 went over in its order as amended.

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

And the question recurring,
Will the Senate agree to the bill on third consideration, as amended?

RECONSIDERATION OF AMENDMENT A10855

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

Senator COSTA. Mr. President, I move that the vote by which amendment No. A10855 passed be reconsidered.

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

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

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

YEA-48

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

NAY-0

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

The PRESIDENT. The bill will go over as amended.

SECOND CONSIDERATION CALENDAR RESUMED

BILL AMENDED

HB 1968 (Pr. No. 4077) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Bradford House Historical Association certain lands situate in the City of Washington, Washington County; and to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in South Strabane Township, Washington County; authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Salvation Army, or its successors or assigns, certain lands, buildings and improvements situate in the Borough of East Stroudsburg, Monroe County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to ACMIII, LP, certain lands of the Commonwealth of Pennsylvania situate in Derry Township, Westmoreland County.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCARNATI offered the following amendment No. A10804:

Amend Bill, page 1, line 13, by striking out "AND"

Amend Bill, page 1, line 17, by striking out the period after "COUNTY" and inserting:

; authorizing the Department of General Services, with the approval of the Pennsylvania State Police and the Governor, to grant and convey to Jefferson County certain lands situate in Young Township, Jefferson County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Southern Lancaster County Historical Society certain lands situate in Fulton Township, Lancaster County.

Amend Bill, page 17, by inserting between lines 25 and 26:

Section 5. Conveyance in Young Township, Jefferson County.

(a) Authorization.--The Department of General Services, with the approval of the Pennsylvania State Police and the Governor, is hereby authorized on behalf of the Commonwealth to grant and convey to Jefferson County certain lands and any improvements located thereon, situate in Young Township, Jefferson County, for \$24,000.

(b) Property description.--The property to be conveyed pursuant to subsection (a) consists of approximately 3.74 acres of land, and any improvements thereon, bounded and more particularly described as follows:

ALL THAT CERTAIN tract or lot of land situate in the Township of Young, County of Jefferson and Commonwealth of Pennsylvania, bounded and described according to a survey thereof made by Walter J. Zimmerman, Surveyor, Punxsutawney, Pennsylvania, dated September 1946, as follows, to wit:

BEGINNING at an iron pin in the line of land now or formerly of the J. Long Estate; said pin being located South eighty-nine degrees, thirty minutes (89° 30') West, one hundred thirty-nine and five tenths feet (139.5') along said Long Estate line from a post at corner common to said land now or formerly of the J. Long Estate, land of Clyde and Lee Anthony and land now or formerly of Gust Beezer and along being located South eighty-nine degrees, thirty minutes (89° 30') West, sixteen feet (16') along said Long Estate line from the original corner common to H. Barry and L. B. Anthony; thence along a line parallel with and sixteen feet (16') Westwardly at right angles from the original H. Barry and L. B. Anthony line and crossing the public road known as Pennsylvania State Highway Route No. 078, South no degrees, thirty minutes (0° 30') East, five hundred forty-three (543') to an iron pin on line of land now or formerly of Blair Postlewait; thence along line of said land South eighty-nine degrees, thirty minutes (89° 30') West, three hundred feet (300') to an iron pin; thence by a line through the original tract of which the tract hereby described was a part North no degrees, thirty minutes (0° 30') West, five hundred forty-three feet (543') to an iron pin on line of land now or formerly of the J. Long Estate; thence along line of said land re crossing the public road, North eighty-nine degrees, thirty minutes (89° 30') East, three hundred feet (300') to an iron pin at the place of BEGINNING

CONTAINING approximately 3.74-acres of land.

BEING the same premises acquired by the Commonwealth of Pennsylvania from Bell Telephone Company of Pennsylvania by deed, dated May 14, 1962, and recorded with the Recorder of Deeds for the County of Jefferson at Deed Book 357, Page 24.

(c) Easements.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed.--The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs.--Costs and fees incidental to this conveyance shall be borne by the Grantee.

(f) Alternative disposition.--In the event that this conveyance is not completed within one year of the effective date of this act, the authority contained herein shall expire.

Section 6. Conveyance in Fulton Township, Lancaster County.

(a) Authorization.--The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Southern Lancaster County Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the historic Robert Fulton Birthplace situate in Fulton Township, Lancaster County, for \$1.

(b) Property description.--The property to be conveyed under subsection (a) consists of 60.357 acres and any improvements located thereon, more particularly described as follows:

ALL THAT CERTAIN parcel of land comprised of various tracts of land better known as the Robert Fulton Birthplace property, situated in the Township of Fulton, Lancaster County, Pennsylvania as depicted on a plat titled Robert Fulton Birthplace Boundary Sur-

vey, Commonwealth of Pennsylvania, prepared by Brehm-Lebo Engineering, Inc., Carlisle, Pennsylvania, dated June 24, 2015 bounded and described as follows:

BEGINNING at a set mag nail in the Robert Fulton Highway (SR-0222) at the lands of Daniel L. and Fannie K. Miller and at the southeast corner of lands of the Solanco School District, thence along the lands of Miller and running in SR-0222 South 22° 49' 11" West 129.04' to a set mag nail; thence continuing along the same and leaving SR-0222 South 10° 24' 00" East 51.59' to an existing iron pin; thence along the same North 73° 07' 50" East 35.68' to an iron pin set; thence along the same South 16° 43' 10" East 244.91' to an iron pin set; thence along the same South 64° 34' 12" West 64.62' to an iron pin set; thence along the same South 10° 24' 00" East 323.46' to an iron pin set; thence along the same and the lands of George H. and Veronica E. Snyder and the lands of James N. and Sandra L. Sensenig South 41° 52' 28" East 1600.70' to an existing railroad spike in the center of Fulton Inn Road (T-339); thence running in and through Fulton Inn Road (T-339) South 78° 12' 57" West 674.27' to an existing railroad spike; thence leaving Fulton Inn Road (T-339) and along lands of unknown ownership North 23° 17' 34" East 34.71' to an iron pin set; then continuing along the latter and the lands of Elam K. and Lavina Miller and crossing the Robert Fulton Highway (SR-0222) North 61° 03' 39" West 1033.00' to an iron pin set; thence continuing along the latter North 61° 23' 22" West 1056.56' to an existing hickory snag at the corner of the lands of Christ E. and Sadie E. Stoltzfus; thence along the lands of Stoltzfus North 11° 57' 33" East 561.00' to a point in an unnamed stream; thence continuing along the latter North 18° 57' 33" East 681.45' to an iron pin set on the southern edge of Swift Road (T-468); thence continuing along the latter in and along Swift Road South 58° 32' 27" East 232.65' to a set mag nail; thence continuing along the latter and leaving Swift Road North 15° 05' 15" East 195.32' to an iron pin set at the southwest corner of lands of the Solanco School District; thence along the latter South 73° 13' 05" East 792.33' to a set mag nail in the Robert Fulton Highway (SR-0222), the place of **BEGINNING**.

CONTAINING 60.357 acres or 2629130 SF.

BEING Parcel Nos. 280-22818-0-0000 & 280-02561-0-0000

BEING the same piece of parcel of land acquired by the Commonwealth of Pennsylvania (DGS), from Donald Miller Goss and Maria A. Goss, husband and wife, by deed dated March 1, 1982, recorded April 6, 1982 in Record Book I, Volume 84, Page 329 in the Office of the Recorder of Deeds of Lancaster County.

ALSO BEING the same piece or parcel acquired by the Commonwealth of Pennsylvania (PHMC), from Fulton Township, by deed dated February 6, 1979, recorded July 10, 1979 in Record Book Volume Q, Volume 77, Page 357 in the Office of the Recorder of Deeds of Lancaster County.

ALSO BEING the same piece or parcel of land acquired by the General State Authority, from the Commonwealth of Pennsylvania, Department of Property and Supplies, by deed dated November 12, 1968, recorded December 5, 1968, in the Office of the Recorder of Deeds of Lancaster County in Record Book L, Volume 58, Page 587. The Department of General Services is the successor to the Department of Property and Supplies and the General State Authority pursuant to Act 45 of 1975. (Said tract being part of the premises acquired by Declaration of Takings recited below and recorded at Record Book X, Volume 54, Page 663 and Record Book X, Volume 54, Page 661.)

ALSO BEING the same piece or parcel of land acquired by the Commonwealth of Pennsylvania, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Lancaster County on August 25, 1965, at No. 93 August Term 1965, with a notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Lancaster County at Record Book X, Volume 54, Page 663.

ALSO BEING the same piece or parcel of land acquired by the Commonwealth of Pennsylvania, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Lancaster County on August 25, 1965, at No. 94 August Term 1965, with a notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Lancaster County at Record Book X, Volume 54, Page 661.

(c) **Easements.**--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of

others, including, but not limited to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) **Conditions.**--Any conveyance authorized under this act shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under state law. The condition shall be a covenant running with the land and shall be binding upon the Grantee and its successors. Should the Grantee, or its successors, permit any portion of the property authorized to be conveyed in this act to be used in violation of this subsection, the title shall immediately revert to and revest in the Grantor.

(e) **Restrictive covenants.**--The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Restrictive Covenants for Historic Preservation
Robert Fulton Birthplace
Fulton Township, Lancaster County, Pennsylvania

(1) In consideration of the conveyance of the aforementioned real property, Grantee covenants and agrees for itself, its heirs, administrators, successors, and assigns that the said herein conveyed property shall be subject to the following historic preservation restrictions, and shall do or refrain from doing with respect to the subject property all acts required or prohibited by the following preservation restrictions:

(i) The Robert Fulton Birthplace shall be maintained and preserved as a historic site accessible by the public and for a demonstrable public benefit with maintenance and preservation standards acceptable to the Pennsylvania Historical and Museum Commission.

(ii) The Robert Fulton Birthplace, historic structures and buildings that comprise the property, shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic properties.

(iii) The landscape of the Robert Fulton Birthplace shall be preserved in a manner consistent with the historic characteristics of the subject property and shall not be used in any manner that would impair or interfere with the historic interpretation of the subject property.

(iv) No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance, removal of buildings, addition of buildings, or use inconsistent with this covenant, or any other action, shall be undertaken or permitted to the subject property without the prior written approval of the Pennsylvania Historical and Museum Commission.

(v) **Alterations/Modifications/Repairs.** With the prior written approval of the Pennsylvania Historical and Museum Commission, alterations, modifications, repairs or other work may be permitted to the subject property, provided:

(A) Timely notice shall be afforded to the Commission in advance of any such requested work on the subject property.

(B) The Commission shall have 45 days from the date of receipt of such notice to review and approve the requested work in writing. Consent shall be implied if the Commission does not issue a written response approving the request.

(vi) **Archeology and other Ground Disturbing Activities.** Mining, excavating, dredging or removing from the subject property any natural resource which removal would alter the historic value of the property is prohibited without the prior written approval of the Commission. Archeological investigation may be required by the Commission for any ground disturbing work and Grantee shall bear full financial responsibility for any such work.

(A) In the event archeological materials are discovered during any ground disturbing activities, work shall temporarily cease and the Commission shall be consulted for guidance and direction before ground disturbing work may continue.

(B) Any archeological work conducted on the subject property shall be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation and any further standards and guidelines the Commission may require.

(2) The Commonwealth of Pennsylvania, by and through the Pennsylvania Historical and Museum Commission, reserves the

right to enforce these preservation restrictions and shall, at all reasonable times and upon reasonable notice, have access to the subject property for purposes of inspection and compliance with these historic preservation restrictions.

(3) The Commonwealth of Pennsylvania, by and through the Pennsylvania Historical and Museum Commission, hereby reserves for itself, heirs, successors and assigns, a right of reverter on the Robert Fulton Birthplace, which shall revert to and reinvest in the Commonwealth by operation of law should any sale, transfer, or use of the Robert Fulton Birthplace be inconsistent with or in violation of the restrictions contained herein. The Commission may waive this provision provided Grantee petitions the Commission, in writing, for such waiver.

(4) The Grantee agrees that the Commonwealth of Pennsylvania, by and through any of its agencies, in no way assumes any obligation whatsoever for maintaining, repairing, or administering the subject property covered by these restrictive covenants for historic preservation.

(5) These restrictive covenants for historic preservation shall be binding in perpetuity on Grantee, its heirs, administrators, successors, and assigns and shall be applicable to both the land and buildings and shall be deemed to run with the land.

(f) Deed.--The deed of conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.--Costs and fees incidental to this conveyance shall be borne by the Grantee. The conveyance under this act shall be exempt from the realty transfer tax established under Article XI-C of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(h) Alternative disposition.--If the conveyance is not effectuated within one year of the effective date of this act, the authority under this act shall expire.

Amend Bill, page 17, line 26, by striking out "5" and inserting:

7

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS OVER IN ORDER

HB 2186 and HB 2241 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 2303 (Pr. No. 3962) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, making editorial changes; consolidating an article of The Administrative Code of 1929 relating to race horse industry reform; further providing for Pennsylvania Breeding Fund; and making a related repeal.

Considered the second time and agreed to,

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

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

HB 2338 (Pr. No. 3963) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

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

BILLS REPORTED FROM COMMITTEE

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

SB 984 (Pr. No. 2167) (Rereported) (*Concurrence*)

An Act amending Titles 53 (Municipalities Generally), 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in first class cities, further providing for definitions and for certificate of public convenience required; providing for transportation network companies and for regulation of taxicabs and limousines in cities of the first class; in general provisions, further providing for definitions; in powers and duties, providing for power of commission to confiscate, impound and sell vehicles; in contract carrier by motor vehicle and broker, further providing for declaration of policy and definitions; providing for motor carrier regulations and for transportation network service; and, in general provisions, further providing for definitions.

SB 1219 (Pr. No. 2187) (Rereported) (Amended) (*Concurrence*)

An Act designating a portion of State Route 663 in Montgomery County as the Army Specialist Ray Ira Haas Memorial Highway; designating the portion of State Route 100 from Hereford Township at the Lehigh County line through Washington Township in Berks County as the First Lieutenant William R. Gendebien Memorial Highway; designating a portion of State Route 2026, also known as Blair Mill Road, in Montgomery County as the Private First Class Paul T. Wright Memorial Highway; designating a bridge on a portion of Sheep Bridge Road over I-83, Newberry Township, York County, as the Staff Sgt. Jason M. Faley Memorial Bridge; designating a bridge on that portion of State Route 879 over Trout Run in Goshen Township, Clearfield County, as the Private David Kyle McCracken Memorial Bridge; designating a portion of State Route 2034 in Montgomery County as the Cpl. Carl F. Hynek III Memorial Highway; designating a portion of State Route 145 in Salisbury Township, Lehigh County, as the Cpl. Joshua B. Smith Memorial Highway; designating a bridge on that portion of U.S. Route 15 over State Route 114, Upper Allen Township, Cumberland County, as the Cpl. Jonathan Dean Faircloth Memorial Bridge; designating a portion of Byberry Road between Warminster Road and Orangemen's Road in Montgomery County as the Major Jeffrey Toczykowski Memorial Highway; designating a portion of State Route 1010 in Berks County as the DeLight Breidegam, Jr., Memorial Highway; designating a portion of State Route 51 in Fayette County as the Officer Richard Champion Memorial Highway; designating a bridge on that portion of State Route 741 over the Conestoga River, between Pequea Township and Lancaster Township, Lancaster County, as the Cpl. Eric M. Torbert, Jr., Memorial Bridge; designating the interchange of State Route 43, the Mon-Fayette Expressway, with Rubles Mill Road,

known as Exit 4, Fayette County, as the Master Sgt. Arthur L. Lilley Memorial Interchange; designating a bridge on that portion of State Route 770 over the Tunungwant Creek, Bradford Township, McKean County, as the Master Sgt. Thomas Maholic Memorial Bridge; designating a bridge to be constructed on that portion of State Route 6 over Dingman Run, Coudersport Borough, Potter County, as the PFC George Pesock Memorial Bridge; designating a bridge on that portion of State Route 872 over Bailey Run in Wharton Township, Potter County, as the Sgt. Paul M. Brown Memorial Bridge; designating a certain interchange in New Stanton Borough, Westmoreland County, as the E. Jeffrey Wentzel Memorial Interchange; designating a portion of State Route 220 in Lycoming and Sullivan Counties as the Lieutenant Commander John J. Peterman Memorial Highway; designating a portion of State Route 220 in Lycoming County as the Thomas A. Paternostro Memorial Highway; designating a bridge on that portion of State Route 1027 in Polk Township, Jefferson County, as the Polk Township Veterans Memorial Bridge; and making related repeals.

SB 1311 (Pr. No. 2061) (Rereported) (Concurrence)

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in adoption, further providing for grounds for involuntary termination; in child protective services, further providing for definitions and for release of information in confidential reports; and, in juvenile matters, further providing for definitions.

HB 1196 (Pr. No. 4090) (Rereported) (Amended) (Concurrence)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; in Pennsylvania Liquor Control Board, further providing for general powers of board; in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sales by liquor licensees and restrictions, for wine auction permits, for interlocking business prohibited, for public venue license, for wine expanded permits, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for brand registration and for breweries, providing for shipment of malt or brewed beverages and further providing for local option and for unlawful acts relative to liquor, malt and brewed beverages and licensees; and in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, further providing for limited wineries and for distilleries.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 984 (Pr. No. 2167) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 53 (Municipalities Generally), 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in taxicabs and limousines in first class cities, further providing for definitions and for certificate of public convenience required; providing for transportation network companies and for regulation of taxicabs and limousines in cities of the first class; in general provisions, further providing for definitions; in powers and duties, providing for power of commission to confiscate, impound and sell vehicles; in contract carrier by motor vehicle and broker, further providing for declaration of policy and definitions; providing for motor carrier regulations and for transportation network service; and, in general provisions, further providing for definitions.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 984?

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. 984.

On the question,

Will the Senate agree to the motion?

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

Senator COSTA. Mr. President, let me begin my comments by recognizing and acknowledging the folks who worked so hard on this legislation, Senate Bill No. 984. For several years, Senator Bartolotta and Senator Fontana have worked very, very hard to move this measure forward.

Mr. President, there are a number of items that I think are appropriate and positive steps moving forward with regard to this legislation. However, Mr. President, I am going to vote "no" on this legislation. My objection relates to the special legislation nature of provisions in the bill that deal specifically, in my view, with one company that allows a fine that has been duly imposed by the agency and the authority that has the authority to impose the fine, have that fine retroactively dismissed essentially, and capped at \$250,000.

Mr. President, I want to provide some remarks because there is no doubt this matter will make its way to the courts, and if there is any ambiguity in the statute, which I do not think there is, but in the event that there is, the court may look at the language contained in our Legislative Journal. I made a number of arguments in the meeting of the Committee on Rules and Executive Nominations earlier tonight and I would like to continue to make those arguments here this evening.

Mr. President, the retroactive cap on penalties determined by the PUC before this bill is effectively a special legislation in violation of Article III, Section 32, of our Pennsylvania Constitution. I quote from the legislation (*reading*):

"a person or entity which, as determined by the commission--and that is an important word, determined by the commission--operated as a transportation network company prior to the effective date of this section without proper authority from the commission shall be subject to a penalty not to exceed \$1,000 per day or a maximum penalty not to exceed \$250,000, notwithstanding the number of violations that occurred during the period in which the person or entity operated without authority."

Mr. President, in April 2016, the PUC, the commission with the authority to regulate this industry, this utility, determined by adopting a motion and an order that Uber, one of the companies in interest here, pay over \$11 million in civil penalties for unlawful operations, in violation of the PUC Code, by providing regulated passenger transportation services without a certificate of public convenience from the PUC. The retroactive section of Senate Bill No. 984 clearly applies to one entity, Uber, in this case. As I mentioned, Article III, Section 32, of the Constitution states:

"The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly--that is us, folks--shall not pass any local or special law: ...Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury...."

According to our Pennsylvania Supreme Court, special legislation tests depend on whether treating a particular class differently under the legislation is founded on real distinction and not artificial differences used to evade the Constitution. The court has held that, quote, "...classification is per se unconstitutional when the class consists of one member and it is impossible or highly unlikely that another can join the class."

In 2015, Lyft, another ride-sharing company, settled with the PUC for unauthorized operations for \$250,000. Uber, which did not do that same, was fined \$11 million in April 2016. The retroactive cap under Senate Bill No. 984 applies only to Uber. Uber's penalty, assessed in April, which is no longer before the PUC, is currently on appeal at the Commonwealth Court level. Also, there is no rational basis, Mr. President, for treating one company differently from another similarly situated company otherwise subject to the same legislation. Therefore, Mr. President, it constitutes special legislation as applied in violation of Section 32, applying only in this case to Uber in its current appeal to try to lower its \$11 million penalty.

Mr. President, as I mentioned, this is a pretty significant issue, as I referenced earlier in the meeting of the Committee on Rules and Executive Nominations. There is also, Mr. President, in my view, a separation of powers issue. What we have here is a lawfully entered order by the PUC that was—it will be undermined by what is being done here today, the retroactive application of this legislation. We have a quasi-judicial agency that provides an order, and what we have now is retroactive interference with that quasi-judicial order and ruling, which is impermissible under our Constitution. Mr. President, I think, at the end of the day, what we are talking about here is a very, very dangerous precedent, a precedent that is going to place Pennsylvania in a place where I do not believe we want to be as a General Assembly, and more importantly as a Senate.

Now, I know the intent of the amendment as presented by the author of the amendment in the House. It is my understanding that the gentleman has indicated that it is not his intent to have it applied retroactively. While I understand and appreciate that, and I know that is basically not the intent of the folks in this room tonight, but the fact of the matter is, as much as we would like to look at intent in interpreting this statute, because the statute is not ambiguous on its face, when a court is going to look at the language that I referenced, the court is very clearly going to see that this language is impermissible and is not appropriate for us to be able to do a retroactive application because it is special legislation.

There is nobody else that can be admitted to go into this class at that point in time. That is part of the problem. Mr. President, beyond that, in my view, there is no severability clause as part of this language in this bill. To me, that is problematic because it leaves it open to interpretation by the courts. Now, the courts may see no legislative language. What that clearly says is that we did not put the language in there. So we left open the question of severability. My concern is when this is before the court and this particular provision is stricken, what will happen is we will find ourselves without any law with regard to ride sharing. That creates a problem because then if we are striking the one provision, we very well may be striking the entire piece of legislation. That, to me, would be harmful to the people of Pennsylvania. That, to me, would be a

mistake and it is not worth the risk. It is not worth the risk for us to be able to go and fix the legislation. Simply let us remove those provisions from the legislation that allows this to take place, allows Uber to not have to pay a fine that was rightfully and properly permitted and placed on them in this process.

To me, it is reprehensible that legislation could make its way through this body and that we are going to do bad things in a piece of legislation when we enhance the risk, we grow the risk to where we are not going to be able to do anything at all in this matter. I strongly believe that we have to make certain that we do not run the risk of losing the legislation. Let us not send it to the Governor right now. Let us take time to modify, amend it, and then send it back to the House and allow them to pass it and send it to the Governor's Office, consistent with the intent, without the language that is harmful, of pretty much everybody in this Chamber and the intent of the maker of the amendment in the House. That, to me, is wrong for us to be able to engage in a conduct where we are undermining that. The next step will be, if we allow this precedent, regardless of our intent—because the fact of the matter is, if we pass this bill, that is the law. No one is going to care about our intent.

If I am Uber, once you pass this, I am going to tell you I am not paying any money to anybody going forward because you stripped me of that and I am limited to \$250,000 and that is all you are going to get from me. That is not about Uber. It could be anyone and it could be any amount. It is the principle that what we are doing is violating things that have been long-standing principles here in this Commonwealth, and I think that is what is inappropriate. Today it is the PUC that we are undermining and we are cutting their legs out from under them. Who is to say tomorrow or next week or next legislative Session, when we continue to have Republican majorities in the House and the Senate, and maybe in 3 years we have a Governor's Office that is all Republican—or all Democrat for that matter, Lord willing at some point in time, in my lifetime maybe. At the end of the day, let us examine what will happen if the Department of Environmental Protection wants to impose a fine on somebody that is a Marcellus Shale company that is drilling, that is leaking water into the communities or poisoning the wells, or there is air pollution with regard to that or there is a horrible explosion, and the PUC or Department of Environmental Protection comes down with a fine, if Members of the legislature do not like it, we have established a precedent to have legislation to change that, to override that.

That is what we are doing. We are overriding an independent agency and their decision that was properly made. We are overriding their opinion along those lines. It could be any other agency in State government that does not like a decision, so we are going to try to override fines along those lines retroactively. I have no problem applying a policy going forward. I tried to offer an amendment in the meeting of the Committee on Rules and Executive Nominations that was stricken, but the fact of the matter is, if we want to do it as a Chamber, as the Senate or House or both together, I am 100-percent okay with that going forward, but it is the retroactive application of this legislation that really has me bothered.

I am very much concerned about this particular Chamber in terms of how we conduct ourselves here because to me, doing something along these lines, just doing it to get it along to get

it to the Governor's desk, doing it that way, to me, is wrong. We should be better than that. We should make certain that when we do things here we do it right. We should not run the risk. We should do it the right way and get it done the right way.

So, Mr. President, I am voting "no." Members certainly have their prerogative to do what they want to do. I think at the end of the day what I really believe is it is unfortunate because I really wanted to support this measure because I think it was well done and it was a good compromise on various aspects of the legislation. At the end of the day, I, in my heart and in my good conscience, and being here for 20 years, this is the first time that I have ever seen any type of retroactive application to allow one entity to not have to pay a duly-implemented fine. To me, that is wrong, and that is what I am standing up for and that is why I am voting "no."

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, briefly, I agree with almost everything my colleague from Allegheny County said, particularly the part about growing Republican majorities and a Republican Governor in 3 years.

But, no, he is absolutely right, as far as we are not interested in retroactivity. We are not interested in special legislation. We agree with his interpretation that we cannot do special legislation and we should not enter into retroactivity and deal with fines that companies may have already received. Our interpretation of this legislation as it came over from the House is that it does not do that, that this legislation would allow prospectively any sort of determination from the PUC to have a cap on it, which we have in other areas before the PUC, but anything that is already in place and has been determined by the PUC would stay in place. So as that issue with Uber, as the gentleman referenced, works its way through the Commonwealth Court, that will ultimately be decided and they will have to pay that. So certainly, the legislative intent of this legislation is not to be retroactive but to be prospective.

So, I certainly, again, concur with many of the comments as far as interpretation of the Constitution, and we have no desire to have special legislation. We do not believe this is. We believe, again, this is legislation that was championed by my colleague from Washington County, who you will hear from in a moment, who has done a fantastic job on this piece of legislation to get regulations in place for this industry which consumers really enjoy. This has probably been the most revolutionary new invention since maybe the Internet. People who are used to standing on corners trying to flag cabs now can go in a whole lot of different directions. So, we are very excited about this. We do not believe this is special legislation. Clearly, the intent of this legislation is that we look at this prospectively and not retroactively, as is the concern of the gentleman, and it is a legitimate concern.

So, Mr. President, I ask for an affirmative vote. We received word from the PUC that they are neutral on this bill. They would like to see it passed. I know the Governor will sign it, and so I would like to get it out of here tonight and get it to the Governor's desk.

Thank you, Mr. President.

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

Senator McGARRIGLE. Mr. President, I rise today to announce that I was happy to work with my colleagues in the House, Representative Santora and Representative Miccarelli, to make sure that the voice of Pennsylvanians with disabilities was heard in this legislation. The House amended the bill successfully to include a provision for 70 handicapped-accessible vans to be on the streets by June of next year, and potentially 10 a year for the next 5 years, if needed. The bill also includes the modernization of the taxi regulations in the city of Philadelphia. This will allow small business owners who have made a large capital investment in their taxis to be competitive in this form. I am able to support this bill.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, very briefly, as a follow-up to the comments by Senator Costa, I am supporting this legislation, and I am certainly someone who most likely has a significant, if not the most use of not only UberBlack, but UberX and Lyft, or the TNCs, as they are called. With regard to those comments and with regard to the actual intent of this legislation, we have heard from these TNCs that they want to be good corporate partners. They want to come into Pennsylvania, work with these communities, and be responsible. Well, then, let their first act be that they do not take or use this legislation as either a defense or a possible sword in any litigation or in response to the PUC ruling. That really will be the test, Mr. President. If they are as serious about what they want to do and their good nature coming into Pennsylvania, and if we as a body are as serious about the legislative intent of this bill, then there should be no reason, at any time, that there should be any defense asserted to any fine or any fee or any litigation which either references directly or indirectly this bill that we are passing here today. If they do that, Mr. President, then we know that at least at their first attempt, in my opinion, they certainly are not being good corporate neighbors because we know and this body knows that the legislative intent of this bill is not to infringe upon a fine that has been duly levied after due process by an administrative agency, or as Senator Costa referenced, a quasi-judicial agency.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, very briefly, because I know the gentlewoman from Washington wants to close out our discussion, and I respect her ability to do that. I want to respond to some of the comments from the Majority Leader with respect to where our thoughts are at. Let us be clear, our Members on this side of the aisle supported 100 percent, myself and everyone here, the previous version that left this Chamber that would have been the revolutionary conversation that you talked about. We totally support what is trying to be done with Uber, particularly the changes that Senator McGarrigle made and others made in this legislation. For me, it goes back to what happened over in the House. While, again, I respect the intent, the fact of the matter is the intent does not matter because the language is clear on its face.

When it is not ambiguous, the intent does not matter. That leaves us in a place where we have had legislation that sets a bad precedent as we go forward.

Thank you for the opportunity to clarify those remarks.

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

Senator BARTOLOTTA. Mr. President, transportation network companies, or TNCs, have revolutionized the way that many consumers' transportation needs are met. Companies like Uber and Lyft offer consumers a new level of convenience that has never been available before, but with that innovation comes a responsibility to insure that passengers and drivers are protected. Senate Bill No. 984 recognizes the importance of these new companies as well as the growing demand for their services. TNCs allow individuals the ability to use an app on their smartphone or tablet to access a digital network and arrange for a ride. These companies offer much-needed economic opportunity for those who want to be drivers, creating thousands of jobs, empowering entrepreneurs, and contributing to local economies.

TNCs currently operate in many Pennsylvania counties and municipalities under a 2-year temporary authority granted by the Pennsylvania Public Utility Commission, but that is set to expire at the end of this year. Similarly, a temporary legal status for TNCs has already expired in Pennsylvania at the beginning of this month. That is why this legislation is so crucial. Senate Bill No. 984 establishes a regulatory framework for the permanent operation of TNCs in every county of our Commonwealth. Recognizing TNCs are here to stay and that they hold the potential to fulfill a number of transportation needs and provide new options for consumers, my bill insures they are capable of operating responsibly and safely. Senate Bill No. 984 establishes stringent background checks with longer lookback periods than we currently require for cab and limo drivers, and it prevents individuals who have been convicted of crimes such as burglary, robbery, or sexual offenses from offering these services. The legislation also requires proper insurance coverage for drivers, acknowledging that they are providing a consumer transportation service. Additionally, a training program is required for new drivers that includes information about serving customers with disabilities, and placards or decals that identify the vehicle when it is providing such a service.

In an effort to improve access to transportation for people with disabilities, Senate Bill No. 984 will require TNCs to collectively provide approximately 70 wheelchair accessible vehicles in Philadelphia by June 30, 2017, with the possibility of adding more in the future. Senate Bill No. 984 acknowledges the uniqueness of Philadelphia and the fact that the Philadelphia Parking Authority should have a role to play in overseeing this new and innovative transportation service. For example, the PPA would have the ability to conduct random checks on vehicle inspections and driver background checks, as well as perform a number of its own inspections.

No one can deny that TNCs have become increasingly popular with the public, and Pennsylvania should embrace these innovative new business models, but not without insuring appropriate requirements are in place. The added transportation options they provide are creating choices for consumers and opening up traditionally underserved communities. They bene-

fit consumers by allowing them to use an app to get a ride in Pittsburgh, Allentown, Bucks County, or even a small town like Monongahela in the 46th Senatorial District where there may be no other transportation option.

Lastly, I want to address concerns that I have heard about in an amendment capping fines by the PUC which was added in the House. After being in contact with the amendment's prime sponsor, I can unequivocally say that Representative Gabler's intention is for the amendment to be prospective, not retroactive. It is not intended to impact the current dispute regarding the PUC fine and Uber. Considering the confusion surrounding this amendment and concerns raised by some of my colleagues, I thought it was important to address and note that the PUC is supportive of Senate Bill No. 984 in its current form. This legislation has never been about the PUC fine on Uber, but insuring that adequate protections are in place for drivers, passengers, and even pedestrians.

Finally, I also note that the legislative intent of the provisions on page 18 and page 88 relating to automobile insurance exclusions apply only to insurance policies issued to the owner or operator of the vehicle. Nothing in this legislation will prevent a passenger from receiving their personal insurance coverage, including their uninsured and underinsured motorist coverage, in the incident that an accident occurs.

Senate Bill No. 984 represents a great deal of work, cooperation, and bipartisan effort that has taken place here in this legislative body as well as in the House of Representatives. I thank all of the Members and their staff who were instrumental throughout the entire legislative process to help craft a product of which we can all be proud. I ask my colleagues to cast an affirmative vote on the passage of Senate Bill No. 984.

Thank you, Mr. President.

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

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

YEA-47

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

NAY-1

Costa

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.

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. 2, House Bill No. 1196, and move that the Senate proceed to consider House Bill No. 1196, 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. 2**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS AS AMENDED**

HB 1196 (Pr. No. 4090) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; in Pennsylvania Liquor Control Board, further providing for general powers of board; in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for sales by liquor licensees and restrictions, for wine auction permits, for interlocking business prohibited, for public venue license, for wine expanded permits, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for brand registration and for breweries, providing for shipment of malt or brewed beverages and further providing for local option and for unlawful acts relative to liquor, malt and brewed beverages and licensees; and in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, further providing for limited wineries and for distilleries.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments, as further amended, to House Bill No. 1196?

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 amendments, as further amended, to House Bill No. 1196.

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

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

YEA-48

Alloway	Dinniman	Leach	Teplitz
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Farnese	McIlhinney	Vance
Baker	Folmer	Mensch	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Reschenthaler	Ward

Boscola	Greenleaf	Sabatina	White
Brewster	Haywood	Scarnati	Wiley
Brooks	Hughes	Scavello	Williams
Browne	Hutchinson	Schwank	Wozniak
Corman	Killion	Smucker	Yaw
Costa	Kitchen	Stefano	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 inform the House of Representatives accordingly.

RECESS

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

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

The PRESIDENT. For the purpose of a meeting of the Committee on Finance, without objection, the Senate stands in recess.

AFTER RECESS

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

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

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

HB 2370 (Pr. No. 4074)

An Act amending the act of July 13, 2016 (P.L.526, No.84), entitled, "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' as follows: In sales and use tax: further providing for definitions, for exclusions from tax, for discount and for crimes. In personal income tax: further providing for definitions, for classes of income and for tax withheld; providing for contributions for tuition account programs; and further providing for requirement of withholding tax, for information statement, for time for filing employers' returns, for payment of taxes withheld, for employer's liability for withheld taxes, for employer's failure to withhold, for declarations of estimated tax and for citation authority. In corporate net income tax: further providing for reports and payment of tax; providing for amended reports; and further providing for enforcement, rules and regulations and inquisitorial powers of the department. In bank and trust company shares tax: further providing for imposition of tax, for ascertainment of taxable amount and exclusion of United States obligations, for apportionment and for definitions. In gross receipts tax: further providing for imposition of tax. In realty transfer tax: further providing for definitions, for exempt parties and for excluded transactions. In cigarette tax: further providing for incidence and rate of tax, for floor tax, for stamp to evidence the tax, for commissions on sales and for disposition of certain funds. Imposing a tobacco products tax. In research and development tax credit: further providing for time limitations. In

film production tax credit: making editorial changes; further providing for scope of article, definitions and for limitations; providing for reissuance of film production tax credits, for concert rehearsal and tour and for video game production. Establishing the coal refuse energy and reclamation tax credit. Establishing the waterfront development tax credit. In tax credit for new jobs: further providing for definitions and for tax credits. In city revitalization and improvement zones: further providing for definitions and for establishment of contracting authority; providing for contracting authority duties; further providing for approval, for functions of contracting authorities, for qualified businesses, for funds, for reports, for calculation of base-line, for certification, for transfers, for restrictions, for transfer of property, for Commonwealth pledges and for guidelines; and providing for review. Establishing the Manufacturing and Investment Tax Credit. In neighborhood assistance tax credit: further providing for definitions, for tax credit and for grant of tax credit. In neighborhood improvement zones: further providing for definitions and for Neighborhood Improvement Zone Funds; and providing for taxes, for property assessment and for exceptions. In Keystone Special Development Zone Program: further providing for Keystone Special Development Zone tax credit. Providing for keystone opportunity zones, keystone opportunity expansion zones and keystone opportunity improvement zones. Providing for mixed-use development tax credit, the Mixed-use Development Program and Mixed-use Development Program Fund. Providing for Keystone Innovation Zones. In malt beverage tax: further providing for limited tax credits. In inheritance tax: further providing for definitions, for transfers not subject to tax and for deductions not allowed. Providing for table game taxes. In procedure and administration: further providing for petition procedure. Establishing the computer data center equipment incentive program. Providing for a tax amnesty program. Making related repeals. Further providing for preemption of local government tax. Directing the Office of Attorney General to attempt to obtain the consent of participating manufacturers under the Master Settlement Agreement for amendments. Providing for applicability for imposed taxes," further providing for the applicability of realty transfer tax exclusion provisions; and imposing a duty on the Department of Revenue to refund certain realty transfer taxes paid.

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

SB 1331 (Pr. No. 2166) (Rereported)

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

HB 192 (Pr. No. 1189) (Rereported)

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for powers and duties of director.

HB 516 (Pr. No. 4043) (Rereported)

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 1087 (Pr. No. 1493) (Rereported)

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," providing for gubernatorial veto.

HB 1403 (Pr. No. 3934) (Rereported)

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

HB 1437 (Pr. No. 3952) (Rereported)

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

HB 1774 (Pr. No. 3953) (Rereported)

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.

HB 1907 (Pr. No. 4045) (Rereported)

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) (Rereported)

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.

Senator SCARNATI, from the Committee on Labor and Industry, reported the following bill:

HB 2375 (Pr. No. 4065)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation

Law, in contributions by employers and employees, further providing for contributions by employees and for Service and Infrastructure Improvement Fund.

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

HB 2381 (Pr. No. 4046)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, further providing for Keystone Exams.

SENATE RESOLUTIONS ADOPTED

Senator COSTA, on behalf of Senators TARTAGLIONE, SABATINA, BOSCOLA, GREENLEAF, BROWNE, BREWSTER, DINNIMAN, FARNESE, VULAKOVICH, TEPLITZ, SCHWANK, FONTANA, MENSCH, RAFFERTY, COSTA, BAKER, KILLION and RESCHENTHALER, by unanimous consent, offered **Senate Resolution No. 471**, entitled:

A Resolution recognizing the month of October 2016 as "National Disability Employment Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I offer the following remarks for the record on behalf of Senator Tartaglione.

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 gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Mr. President, today I hosted my annual Disability Awareness Day in the Main Capitol Rotunda. The groups here today were an example of the hundreds of support organizations across Pennsylvania that are helping daily to make employment possible for the disabled population.

These groups demonstrate the important services and technologies that can help individuals with disabilities, but we must encourage Pennsylvania's labor force and its industries to create better strategies and to work together in hiring, training, and retaining individuals with disabilities. We must help employers of all sizes realize the technologies which exist and the possible benefits individuals with disabilities can bring to their businesses and organizations.

For these reasons, I recognize October 2016 as "National Disability Employment Awareness Month" in Pennsylvania. During this month, I encourage all Pennsylvanians to learn about the many barriers facing disabled persons, and I ask that we work to accommodate all persons with or without disabilities in our communities and workplaces throughout the year.

At this time, 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 COSTA, on behalf of Senators TEPLITZ, BREWSTER, GREENLEAF, FARNESE, SABATINA, DINNIMAN, FONTANA, BROWNE, RAFFERTY and COSTA, by unanimous consent, offered **Senate Resolution No. 472**, entitled:

A Resolution recognizing December 1, 2016, as "World AIDS Day," fostering public awareness of the HIV/AIDS pandemic and remembering the millions of individuals diagnosed with HIV/AIDS and the global challenges associated with eradicating this deadly disease.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I offer remarks for the record on behalf of Senator Teplitz, and I ask that the remarks be spread upon the record.

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 gentleman from Allegheny, Senator COSTA, on behalf of the gentleman from Dauphin, Senator TEPLITZ:)

Mr. President, my resolution designates December 1, 2016, as "World AIDS Day" in Pennsylvania. World AIDS Day has been commemorated annually since 1988. Today, the World AIDS campaign and the United Nations program on HIV/AIDS (UNAIDS) continue to raise public awareness to promote nonjudgmental and nondiscriminatory access to HIV prevention, treatment, and care for all human beings.

Pennsylvania is ranked among the 10 highest States in the United States in reported AIDS cases. According to the Pennsylvania Department of Health, many patients still have unmet needs for HIV primary medical care. Although the yearly occurrence of AIDS-related deaths has decreased, there is still a need for increasing AIDS awareness since the number of individuals living with AIDS has been steadily increasing across the state of Pennsylvania.

So, Mr. President, I ask my colleagues join me in recognizing December 1, 2016, as World AIDS Day in Pennsylvania.

Thank you, Mr. President.

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

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

Senator COSTA, on behalf of Senators TEPLITZ, KITCHEN, FONTANA, SABATINA, TARTAGLIONE, DINNIMAN, COSTA, BREWSTER, VULAKOVICH, GREENLEAF, RAFFERTY, FARNESE, BROWNE, KILLION and WARD, by unanimous consent, offered **Senate Resolution No. 473**, entitled:

A Resolution designating the month of October 2016 as "Attention Deficit Hyperactivity Disorder Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I offer remarks for the record on behalf of Senator Teplitz.

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 gentleman from Allegheny, Senator COSTA, on behalf of the gentleman from Dauphin, Senator TEPLITZ:)

Mr. President, my resolution designates the month of October 2016 as "Attention Deficit Hyperactivity Disorder (ADHD) Awareness Month" in Pennsylvania. ADHD is a neurobehavioral disorder that is one of the most common childhood disorders and can continue through adolescence and adulthood. Over 6 million children in the United States are affected by ADHD. The average age of onset is 7 years old, and boys are four times more at risk than girls.

The primary symptoms include inattention, impulsiveness, and hyperactivity--all of which impact a child's ability to learn in school, make and keep friends, and function in society. Recognizing ADHD symptoms and seeking help early are key to helping improve outcomes in children. It is important that we raise awareness about ADHD to help families, educational professionals, and medical professionals identify the symptoms early in children.

It is equally important that we as a society insure that individuals with ADHD have access to the right treatments to insure a successful educational experience and overall better quality of life.

So, Mr. President, I ask my colleagues to join me in recognizing the month of October 2016 as Attention Deficit Hyperactivity Disorder (ADHD) Awareness Month in Pennsylvania.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators ARGALL, BOSCOLA, BREWSTER, SABATINA, EICHELBERGER, DINNIMAN, FARNESE, VULAKOVICH, BROWNE, McILHINNEY, GREENLEAF, FONTANA, RAFFERTY, WHITE, COSTA, KILLION and RESCHENTHALER, by unanimous consent, offered **Senate Resolution No. 474**, entitled:

A Resolution designating the month of October 2016 as "Chiropractic Health and Wellness Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

The PRESIDENT. Senator Argall may now go teach his students who are in the gallery. Continue the great work, Senator Argall.

Senators SMUCKER, FONTANA, TEPLITZ, DINNIMAN, BROWNE, BOSCOLA, BREWSTER, FARNESE, GREENLEAF, WHITE, RAFFERTY, COSTA, KILLION, RESCHENTHALER, AUMENT and BLAKE, by unanimous consent, offered **Senate Resolution No. 475**, entitled:

A Resolution designating November 18, 2016, as "Gifted Education Day" in Pennsylvania and expressing appreciation to educators of the gifted throughout this Commonwealth.

On the question,

Will the Senate adopt the resolution?

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

Senator SMUCKER. Mr. President, I offer my remarks to be spread upon the record.

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 gentleman from Lancaster, Senator SMUCKER:)

Mr. President, I am honored to offer this resolution on behalf of the Pennsylvania Association for Gifted Education, or PAGE, which has advocated for gifted children for more than 65 years. This resolution declares November 18, 2016, to be "Gifted Education Day" in PA, and it honors the dedicated educators who teach our children with special abilities every day.

We often talk about education as a "gift" that can never be taken away, but the best gifts are those tailored to the receiver. Everyone learns at their own pace, and that pace can vary from subject to subject. That is why programs devoted to gifted education allow students with unique abilities to excel and advance at their own speed and in those subjects in which they are most gifted.

Being gifted involves far more than just having a high IQ. Advocates for gifted education recognize this changing face of "gifted" education and respond in brilliant ways to the unique ways that gifted children look at the world and learn. This resolution encourages awareness, advocacy, and action to help the gifted learners of Pennsylvania access the gift of education and to make it uniquely theirs.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators BARTOLOTTA, GREENLEAF, BOSCOLA, TEPLITZ, ARGALL, BROWNE, YUDICHAK, SCAVELLO, KILLION, DINNIMAN, RESCHENTHALER, FONTANA, RAFFERTY and COSTA, by unanimous consent, offered **Senate Resolution No. 476**, entitled:

A Resolution recognizing the month of November 2016 as "Native American Heritage Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator BARTOLOTTA. Mr. President, the history and culture of our great nation have been significantly influenced by Native Americans and indigenous people. Their contributions have enhanced the freedom, prosperity, and greatness of America today, which is why their customs and traditions are respected and celebrated as part of a rich legacy throughout this country. Official recognition of "Native American Heritage Week" began in 1976, and this was expanded by Congress and approved by the President in 1990, designating the month of November as National Native American Heritage Month.

I stand here today to recognize the month of November 2016 as Native American Heritage Month, and as a member of the Cherokee Tribe and a card-carrying member of the Choctaw Tribe of Oklahoma, it is my pleasure to introduce this resolution, and I ask for your support.

The PRESIDENT. My wife may have something in common with you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator COSTA, on behalf of Senators TEPLITZ, EICHELBERGER, SCHWANK, FONTANA, SABATINA, GREENLEAF, TARTAGLIONE, DINNIMAN, COSTA, BREWSTER, HUGHES, BARTOLOTTA, RAFFERTY, FARNESE, HUTCHINSON, BROWNE, KILLION and BAKER, by unanimous consent, offered **Senate Resolution No. 477**, entitled:

A Resolution designating the week of October 23 through 29, 2016, as "Explore PA Outdoors Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, on behalf of Senator Teplitz, I offer the following remarks for the record.

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 gentleman from Allegheny, Senator COSTA, on behalf of the gentleman from Dauphin, Senator TEPLITZ:)

Mr. President, my resolution designates the week of October 23 to 29, 2016, as "Explore PA Outdoors Week" in Pennsylvania. Pennsylvania is home to numerous natural resources, from our State parks and campsites to our rivers, lakes, mountains, and valleys. We are a tourist destination for hikers, hunters, nature lovers, and anyone who appreciates the joy of exploring the outdoors.

This is an opportunity to encourage Pennsylvanians to celebrate and explore our State's diverse nature and beauty, and the many different outdoor activities Pennsylvania offers, from hunting and fishing to hiking and camping, and so much more.

So, Mr. President, I ask that my colleagues join me in recognizing the week of October 23 to 29, 2016, as Explore PA Outdoors Week in Pennsylvania.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

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 Phillip E. Hinderdeer and to William C. Mobley by Senator Aument.

Congratulations of the Senate were extended to Rodney P. Kirsch, Steven E. Brown and to the Mifflin County 13-Year-Old All-Star Baseball Team by Senator Corman.

Congratulations of the Senate were extended to the Unitarian Congregation of West Chester by Senator Dinniman.

Congratulations of the Senate were extended to Pam Bryer and to Teva Pharmaceuticals by Senators Dinniman and Killion.

Congratulations of the Senate were extended to Fritz M. Heinemann by Senator Gordner.

Congratulations of the Senate were extended to Gary Masino and to Darrell L. Clarke by Senator Hughes.

Congratulations of the Senate were extended to Brian C. Clark by Senator Rafferty.

Congratulations of the Senate were extended to Stephen C. Foster Elementary School by Senator Reschenthaler.

Congratulations of the Senate were extended to Linda J. Grass by Senator Tomlinson.

Congratulations of the Senate were extended to Baughman Memorial United Methodist Church by Senator Vance.

Congratulations of the Senate were extended to Chief Master Sergeant James K. Foy by Senator Wagner.

Congratulations of the Senate were extended to Bible Union Fellowship Church by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. David Von Needa by Senator Yaw.

BILLS ON FIRST CONSIDERATION

Senator MENSCH. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

HB 2370, HB 2375 and HB 2381.

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

BILL REREFERRED

Upon motion of Senator MENSCH, and agreed to by voice vote, the following bill just considered was rereferred to the Committee on Appropriations:

HB 2381.

HB 1640 AND HB 1895 TAKEN FROM THE TABLE

Senator MENSCH. Mr. President, I move that House Bill No. 1640, Printer's No. 3535; and House Bill No. 1895, Printer's No. 2971, 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.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, OCTOBER 24, 2016

- Off the Floor APPROPRIATIONS (to consider Senate Bill No. 1331; and House Bills No. 192, 516, 932, 1087, 1348, 1403, 1437, 1774, 1907 and 2078) Rules Cmte. Conf. Rm.
- Off the Floor EDUCATION (to consider House Bill No. 2381) Rules Cmte. Conf. Rm.
- Off the Floor FINANCE (to consider House Bills No. 1280 and 2370) Rules Cmte. Conf. Rm.
- Off the Floor LABOR AND INDUSTRY (to consider House Bill No. 2375) Rules Cmte. Conf. Rm.
- Off the Floor LOCAL GOVERNMENT (to consider House Resolution No. 1053) Rules Cmte. Conf. Rm.
- Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 984, 1219 and 1311; House Bill No. 1196; and certain Executive Nominations) Rules Cmte. Conf. Rm.

TUESDAY, OCTOBER 25, 2016

- 9:30 A.M. BANKING AND INSURANCE (public hearing on the cost and affordability of prescription drugs - Senate Bills No. 841 and 893) Hrg. Rm. 1 North Off.
- 9:30 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing on the aftermath of the August flood in Connellsville) Room 8E-A East Wing
- Off the Floor APPROPRIATIONS (to consider House Bills No. 577, 1653, 1698, 1712, 1885, 1887, 1974, 2026, 2303, 2338, 2370, 2375 and 2381) Rules Cmte. Conf. Rm.
- Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 1265 and 1282; House Bill No. 568; and certain Executive Nominations) 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
- 9:00 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (H) and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (S) (informational meeting on the State Veterans Commission) Room 60 East Wing

THURSDAY, OCTOBER 27, 2016

- 9:30 A.M. PUBLIC SCHOOL BUILDING CONSTRUCTION AND Red Lion H.S.

RECONSTRUCTION ADVISORY COMMITTEE (public hearing to consider issues related to financing of school building construction projects) Auditorium

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.

PETITIONS AND REMONSTRANCES

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

Senator HUTCHINSON. Mr. President, I wanted to remark on a bill that passed earlier today, House Bill No. 1196. I want the record to correctly reflect that I was opposed to that bill and would like to have been recorded in the negative. Thank you.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 356** and **SB 1265**, 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 24, 2016

- HB 564** -- Committee on State Government.
- HB 1473** and **2304** -- Committee on Veterans Affairs and Emergency Preparedness.
- HB 1516** -- Committee on Judiciary.
- HB 2222** -- Committee on Local Government.
- HB 2232** -- Committee on Public Health and Welfare.
- HB 2293** -- Committee on Transportation.

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

October 24, 2016

- HR 1053** -- Committee on Local Government.

APPOINTMENT BY THE MAJORITY LEADER

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

Dr. Bill Trescher as a member of the Medical Marijuana Advisory Board.

BILLS SIGNED

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

SB 984, HB 447, HB 683, HB 1734, HB 1841, HB 1842 and HB 1923.

RECESS

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

Senator MENSCH. Mr. President, I move that the Senate do now recess until Tuesday, October 25, 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 7:44 p.m., Eastern Daylight Saving Time.