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TUESDAY, OCTOBER 16, 2018

SESSION OF 2018 202ND OF THE GENERAL ASSEMBLY

No. 45

SENATE

TUESDAY, October 16, 2018

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

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

PRAYER

The Chaplain, Reverend BEN BLOWERS, Pastor of Indiana Wesleyan Methodist Church, Indiana, offered the following prayer:

Dear Lord, we thank You for this day, another day You blessed us with an amazing gift of life. Thank You for Your many blessings that You daily bless us with. We pray today for our nation, for our State, and specifically for our State Senate. I pray that today You grant wisdom, help, and direction to each Senator and their staff. May the words of the psalmist in Psalm 19:14 be our prayer, "Let the words of my mouth, and the meditation of my heart, be acceptable in Thy sight, O Lord, my strength, and my Redeemer." We pray that You would keep Your hand of protection upon our nation, our State, and our leaders.

Bless our military, law enforcement, and first responders who daily put their lives on the line to protect ours. We pray for comfort for the families of some of the Members of the House here in Pennsylvania who have recently passed away, that You would comfort them. Dear Lord, we acknowledge Your power and might and how great You are, and we humble ourselves before You today, recognizing that we are weak but You are strong. Help us to remember that both our help and our hope is found in You. Thank you, again, for this another day and an opportunity to serve You. Bless each Member of this government body, bless our nation, and bless the entire Commonwealth of Pennsylvania. Lord, You have blessed us greatly and today we bless Your name. Amen and amen.

The PRESIDENT. The Chair thanks Pastor Blowers, who is the guest today of Senator White.

PLEDGE OF ALLEGIANCE

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

BILL REPORTED FROM COMMITTEE

Senator BAKER, from the Committee on Health and Human Services, reported the following bill:

SB 1270 (Pr. No. 2065)

An Act providing for blood lead testing of certain children and pregnant women by health care providers; imposing duties on the Department of Health; and requiring certain health insurance policies to cover blood lead tests.

LEGISLATIVE LEAVE

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

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

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

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of June 11, 2018, June 12, 2018, and June 13, 2018, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 11, 2018, June 12, 2018, and June 13, 2018.

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

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

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

YEA-49

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Ward
Boscola	Greenleaf	Regan	White
Brewster	Haywood	Resenthaler	Williams
Brooks	Hughes	Sabatina	Yaw
Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerhole	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

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

The PRESIDENT. The Journals are approved.

PERMISSION TO ADDRESS

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

Senator BLAKE. Mr. President, I rise along with my friend and colleague, Senator Yudichak, to convey some very sad news to the Senate. I am deeply saddened and devastated to hear the news this morning of the passing of our friend and colleague, Representative Sid Michaels Kavulich. For the past several weeks, I think I have been in denial as to the severity of Sid's condition thinking that his vitality and strength would overcome any hardship, but I was wrong. We lost him this morning. Our prayers are with his wife, Linda, their beautiful children, Loni, Ariel, and Zachary, and his newest grandson, who I believe made Sid very, very happy and proud.

Sid was a man of faith. He was a prayerful and pious person and he had a great wit and a great passion for his job as a public servant. I so much enjoyed working with Sid and bringing home good news to the people we represent in common in Lackawanna County, and I will miss him dearly. Anyone who knew or associated with Sid was a better person for that experience. He was a great and, indeed, beloved State Representative who worked very hard to address the needs and concerns of the people he represented. This loss will be felt for many years to come, Mr. President. I hope no one will ever forget what a wonderful person Sid was, and that his legacy as a public servant will never be forgotten.

With that, I turn to my friend, Senator Yudichak.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, the Chaplain of the Senate opened our prayer today by referencing the gift of life. Sid Michaels Kavulich cherished the gift of life. He respected the gift of life, and he did so by praising his God, loving his family, and serving his Commonwealth and his country. Sid was a beautiful man and a man blessed with a great sense of humor. One of the lasting memories that I will have of my friend Sid was the day before he was to leave for Philadelphia to have surgery, he insisted on coming and roasting me at a charitable event in Wilkes-Barre. He had the time of his life, and the last thing I will remember is the smile on his face. Sid brought a smile to many faces as a servant, as a State Representative, a great man, a great father, and a great grandfather. God bless you, Sid Michaels Kavulich.

Senator BLAKE. Mr. President, I beg the indulgence of the Senate for a moment of silence for our colleague and friend, Representative Sid Michaels Kavulich.

The PRESIDENT. The Senate will now take a moment of silence to remember a great Pennsylvanian and a great friend to us all, Representative Sid Michaels Kavulich.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of the Honorable SID MICHAELS KAVULICH.)

The PRESIDENT. I will say from my own experience with Sid Kavulich, I never met a funnier man in all my life who had a great joy of serving the people of Pennsylvania, and he was the only person I ever saw who could top Senator Yudichak in the ability to demonstrate that we are all humble human beings, and sometimes it takes another to remind us such. He will be missed

but we know he is in heaven, and his family is in our prayers. We are all better people, having known Representative Kavulich.

GUESTS OF SENATOR CAMERA BARTOLOTTA PRESENTED TO THE SENATE

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

Senator BARTOLOTTA. Mr. President, today I have a group of very special guests joining us from the 46th Senatorial District, who are seated in the gallery. The Carmichaels Area Junior/Senior High School Envirothon Team won the local and State Envirothon competitions. In the local competition, 55 high school students from Greene County's five school districts competed in the event and in the State competition. High school students from 65 Pennsylvania counties participated. At the Envirothon competitions, the team participated in a series of field station tests focusing on the topic areas of soils and land use, aquatic ecology, forestry, wildlife, and environmental issues. The team also prepared and delivered oral presentations to panels of judges who evaluated each team on its problem-solving capabilities, oral presentation skills, and recommendations to help solve the specific environmental challenge.

The 2018 Pennsylvania Envirothon champions include captain Ryan Swartz, Christina Adams, Stephen Zacoi, Joey Kurincak, and Jacob Hair. Winning States earned them the honor to represent the Commonwealth at the 30th National Conservation Foundation competition held in July at Idaho State University in Pocatello, Idaho. This fierce five-member team competed against teams from 47 other States, 8 Canadian provinces, 1 Canadian territory, and 2 Chinese provinces. They ended up placing 18th out of 50 at the competition, just 13.5 points away from the top 10. This Carmichaels team is led by their outstanding advisor, Kevin Willis, and supported by Superintendent Fred Morecraft, and teachers Megan Patton and Rebecca Mikalik, who are also here with us. Others who were instrumental in this effort but unable to join us today include the principal, Lisa Zdravecky, Pennsylvania Envirothon coordinator Lorelle Steach, and Greene County Envirothon coordinator Lisa Snider. These individuals are part of a strong network of environmental educators who are paving the path of success for our future leaders. I am very proud of these bright and talented students and the schools that sponsor environmental education, and I am thrilled to have these students and educators right here in Harrisburg today.

Mr. President, please join me in extending a very warm Senate welcome to the 2018 Pennsylvania Envirothon champions and their educators.

The PRESIDENT. Would the guests of Senator Bartolotta, the champion Carmichaels Envirothon team, coaches, parents, students, the whole delegation, please rise so that we may welcome you to the Pennsylvania Senate. Congratulations on all of your success.

(Applause.)

GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, in the gallery with us today are a number of students from the Western Pennsylvania School for the Deaf, located in the 43rd Senatorial District in the communities of Edgewood and Wilksburg. WPSD is a nonprofit, tuition-free school with educational services and a complete extracurricular program for deaf and hard-of-hearing children from birth through grade 12. It is the largest comprehensive center for deaf education in the Commonwealth of Pennsylvania.

With the group today is a student from my district and the Penn Hills community, Elsie Olwal. Elsie was with us last year, she is really happy to be back, and she is now in the sixth grade. She loves going to school and enjoys her time there. Her favorite class is social studies. She loves to take field trips with the school when they take her to different places, and she also enjoys spending time with her friends during lunchtime. Mr. President, I ask my colleagues to join me in welcoming Elsie and her classmates who are here with us today to the Senate of Pennsylvania while they visit and tour the Commonwealth's General Assembly.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Costa, all our friends from WPSD who are visiting us here in Harrisburg, please rise so that we may give you our warm Senate welcome. We are so delighted to have you. I am looking forward to seeing you at the school again soon, I visited before. You guys are great.

("Jazz hands" sign language applause.)

GUEST OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, I am so thrilled today to have from the Western Pennsylvania School for the Deaf, Spencer Ahearn. This is about Spencer's fourth year here, and I just told him today that every year he is taller and taller, and by next year he will be taller than me. Then I think some other smartypants Senator said he will be taller than me next week. Spencer is in sixth grade, he loves math and all sports, especially soccer. He is a member of the middle school soccer team and plays midfield. He is an extremely good player. The team made it to the playoffs this year for the very first time. Spencer was voted the most academic student in the middle school last year, and has made the honor roll every quarter. He plans to study sports management and he wants to be a soccer coach. I am so happy to see him here today. It is nice watching him grow up and seeing how far he has come and how he just continues to win and do well in life. So please join me in welcoming Spencer. Thank you.

The PRESIDENT. Would the guest of Senator Ward, Spencer, please rise so that we may welcome you. Great to see you, buddy.

("Jazz hands" sign language applause.)

GUESTS OF SENATOR SCOTT E. HUTCHINSON PRESENTED TO THE SENATE

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

Senator HUTCHINSON. Mr. President, I am also pleased to have the opportunity to introduce three of my constituents who

are students at the Western Pennsylvania School for the Deaf. Brothers Geb and Luel Helmstadter of Mars are both with us today. Geb, a sixth grader, is interested in information technology, and he is an amateur videographer at their church. Luel is a fifth grader with an appreciation for math and a love of all sports.

Also joining them is Royale Reno-Gaus from Polk, Pennsylvania, who is also in the fifth grade. She enjoys seeing her friends and teachers at school, and she appreciates the opportunity to communicate with them using sign language. She also told me that she has a real love of riding horses.

Please join me in welcoming these three exceptional students and all of their classmates to the Pennsylvania Senate.

The PRESIDENT. Would the guests of Senator Hutchinson, Geb, Luel, and Royale, please rise so that we may welcome you. Good to have you.

("Jazz hands" sign language applause.)

GUEST OF SENATOR DONALD C. WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator White.

Senator WHITE. Mr. President, I always look forward to a visit from the school. I realize it is a very proud asset of Senator Costa in the Pittsburgh region, but as you can see, it demographically affects a lot of us. I have a boy named Jared Price I would like to introduce who is also from the Western Pennsylvania School for the Deaf. He is from Murrysville, which is in my district. He is 13 years old, and his favorite subjects are science and math. He enjoys spending time with his friends and family and playing soccer. He sent me a nice letter and he said, do you want to join me in a game of soccer? I think I am a little past my prime, so I will take a pass on that. Anyhow, he is a fine young student, also a member of the soccer team, and I ask the Senate to please join me in welcoming Jared to the Capitol today.

The PRESIDENT. Would the guest of Senator White, Jared, please rise so that we may welcome you, we are delighted to have you, too.

("Jazz hands" sign language applause.)

GUEST OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, I rise today to recognize from Latrobe, Madeline Cavalier. Madeline has been an intern in the Lieutenant Governor's Office since August, where she has been working primarily on processing and writing case analysis for the Pennsylvania Board of Pardons and also assists on policy research. Madeline is a senior at Franklin & Marshall College in Lancaster. She is a sister of Alpha Delta Pi Sorority and is a Fellow for the Campus Vote Project, which encourages college students to register to vote. She also has a passion for helping Latino youth and does mission work in Guatemala. When she graduates, Madeline plans to work in Washington, D.C., and attend law school, with a special interest in immigration and criminal law. I am very pleased to have Madeline here with us today. I know her mom, who is a wonderful, successful, beautiful, dentist in the area I serve, and it was so nice to meet you,

Madeline. So thank you for being here, and please join me in welcoming Madeline.

The PRESIDENT. Would the guest of Senator Ward, a very special young lady, an intern in our office, Maddie Cavalier, doing a wonderful job and we are delighted to have her. So, Senators, please give her our usual customary welcome. She is fluent in Spanish, *bienvenido*, and welcome to the Senate and congratulations on all your hard work.

(Applause.)

GUESTS OF SENATOR WAYNE LANGERHOLC AND SENATOR PATRICK J. STEFANO PRESENTED TO THE SENATE

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

Senator LANGERHOLC. Mr. President, today it is my pleasure to introduce a group of very special guests joining us from the Cambria County Association for the Blind and Handicapped. The Cambria County Association for the Blind and Handicapped strives to foster independence for blind and disabled people in our community and manufactures useful high-quality products for customers worldwide. The staff at CAB have found positive ways to teach, help, and encourage their workers. The Cambria County Association for the Blind and Handicapped offers vision rehabilitation and employment services to persons with disabilities living in Cambria County, Pennsylvania. At the same time, they manufacture a wide variety of high-quality products which are sold worldwide, and the sale of their products help support services to more than 500 persons with disabilities. Mr. President, I challenge you--actually, no, I will unequivocally state that you will not find a more dedicated and happy workforce than these individuals at the Cambria County Association for the Blind and Handicapped.

Today, we have members of CAB here with us who participated in the highly successful School to Work program, and there are constituents from my district, the 35th Senatorial District, but also Senator Stefano's district as well. The guests from Senator Stefano's district are Jennifer Stull, Angelique Siciliano, and Wayne Killinger, Jr. Constituents from my district are Steven Boysza, Christopher Boring, Diana Mardis, Jacob Smuda and parents, Alex Bandzuh and father, Mike George and brother, Sherry Hofecker, Robin Oleksa, Kenny Biter, Dr. Dave Stefanik, Richard Bosserman, and Tara Bosserman. I ask the Senate and my colleagues to join in a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Langerholc and Senator Stefano from the Cambria County Association for the Blind and Handicapped please rise so that we may welcome you to the Pennsylvania Senate, and thank you for your great service and work.

(Applause.)

GUESTS OF SENATOR PATRICK M. BROWNE PRESENTED TO THE SENATE

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

Senator BROWNE. Mr. President, I am pleased today to have an opportunity to introduce members of my family, Terry and Ellen Owen, who are here from Wales to, of course, visit family, but also take an opportunity to visit the most beautiful Capitol in

America. They are up in the gallery. Please give them a warm Senate welcome.

The PRESIDENT. Would the family and guests of Senator Browne, Terry and Ellen Owen, please rise so that we may welcome you to the Pennsylvania Senate. We are so delighted to have you.

(Applause.)

The PRESIDENT. He is doing a good job, folks.

GUESTS OF SENATOR SHARIF T. STREET PRESENTED TO THE SENATE

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

Senator STREET. Mr. President, I welcome to the Senate members of the finest fraternity on the face of the Earth, the members of Kappa Alpha Psi Fraternity, Incorporated. The brothers from Kappa Alpha Psi have joined us. This fraternity was founded in 1911 and is headquartered today in the city of Philadelphia. It is an international fraternity with over 160,000 members and 721 chapters at both the graduate, undergraduate, and alumni level. I ask my colleagues in the Senate to rise and join me in welcoming the brothers of Kappa Alpha Psi, whose motto is Achievement in Every Field Of Human Endeavor.

The PRESIDENT. Would the guests of Senator Street, the brothers of Kappa Alpha Psi, please rise so that we may welcome you to the Pennsylvania Senate. Thank you for everything you are doing.

(Applause.)

GUEST OF SENATOR ARTHUR L. HAYWOOD PRESENTED TO THE SENATE

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

Senator HAYWOOD. Mr. President, it is my pleasure to introduce Emily Pugliese to the Senate floor today. She has recently joined my district office. She comes from an extensive background in environmental studies, including as a graduate of Drexel University with a master's in environmental policy. She also had a double major in biology and environmental studies at Ursinus College. She has been involved in environmental issues throughout the world, including conferences throughout the United States and in New Delhi, India. We are so glad to have her on our staff, and to have her family, her two loving boys, join our family. The biggest thing I would like to share about her is that she grew up in Jenkintown. I ask the Senate to provide a warm welcome to Emily.

The PRESIDENT. Would the guest of Senator Haywood, Emily Pugliese, please rise so that we may welcome you to the Pennsylvania Senate.

(Applause.)

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators YAW, RAFFERTY, GREENLEAF, BROWNE, SCAVELLO, BAKER, VULAKOVICH and MENSCH, by unanimous consent, offered **Senate Resolution No. 465**, entitled:

A Resolution enhancing the friendship and bilateral relationship between the Commonwealth of Pennsylvania and Taiwan.

On the question,
Will the Senate adopt the resolution?

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

Senator GORDNER. Mr. President, today I offer this resolution recognizing the important relationship between Taiwan and the Commonwealth of Pennsylvania. For more than 60 years, Taiwan has worked to establish itself as a strong and successful model of democracy and remains a bright beacon of democracy in Asia and across the world. The Commonwealth of Pennsylvania established the trade and investment office in Taiwan in 2005, and since that time we have exported hundreds of millions of dollars' worth of local products that include chemicals, electronics, and machinery, making them one of the largest foreign markets for our State. Taiwan is the Commonwealth's seventh-largest export market in Asia, and the State is home to many Taiwanese companies that create thousands of jobs in Pennsylvania. The Commonwealth has maintained a friendly sister-state relationship with Taiwan for many, many years, and that relationship is clearly getting stronger.

GUESTS OF SENATOR JOHN R. GORDNER
AND SENATOR EUGENE YAW
PRESENTED TO THE SENATE

Senator GORDNER. Mr. President, we are honored today to have with us on the Senate floor several individuals who can attest to this important relationship. From the Taipei Economic and Cultural Office in New York we have joining us, and I will ask them to stand and remain standing after I mention their name, Ambassador Lily Hsu, from the Republic of China; Director Ronnie Lu, from the Republic of China, Taiwan; and the Deputy Consul Haowei Wei.

Mr. President, I also introduce to the Senate two of Senator Yaw's constituents Dr. Jason Shu and Dr. Grace Shu of Montoursville. Dr. Jason Shu is a former member of the State Board of Medicine and serves as U.S. Public Health Service advisor. Dr. Grace Shu serves as chair of the Asian American Voters Coalition, and I think she told me that there are over 350,000 members here in the Commonwealth of Pennsylvania. I especially thank them for being with us today and helping to arrange the delegation's visit.

Mr. President, this resolution is a way for the State Senate to officially recognize our important economic and trade partnership with Taiwan and the potential for many, many more investment opportunities between our two governments. I am asking my colleagues to join me in supporting this resolution and to give our guests a warm Senate welcome.

The PRESIDENT. Let us first give our guests, our great friends from Taiwan, our warm Pennsylvania welcome.

(Applause.)

The PRESIDENT. Now we will take a vote on the resolution and see if your presence here affects the vote.

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

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

(Applause.)

The PRESIDENT. Unanimous, thank you for your presence. The resolution is adopted.

CALENDAR

SECOND CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator GORDNER, as Special Orders of Business.

BILLS ON SECOND CONSIDERATION
AND REREFERRED

HB 270 (Pr. No. 4245) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for definitions, providing for medication synchronization, further providing for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier and for board, providing for medication therapy management and further providing for coordination of benefits.

Considered the second time and agreed to,

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

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

HB 1497 (Pr. No. 4246) -- 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 licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for applications for hotel, restaurant and club liquor licenses, for sales by liquor licensees and restrictions, for wine and spirits auction permits, for public venue license, for performing arts facility license, for wine expanded permits, for casino liquor license, for application for distributors', importing distributors' and retail dispensers' licenses, for breweries and for limiting number of retail licenses to be issued in each county, providing for liquor code suspension for deficiency and further providing for local option and for unlawful acts relative to liquor, malt and brewed beverages and licensees; in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, further providing for limited wineries and for distilleries; in miscellaneous provisions, further providing for construction and applicability.

Considered the second time and agreed to,

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

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

HB 1822 (Pr. No. 4045) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for suicide prevention in institutions of higher education.

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

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

HB 1951 (Pr. No. 2762) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of access of minors to dextromethorphan and imposing a penalty.

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

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

HB 2557 (Pr. No. 4247) -- The Senate proceeded to consideration of the bill, entitled:

An act establishing intergovernmental cooperation authorities for certain cities of the third class; providing for powers and duties; and making an appropriation.

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

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

HB 2638 (Pr. No. 4248) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 8, 2004 (P.L.1801, No.238), known as the Transit Revitalization Investment District Act, in general provisions, further providing for declaration of policy and for definitions; and providing for military installation remediation and for the establishment of the Military Installation Remediation Fund.

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

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

RECESS

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

Senator GORDNER. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately.

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

Senator COSTA. Mr. President, I ask Senate Democrats to report to our caucus room for a caucus as well.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

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

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

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 Appropriations to be held in the Rules room in the rear of the Chamber.

The PRESIDENT. For the purpose of an off-the-floor meeting of the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 26 (Pr. No. 4146) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for antique, classic and collectible plates and for special registration plates, providing for distracted driving awareness plate, further providing for special plates for veterans and providing for special plates for recipients of Soldier's Medal, for special plates for recipients of Presidential Service Badge and for special plates for veterans of an ally foreign country; and, in fees, further providing for exemption of persons, entities and vehicles from fees and for fee for local use.

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 gentlewoman from Northampton, Senator Boscola.
Senator BOSCOLA. Mr. President, I think there was some confusion as to whether my amendment could be offered, and it is my understanding now that because it is on final consideration and not on third that I am not allowed to offer the amendment at this time. Is that correct?

The PRESIDENT. That is correct.
Senator BOSCOLA. Mr. President, 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-48

Alloway	Dinniman	Laughlin	Schwank
Argall	DiSanto	Leach	Stefano
Aument	Farnese	Martin	Street
Baker	Folmer	McGarrigle	Tartaglione
Bartolotta	Fontana	McIlhinney	Tomlinson
Blake	Gordner	Mensch	Vogel
Boscola	Greenleaf	Rafferty	Vulakovich
Brewster	Haywood	Regan	Ward
Brooks	Hughes	Reschenthaler	White
Browne	Hutchinson	Sabatina	Williams
Corman	Killion	Scarnati	Yaw
Costa	Langerholc	Scavello	Yudichak

NAY-1

Eichelberger

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 44, HB 83 and HB 86 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 99 (Pr. No. 4254) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in contracts, further providing for regulation of contracts.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Ward
Boscola	Greenleaf	Regan	White
Brewster	Haywood	Reschenthaler	Williams
Brooks	Hughes	Sabatina	Yaw
Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

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 104 and HB 128 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 149 (Pr. No. 4251) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, providing for unlawful use of an audio or video device in court.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson

Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Ward
Boscola	Greenleaf	Regan	White
Brewster	Haywood	Reschenthaler	Williams
Brooks	Hughes	Sabatina	Yaw
Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

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

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

BILL AMENDED

HB 163 (Pr. No. 4053) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privileges of licensed drivers.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WARD offered the following amendment No. A10373:

Amend Bill, page 9, line 3, by inserting after "on":
or against

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL AMENDED AND LAID ON THE TABLE

HB 285 (Pr. No. 2221) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

On the question,

Will the Senate agree to the bill on third consideration?

KILLION AMENDMENT A10358

Senator KILLION offer the following amendment No. A10358:

Amend Bill, page 1, lines 1 through 4, by striking out all of said lines and inserting:

Amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in judicial boards and commissions, further providing for powers and duties, for adoption of guidelines for sentencing, for adoption of guidelines for county intermediate punishment, for adoption of guidelines for State intermediate punishment and for adoption of risk assessment instrument; in sentencing, further providing for sentencing generally, for collection of restitution, reparation, fees, costs, fines and penalties, for order of probation, for sentence of partial confinement, for sentence of total confinement, for sentence of county intermediate punishment, for information required upon commitment and subsequent disposition, for modification or revocation of order of probation, for court-imposed sanctions for offenders violating probation, for modification or revocation of county intermediate punishment sentence and for revocation of State intermediate punishment sentence; in county intermediate punishment, further providing for county intermediate punishment programs and for continued eligibility; in motivational boot camp, further providing for definitions, for selection of inmate participants and for motivational boot camp program; in State intermediate punishment, further providing scope of chapter, for definitions, for referral to State intermediate punishment program, for drug offender treatment program and for reports; in recidivism risk reduction incentive, further providing for definitions, for evaluation and for reports; in Pennsylvania Board of Probation and Parole, further providing for definitions, for advisory committee, for general powers of board, for probation services, for parole power, providing for short sentence parole, further providing for violation of terms of parole and for parole procedure; and making conforming amendments.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting:

Section 1. Section 2153(a) of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 2153. Powers and duties.

(a) General rule.--The commission, pursuant to rules and regulations, shall have the power to:

(16) Report to the General Assembly on:

(i) implementation of revisions to the guidelines under sections 2154 (relating to adoption of guidelines for sentencing) and 2154.1 (relating to adoption of guidelines for restrictive conditions);

(ii) implementation and outcomes of justice reinvestment funding to county probation;

(iii) use of court-imposed sanctions for violating probation under section 9771.1 (relating to court-imposed sanctions for violating probation);

(iv) in consultation with the Office of the Budget and the Department of Corrections, the implementation of short sentence parole under 61 Pa.C.S. § 6137.5 (relating to short sentence parole), use of the State drug treatment program under 61 Pa.C.S. Ch. 41 (relating to State drug treatment program) and use of sanctions for technical parole violations under 61 Pa.C.S. § 6138(c)(8) (relating to violation of terms of parole); and

(v) evaluations of the effectiveness of various criminal justice interventions and programming, including restrictive conditions of probation, recidivism risk reduction incentive programs, State drug treatment program, State motivational boot camp program, pretrial diversion programs, prisoner treatment programs and prisoner reentry programs. For any evaluations of the effectiveness of programs in reducing recidivism, the commission shall report on:

(A) The number of individuals eligible for the program, the number of individuals participating in the program and the number of individuals who successfully completed the program during the period under study.

(B) The recidivism rates for participants of the program and for a comparison group of individuals who did not participate in the program.

(C) Potential changes in the program that the commission believes would make the program more effective.

(D) Any other information the commission deems relevant.

(d) Hearings.--The General Assembly shall convene hearings in the appropriate committees to hear and deliberate upon reports under subsection (a)(16).

Section 2. Sections 2154 and 2154.1 of Title 42 are amended to read:

§ 2154. Adoption of guidelines for sentencing.

(a) General rule.--The commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. In adopting guidelines, the commission shall recommend confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and the community and the rehabilitative needs of the offender. The guidelines shall address the following retributive factors:

(1) Seriousness of the offense, by specifying the range of sentences applicable to crimes of a given degree of gravity[, including incapacitation of serious violent offenders].

(2) Criminal history, by specifying a range of sentences of increased severity or intensity of intervention for offenders previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. The commission may exclude or reduce the valuation of less serious offenses and increase the valuation of offenses committed while under supervision or in a temporal or offense pattern.

(3) Criminal behavior, by specifying a range of sentences of increased severity or intensity of intervention for offenders [who pose a substantial risk to public safety] with increased culpability, including those who possessed or used a deadly weapon or inflicted substantial harm during the commission of the current conviction offense.

(4) Aggravated and mitigated ranges, by specifying variations from the range of sentences applicable on account of aggravating or mitigating circumstances.

(5) The impact of any amendments to section 9756 (relating to sentence of total confinement).

(b) Adjustments.--The guidelines shall include the following risk-related adjustments:

(1) Incapacitation of serious violent offenders.

(2) Modifications to criminal history to reflect risk to reoffend and substantial risk to public safety to adjust the length of total confinement for more serious criminal history.

(3) Recommendations related to the use of county intermediate punishment programs as restrictive conditions of probation, the duration of terms of probation and maximum terms of total and partial confinement and the use of aggregate sentences.

(c) Interactive information.--The guidelines shall include interactive information to support decisions with risk, recidivism and cost information.

(d) 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:

"Possessed." On a defendant's person or within the defendant's immediate physical control.

"Previously convicted of or adjudicated delinquent." Any finding of guilt or adjudication of delinquency, whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

§ 2154.1. Adoption of guidelines for [county intermediate punishment] restrictive conditions.

(a) General rule.--The commission shall adopt guidelines to identify offenders who would be eligible and appropriate for [participation in county intermediate punishment programs] restrictive conditions of probation. These guidelines shall be considered by the sentencing court in determining whether to [sentence an offender] impose restrictive conditions pursuant to section 9763 (relating to [sentence of county intermediate punishment] conditions of probation). The guidelines shall:

(1) Use the description of "eligible offender" provided in Chapter 98 (relating to county intermediate punishment).

(2) Give] give primary consideration to reducing recidivism for the protection of the public safety.

(b) Compliance.--The commission shall certify compliance with any guidelines adopted by the commission for county intermediate punishment or for imposing restrictive conditions of probation and with any related statutory requirements and report the results to the Pennsylvania Commission on Crime and Delinquency.

Section 3. Section 2154.2 of Title 42 is repealed:

[§ 2154.2. Adoption of guidelines for State intermediate punishment.

The commission shall adopt guidelines to identify offenders who would be appropriate for participation in State intermediate punishment programs. These guidelines shall be considered by the attorney for the Commonwealth and the sentencing court in determining whether to commit a defendant for evaluation and whether to sentence an eligible offender pursuant to 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment). The guidelines shall:

(1) Use the description of "eligible offender" provided in 61 Pa.C.S. Ch. 41.

(2) Give primary consideration to protection of the public safety.]

Section 4. Sections 2154.7(d), 9721(a), (a.1) and (b), 9728(b)(5), 9754, 9755(d) and (h), 9756(c.1), 9763(a), (b)(14), (16) and (17), (c) and (d), 9764(f), 9771(a) and (b) and 9771.1 of Title 42 are amended to read:

§ 2154.7. Adoption of risk assessment instrument.

(d) Alternative sentencing.--Subject to the eligibility requirements of each program, the risk assessment instrument may be an aide to help determine:

(1) for persons under supervision, intensity of intervention, use of restrictive conditions and duration of supervision; and

(2) appropriate candidates for alternative sentencing, including the recidivism risk reduction incentive, State [and county intermediate punishment programs] drug treatment program and State motivational boot camps.

§ 9721. Sentencing generally.

(a) General rule.--In determining the sentence to be imposed the court shall, except as provided in subsection (a.1), consider and select one or more of the following alternatives, and may impose them consecutively or concurrently:

(1) An order of probation.

(2) A determination of guilt without further penalty.

(3) Partial confinement.

(4) Total confinement.

(5) A fine.

[(6) County intermediate punishment.

(7) State intermediate punishment.]

(a.1) Exception.--

(1) Unless specifically authorized under section 9763 (relating to [a sentence of county intermediate punishment] or 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment)) conditions of probation, subsection (a) shall not apply where a mandatory minimum sentence is otherwise provided by law.

(2) [An eligible offender may be sentenced to State intermediate punishment pursuant to subsection (a)(7) and as described in 61 Pa.C.S. Ch. 41 or to] A person may be eligible for the State drug treatment program as described in 61 Pa.C.S. Ch. 41 or State motivational boot camp as described in 61 Pa.C.S. Ch. 39 (relating to motivational boot camp), even if a mandatory minimum sentence would otherwise be provided by law.

(3) An eligible [offender] person may be sentenced to total confinement pursuant to subsection (a)(4) and a recidivism risk reduction incentive minimum sentence pursuant to section 9756(b.1) (relating to sentence of total confinement), even if a mandatory minimum sentence would otherwise be provided by law.

(b) General standards.--In selecting from the alternatives set forth in subsection (a), the court shall follow the general principle that the sentence imposed should call for total confinement that is consistent with section 9725 (relating to total confinement) and the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant. The court shall also consider any guidelines for sentencing and resentencing adopted by the Pennsylvania Commission on Sentencing and taking effect under section 2155 (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation). In every case in which the court imposes a sentence for a felony or misdemeanor, modifies a sentence, resentsences [an offender] a person following revocation of probation[, county intermediate punishment or State intermediate punishment] or resentsences following remand, the court

shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where the court imposes a sentence or resentence outside the guidelines adopted by the Pennsylvania Commission on Sentencing under sections 2154 (relating to adoption of guidelines for sentencing), 2154.1 (relating to adoption of guidelines for [county intermediate punishment], 2154.2 (relating to adoption of guidelines for State intermediate punishment)] restrictive conditions, 2154.3 (relating to adoption of guidelines for fines), 2154.4 (relating to adoption of guidelines for resentencing) and 2154.5 (relating to adoption of guidelines for parole) and made effective under section 2155, the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines to the commission, as established under section 2153(a)(14) (relating to powers and duties). Failure to comply shall be grounds for vacating the sentence or resentence and resentencing the defendant.

Amend Bill, page 3, line 13, by striking out all of said line and inserting:

§ 9754. Order of probation.

(a) General rule.--In imposing an order of probation the court shall specify at the time of sentencing the length of any term during which the defendant is to be supervised, which term may not exceed the maximum term for which the defendant could be confined, and the authority that shall conduct the supervision. The court shall consider probation guidelines adopted by the Pennsylvania Commission on Sentencing under sections 2154 (relating to adoption of guidelines for sentencing) and 2154.1 (relating to adoption of guidelines for restrictive conditions).

(b) Conditions generally.--The court shall attach [such of the reasonable conditions authorized by subsection (c) of this section as it deems necessary to insure or assist the defendant in leading a law-abiding life.

(c) Specific conditions.--The court may as a condition of its order require the defendant:

(1) To meet his family responsibilities.

(2) To devote himself to a specific occupation or employment.

(2.1) To participate in a public or nonprofit community service program unless the defendant was convicted of murder, rape, aggravated assault, arson, theft by extortion, terroristic threats, robbery or kidnapping.

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose.

(4) To pursue a prescribed secular course of study or vocational training.

(5) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons.

(7) To have in his possession no firearm or other dangerous weapon unless granted written permission.

(8) To make restitution of the fruits of his crime or to make reparations, in an amount he can afford to pay, for the loss or damage caused thereby.

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment.

(10) To report as directed to the court or the probation officer and to permit the probation officer to visit his home.

(11) To pay such fine as has been imposed.

(12) To participate in drug or alcohol treatment programs.

(13) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

(14) To remain within the premises of his residence during the hours designated by the court.] reasonable conditions authorized by section 9763 (relating to conditions of probation).

(d) Sentence following violation of probation.--The sentence to be imposed in the event of the violation of a condition shall not be fixed prior to a finding on the record that a violation has occurred.

§ 9755. Sentence of partial confinement.

(d) Conditions to release.--The court may in addition include in its order such of the conditions as are enumerated in section [9754 (relating

to order of probation)] 9763 (relating to conditions of probation) as may be reasonably related to the sentence.

(h) Sentence of partial confinement combined with [sentence of county intermediate punishment] probation.--The court may impose a sentence of partial confinement without parole under this subsection only when:

(1) the period of partial confinement is followed immediately by [a sentence] restrictive conditions of probation imposed pursuant to section 9763 (relating to [sentence of county intermediate punishment]) conditions of probation in which case the sentence of partial confinement shall specify the number of days of partial confinement to be served; and

(2) the maximum sentence of partial confinement imposed on one or more indictments to run consecutively or concurrently total 90 days or less.

§ 9756. Sentence of total confinement.

(c.1) Sentence of total confinement combined with [sentence of county intermediate punishment] probation.--The court may impose a sentence of imprisonment without parole under this subsection only when:

(1) the period of total confinement is followed immediately by [a sentence] restrictive conditions of probation imposed pursuant to section 9763(c) or (d) (relating to [sentence of county intermediate punishment]) conditions of probation in which case the sentence of total confinement shall specify the number of days of total confinement also to be served; and

(2) the maximum sentence of total confinement imposed on one or more indictments to run consecutively or concurrently total 90 days or less.

§ 9763. [Sentence of county intermediate punishment] Conditions of probation.

(a) General rule.--In imposing [a sentence of county intermediate punishment] probation, the court shall consider guidelines adopted by the Pennsylvania Commission on Sentencing under section 2154 (relating to adoption of guidelines for sentencing) or 2154.1 (relating to adoption of guidelines for restrictive conditions) and specify at the time of sentencing the conditions of probation, including the length of the term [for which the defendant is to be in a county intermediate punishment program established under Chapter 98 (relating to county intermediate punishment) or a combination of county intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under section 9755 (relating to sentence of partial confinement) or 9756 (relating to sentence of total confinement) and to serve a portion in a county intermediate punishment program or a combination of county intermediate punishment programs.] of restrictive conditions under subsection (c) or (d). The term of restrictive conditions under subsection (c) shall be equal to or greater than the mandatory minimum term of imprisonment required by statute.

(b) Conditions generally.--The court may attach any of the following conditions upon the defendant as it deems necessary:

(14) To participate in drug or alcohol screening and treatment programs, including outpatient [and inpatient] programs.

[(16) To remain within the premises of the defendant's residence during the hours designated by the court.

(17) To be subject to electronic monitoring.]

(c) [Restriction] Restrictive DUI probation conditions.--

(1) Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second or third offense under 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) may only [be sentenced to county intermediate punishment] have probation imposed after undergoing an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments).

(2) If the defendant is determined to be in need of drug and alcohol treatment, the defendant may only [be sentenced to county

intermediate punishment which] have probation that includes participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c) (relating to mandatory sentencing). The defendant [may only be sentenced to county intermediate punishment in] shall have restrictive DUI probation conditions of:

- (i) a residential inpatient program or a residential rehabilitative center;
- (ii) house arrest with electronic surveillance;
- (iii) a partial confinement program such as work release, work camp and halfway facility; or
- (iv) any combination of the programs set forth in this paragraph.

(3) If the defendant is determined not to be in need of drug and alcohol treatment, the defendant [may only be sentenced to county intermediate punishment in] shall have restrictive DUI probation conditions of:

- (i) house arrest with electronic surveillance;
- (ii) partial confinement programs such as work release, work camps and halfway facilities; or
- (iii) any combination of the programs set forth in this paragraph.

(4) If the defendant is determined to be in need of additional treatment under 75 Pa.C.S. § 3814(2), the judge shall impose a minimum sentence as provided by law and a maximum sentence equal to the statutorily available maximum. A sentence to the statutorily available maximum imposed under this subsection may, in the discretion of the sentencing court, be ordered to be served in a county prison, notwithstanding the provisions of section 9762 (relating to sentencing proceeding; place of confinement).

(d) [Sentence following violation of condition.--The sentence to be imposed in the event of the violation of a condition under subsection (b) shall not be imposed prior to a finding on the record that a violation has occurred. Notwithstanding any other provision of law requiring notice prior to sentencing, in the event of a violation of a condition under subsection (b), the attorney for the Commonwealth may file notice at any time prior to resentencing of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence.] Restrictive conditions of probation.--Probation may include restrictive conditions that:

- (1) house the person full time or part time, including inpatient treatment; or
- (2) significantly restrict the person's movement and monitor the person's compliance with the program, including electronic monitoring or home confinement.

§ 9764. Information required upon commitment and subsequent disposition.

(f) Release from county correctional facility to State probation or parole.--

(1) Prior to the release of an inmate from a county correctional facility to State probation or parole supervision, the facility shall provide to the Department of Corrections and the Pennsylvania Board of Probation and Parole the information contained in subsections (a)(1) through (4)] (a) and (b) with the exception of subsection (a)(5).

(2) Prior to the release of an inmate from a county correctional facility to State probation or parole supervision, the facility shall provide to the inmate his current medications as prescribed and any customary and necessary medical supplies as determined by the prescribing physician.

§ 9771. Modification or revocation of order of probation.

(a) General rule.--The court [may] has inherent power to at any time terminate continued supervision or lessen [or increase] the conditions upon which an order of probation has been imposed.

(b) Revocation.--The court may increase the conditions, impose a brief sanction under section 9771.1 (relating to court-imposed sanctions for violating probation) or revoke an order of probation upon proof of the violation of specified conditions of the probation. Upon revocation the sentencing alternatives available to the court shall be the same as were available at the time of initial sentencing, due consideration being given to the time spent serving the order of probation. The attorney for the Commonwealth may file notice at any time prior to resentencing of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence.

§ 9771.1. Court-imposed sanctions for [offenders] violating probation.

(a) Program.--Notwithstanding the provisions of section 9771 (relating to modification or revocation of order of probation), the court of common pleas of a judicial district may establish a program to impose swift, predictable and [immediate] brief sanctions on [offenders] persons who violate their probation.

(b) Coordination with other officials.--The court shall work with probation administrators and officers, jail administrators, prosecutors, public defenders and law enforcement in the judicial district to develop and implement the program.

(c) Eligibility.--

(1) The court shall determine which offenders are eligible for and admitted into the program. The program shall focus on, but not be limited to, offenders who have committed drug-related crimes.

(2) An offender shall be ineligible for the program if the offender has been convicted or adjudicated delinquent of a crime of violence as defined in section 9714 (relating to sentences for second and subsequent offenses) or of a crime requiring registration under Subchapter H (relating to registration of sexual offenders).

(d) Warning hearing.--

(1) At the time of sentencing, the court shall hold a warning hearing for each participant in the program to clearly communicate program expectations and consequences and to encourage the participant's compliance and success.

(2) The court shall emphasize the expectations that the participant remain drug free and comply with any treatment or services ordered by the court as a condition of the participant's probation.

(3) The court shall put the participant on notice that each probation violation, including missed appointments and positive drug tests, will result in jail time as provided for under subsection (g).

(e) Drug testing.--The program shall require, when applicable, randomized drug testing.]

(f) Violation hearing.--If a participant commits a probation violation, the participant shall promptly be arrested, and a hearing shall be held no later than two business days after the arrest date.

(g) Sanctions.--

(1) The court shall impose a term of imprisonment of up to:

- (i) three days for a first violation;
- (ii) seven days for a second violation;
- (iii) fourteen days for a third violation; and
- (iv) twenty-one days for a fourth or subsequent violation

of probation.

(2) The court may allow the term of imprisonment to be served on weekends or other nonwork days for employed probationers who have committed a first or second violation.

(3) The court may increase the conditions of probation, including additional substance abuse treatment for a participant who has failed one or more drug tests.

(h) Exceptions.--If the participant is able to provide a compelling reason for the probation violation, the court may grant an exception to the sanctions authorized under subsection (g).

(i) Revocation of probation.--

(1) After a third violation, the court may revoke the order of probation.

(2) Upon revocation, the sentencing alternatives shall be the same as were available at the time of initial sentencing, due consideration being given to the time spent serving the order of probation.

(j) Local rules.--

(1) The court may adopt local rules for the administration of this program. Except as provided for under paragraph (2), the local rules may not be inconsistent with this section or any rules adopted by the Supreme Court.

(2) The court may adopt local rules that are inconsistent with subsection (g) regarding the terms of imprisonment or other sanctions or conditions provided for under subsection (g).

Section 5. Sections 9773 and 9774 of Title 42 are repealed:

[§ 9773. Modification or revocation of county intermediate punishment sentence.

(a) General rule.--The court may at any time terminate a sentence of county intermediate punishment or increase or decrease the conditions of a sentence pursuant to section 9763 (relating to sentence of county intermediate punishment).

(b) Revocation.--The court may revoke a sentence of county inter-

mediate punishment upon proof of a violation of specific conditions of the sentence. Upon revocation and subject to section 9763(d), the sentencing alternatives available to the court shall be the same as the alternatives available at the time of initial sentencing. Upon a revocation of county intermediate punishment for any reason specified by law, the attorney for the Commonwealth may file notice, at any time prior to resentencing, of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence. Consideration shall be given to the time served in the county intermediate punishment program.

(c) Hearing required.--A court shall not revoke or increase the conditions of a sentence of county intermediate punishment without a hearing at which the court shall consider the record of the initial sentencing proceeding as well as the conduct of the defendant while serving a sentence of county intermediate punishment. A hearing is not required to decrease the conditions of the sentence.

§ 9774. Revocation of State intermediate punishment sentence.

(a) General rule.--The court may at any time terminate a sentence of State intermediate punishment pursuant to 61 Pa.C.S. Ch. 41 (relating to State intermediate punishment).

(b) Revocation.--The court shall revoke a sentence of State intermediate punishment if after a hearing it determines that the participant was expelled from or failed to complete the program.

(c) Proceedings upon revocation.--Upon revocation of a State intermediate punishment sentence, the sentencing alternatives available to the court shall be the same as the alternatives available at the time of initial sentencing. The attorney for the Commonwealth must file notice, at any time prior to resentencing, of the Commonwealth's intention to proceed under an applicable provision of law requiring a mandatory minimum sentence.]

Section 6. Sections 9804 and 9810(a) of Title 42 are amended to read:

§ 9804. County intermediate punishment programs.

(a) Description.--County intermediate punishment [program options shall include the following:

(1) Restrictive intermediate punishments providing for the strict supervision of the offender, including programs that:

- (i) house the offender full or part time;
- (ii) significantly restrict the offender's movement and monitor the offender's compliance with the program; or
- (iii) involve a combination of programs that meet the standards set forth under subparagraphs (i) and (ii).

(2) When utilized in combination with restrictive intermediate punishments, restorative sanctions providing for nonconfinement sentencing options that:

- (i) Are the least restrictive in terms of the constraint of the offender's liberties.
- (ii) Do not involve the housing of the offender, either full or part time.
- (iii) Focus on restoring the victim to pre-offense status.]

programs are restrictive conditions of probation imposed under section 9763(c) or (d) (relating to conditions of probation), which may be subject to guidelines adopted under section 2154.1 (relating to adoption of guidelines for restrictive conditions).

(b) Eligibility.--

(1) (i) [No person other than the eligible offender shall be sentenced to a county intermediate punishment program.] Upon adoption of guidelines for imposing restrictive conditions adopted by the Pennsylvania Commission on Sentencing under section 2154.1, only eligible persons may have restrictive conditions imposed.

(ii) The prosecuting attorney, in the prosecuting attorney's sole discretion, may advise the court that the Commonwealth has elected to waive the eligibility requirements [of this chapter] if the victim has been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue.

(iii) The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.

(2) [The Pennsylvania Commission on Sentencing shall employ the term "eligible offender" to further identify offenders who would be appropriate for participation in county intermediate punishment programs. In developing the guidelines, the commission shall give primary consideration to protection of the public safety.] Only programs

that meet the requirements of restrictive conditions of probation under section 9763(c) or (d) and are certified in accordance with section 2154.1(b) shall be eligible for county intermediate punishment program funding.

[(4) (i) Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), 3804 (relating to penalties) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) shall undergo an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments).

(ii) If the defendant is determined to be in need of drug and alcohol treatment, a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c) (relating to mandatory sentencing). The defendant may only be sentenced to county intermediate punishment in:

- (A) a residential inpatient program or a residential rehabilitative center;
- (B) house arrest with electronic surveillance;
- (C) a partial confinement program such as work release, work camp and halfway facility; or
- (D) any combination of the programs set forth in this subparagraph.

(iii) If the defendant is determined not to be in need of drug and alcohol treatment or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1) (relating to operating watercraft under influence of alcohol or controlled substance), the defendant may only be sentenced to a county intermediate punishment program in:

- (A) house arrest with electronic surveillance;
- (B) partial confinement programs such as work release, work camps and halfway facilities; or
- (C) any combination of the programs set forth in this paragraph.

(5) A defendant subject to 75 Pa.C.S. § 3804 (relating to penalties) or 30 Pa.C.S. § 5502(c.1) may only be sentenced to county intermediate punishment for a first, second or third offense under 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) or 30 Pa.C.S. § 5502.]

§ 9810. Continued eligibility.

(a) Evaluation.--In order to remain eligible for [continued grant] county intermediate punishment funding, a county shall comply with commission standards and regulations and participate in an evaluation to determine program effectiveness. The form of the evaluation shall be determined by the commission[.] and shall include certification by the Pennsylvania Commission on Sentencing under section 2154.1(b) (relating to adoption of guidelines for restrictive conditions).

Section 7. The definition of "eligible inmate" in section 3903 of Title 61 is amended to read:

§ 3903. 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:

"Eligible inmate." A person sentenced to a term of confinement under the jurisdiction of the Department of Corrections who is serving a term of confinement, the minimum of which is not more than two years and the maximum of which is five years or less, or an inmate who is serving a term of confinement, the minimum of which is not more than three years where that inmate is within two years of completing his minimum term, and who has not reached 40 years of age at the time he is approved for participation in the motivational boot camp program. The term shall not include any inmate who is subject to a sentence the calculation of which included an enhancement for the use of a deadly weapon as defined pursuant to the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, any inmate who has been convicted or adjudicated delinquent of any crime requiring registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or any inmate with a current conviction or a prior conviction within the past ten years for [any of the following offenses:

- 18 Pa.C.S. § 2502 (relating to murder).
- 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).
- 18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).
- 18 Pa.C.S. § 2901(a) (relating to kidnapping).
- 18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related of-

fenses).

18 Pa.C.S. § 3502 (relating to burglary) in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties.) drug trafficking as defined in section 4103 (relating to definitions) or a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second or subsequent offenses).

Section 8. Sections 3904(b) and 3905(e) of Title 61 are amended to read:

§ 3904. Selection of inmate participants.

(b) Duties of sentencing judge.--The sentencing judge shall employ the sentencing guidelines to identify those defendants who are eligible for participation in a motivational boot camp. The judge shall have the discretion to exclude a defendant from eligibility if the judge determines that the defendant would be inappropriate for placement in a motivational boot camp. The judge shall note on the sentencing order whether the defendant has been [identified as eligible] excluded from eligibility for a motivational boot camp program.

§ 3905. Motivational boot camp program.

(e) Evaluation.--The department and the commission shall monitor and evaluate the motivational boot camp programs to ensure that the programmatic objectives are met. Both shall present biennial reports of the evaluations to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1 in alternate years.]

Section 9. The heading of Chapter 41 of Title 61 is amended to read:

CHAPTER 41

STATE [INTERMEDIATE PUNISHMENT] DRUG TREATMENT PROGRAM

Section 10. Section 4101 of Title 61 is amended to read:

§ 4101. Scope of chapter.

This chapter relates to the State [intermediate punishment] drug treatment program.

Section 11. The definitions of "eligible offender" and "participant" in section 4103 of Title 61 are amended and the section is amended by adding a definition to read:

§ 4103. 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:

"Drug trafficking." A violation of section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the controlled substance is:

(1) Marijuana, if the amount of marijuana involved is at least 50 pounds or at least 51 live plants.

(2) A narcotic drug classified in Schedule I or Schedule II under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act, if the aggregate weight of the compound or mixture containing the substance involved is at least 100 grams.

(3) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Coca leaves.

(ii) A salt, compound, derivative or preparation of coca leaves.

(iii) A salt, compound, derivative or preparation which is chemically equivalent or identical with any of the substances under subparagraphs (i) and (ii).

(iv) A mixture containing any of the substances under subparagraphs (i) and (ii), except decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.

(4) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Methamphetamine.

(ii) Phencyclidine.

(iii) A salt, isomer or salt of an isomer of methamphetamine or phencyclidine.

(iv) A mixture containing:

(A) Methamphetamine or phencyclidine.

(B) A salt of methamphetamine or phencyclidine.

(C) An isomer of methamphetamine or phencyclidine.

(D) A salt of an isomer of methamphetamine or phencyclidine.

"Eligible [offender." Subject to 42 Pa.C.S. § 9721(a.1) (relating to sentencing generally), a defendant] person."

(1) A person who has not been designated by the sentencing court as ineligible and is a person convicted of a drug-related offense who:

[(1)] (i) Has undergone an assessment performed by the Department of Corrections, which assessment has concluded that the [defendant] person is in need of drug and alcohol addiction treatment and would benefit from commitment to [a drug offender] the State drug treatment program and that placement in [a drug offender] the State drug treatment program would be appropriate.

[(2)] (ii) Does not demonstrate a history of present or past violent behavior.

[(3)] Would be placed in the custody of the department if not sentenced to State intermediate punishment.] (iii) Is a person sentenced to a term of confinement under the jurisdiction of the department, the minimum of which is not more than two years, or a person who is serving a term of confinement, the minimum of which is not more than five years where the person is within two years of completing the person's minimum term.

[(4)] (iv) Provides written consent permitting release of information pertaining to the [defendant's] person's participation in [a drug offender] the State drug treatment program.

(2) The term shall not include a [defendant] person who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, a [defendant] person who has been convicted or adjudicated delinquent of any crime requiring registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or a [defendant] person with a current conviction or a prior conviction within the past ten years for [any of the following offenses:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).

18 Pa.C.S. § 2901(a) (relating to kidnapping).

18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related offenses).

18 Pa.C.S. § 3502 (relating to burglary), in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties.) drug trafficking as defined in 42 Pa.C.S. § 4103 (relating to definitions) or a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second or subsequent offenses).

"Participant." An eligible [offender actually sentenced to State intermediate punishment pursuant to 42 Pa.C.S. § 9721(a)(7) (relating to sentencing generally).] person placed in the State drug treatment program.

Section 12. Sections 4104, 4105 and 4107 of Title 61 are amended to read:

§ 4104. [Referral to State intermediate punishment] Selection for the State drug treatment program.

(a) [Referral for evaluation.--

(1) Prior to imposing a sentence, the court may, upon motion of the Commonwealth, commit a defendant to the custody of the department for the purpose of evaluating whether the defendant would benefit from a drug offender treatment program and whether placement in the drug offender treatment program is appropriate.

(1.1) Duties of commission and sentencing judge.--

(1) Through the use of sentencing guidelines, the commission shall employ the term "eligible person" as defined in this chapter to

further identify persons who would be potentially appropriate for participation in the State drug treatment program. The sentencing judge shall employ the sentencing guidelines to identify persons who are eligible for participation in the State drug treatment program. The judge shall consider the position of a victim of the crime, as advised by the prosecuting attorney, on whether to exclude the person from eligibility for placement in the State drug treatment program. The judge shall exclude the person from eligibility if the prosecuting attorney opposes eligibility. The judge shall note on the sentencing order if a person has been excluded from eligibility for the State drug treatment program. If the person is not excluded from eligibility, the minimum sentence imposed shall operate as the minimum for parole eligibility purposes if the person is not placed in the program by the department under subsection (c) or if the person is expelled from the program under section 4105(f) (relating to State drug treatment program).

(2) (i) The prosecuting attorney shall advise the court if the prosecuting attorney or a victim of the crime opposes eligibility and, in the prosecuting attorney's sole discretion, may advise the court that the Commonwealth has elected to waive the eligibility requirements of this chapter if the victim has been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue.

(ii) The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.

(2) Upon committing a defendant to the department, the court shall forward to the department:

(i) A summary of the offense for which the defendant has been convicted.

(ii) Information relating to the defendant's history of delinquency or criminality, including the information maintained by the court under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), when available.

(iii) Information relating to the defendant's history of drug or alcohol abuse or addiction, when available.

(iv) A presentence investigation report, when available.

(v) Any other information the court deems relevant to assist the department with its assessment of the defendant.]

(b) Assessment of [addiction.--

(1) The] addiction.--The department shall conduct an assessment of the addiction and other treatment needs of [a defendant] an eligible person and determine whether the [defendant] person would benefit from [a drug offender] the State drug treatment program. The assessment shall be conducted using a nationally recognized assessment instrument or an instrument that has been normed and validated on the department's inmate population by a recognized expert in such matters. The assessment instrument shall be administered by persons skilled in the treatment of drug and alcohol addiction and trained to conduct assessments. The assessments shall be reviewed and approved by a supervisor with at least three years of experience providing drug and alcohol counseling services.

(2) The department shall conduct risk and other assessments it deems appropriate and shall provide a report of its assessments to the court, the defendant, the attorney for the Commonwealth and the commission within 60 days of the court's commitment of the defendant to the custody of the department.]

(c) [Proposed drug offender] Placement in the State drug treatment program.--If the department in its discretion believes [a defendant] an eligible person would benefit from [a drug offender] the State drug treatment program and placement in the [drug offender treatment] program is appropriate, the department shall [provide] make the placement and notify the court, counsel for the defendant[,] and the attorney for the Commonwealth [and the commission with a proposed drug offender treatment program detailing the type of treatment proposed] of the placement.

(d) Prerequisites for commitment.--Upon receipt of a recommendation for placement in a drug offender treatment program from the department and agreement of the attorney for the Commonwealth, the court may sentence an eligible offender to a period of 24 months of State intermediate punishment if the court finds that:

(1) The eligible offender is likely to benefit from State intermediate punishment.

(2) Public safety would be enhanced by the eligible offender's participation in State intermediate punishment.

(3) Sentencing the eligible offender to State intermediate punishment would not depreciate the seriousness of the offense.

(e) Resentencing.--The department may make a written request to the sentencing court that an offender who is otherwise eligible but has not been referred for evaluation or originally sentenced to State intermediate punishment be sentenced to State intermediate punishment. The court may resentence the offender to State intermediate punishment if all of the following apply:

(1) The department has recommended placement in a drug offender treatment program.

(2) The attorney for the Commonwealth and the offender have agreed to the placement and modification of sentence.

(3) The court makes the findings set forth under subsection (d).

(4) The resentencing has occurred within 365 days of the date of the defendant's admission to the custody of the department.

(5) The court has otherwise complied with all other requirements for the imposition of sentence including victim notification under the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.]

(f) Consecutive probation.--Nothing in this chapter shall prohibit the court from sentencing an eligible [offender] person to a consecutive period of probation. The total duration of the sentence may not exceed the maximum term for which the eligible [offender] person could otherwise be sentenced.

(g) Applicability and program limitations.--The court may not modify or alter the terms of the department's proposed individualized drug offender treatment plan without the agreement of the department and the attorney for the Commonwealth.

(h) Videoconferencing.--The department shall make videoconferencing facilities available to allow the court to conduct proceedings necessary under this section when the eligible offender has been committed to the custody of the department pursuant to subsection (b).

(i) Victims.--Victims of personal injury crimes shall be given the opportunity to receive notice of and to provide prior comment on any recommendation by the department under subsection (b) or (d) that the offender participate in the State Intermediate Punishment Program.

(j) Definitions.--As used in this section, the term "personal injury crime" shall be defined as in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.]

(a) Establishment.--The department shall establish and administer [a drug offender] the State drug treatment program [as a State intermediate punishment]. The program shall be designed to address the individually assessed drug and alcohol abuse and addiction needs of a participant and shall address other issues essential to the participant's successful reintegration into the community, including, but not limited to, educational and employment issues.

(b) Duration and components.--Notwithstanding any credit to which the defendant may be entitled under 42 Pa.C.S. § 9760 (relating to credit for time served), the duration of the State drug [offender] treatment program [shall be] is 24 months [and], but if the participant is unable to complete the program within 24 months and is otherwise compliant with the program, subject to the discretion of the department, the program duration may be extended up to 30 months total in order for the participant to successfully complete the program. The program shall include the following:

(1) A period in a State correctional institution of not less than seven months. This period shall include:

(i) The time during which the [defendants are] eligible person is being evaluated by the department under section 4104(b) (relating to [referral to State intermediate punishment] selection for the State drug treatment program).

(ii) Following evaluation under subparagraph (i), not less than four months shall be in an institutional therapeutic community.

(2) A period of treatment in a community-based therapeutic community of at least two months.

(3) A period of at least six-months' treatment through an outpatient addiction treatment facility. During the outpatient addiction treatment period of the [drug offender treatment] program, the participant may be housed in a community corrections center or group home or placed in an approved transitional residence. The participant must comply with any conditions established by the department regardless of

where the participant resides during the outpatient addiction treatment portion of the [drug offender treatment] program.

(4) A period of supervised reintegration into the community for the balance of the [drug offender treatment] program, during which the participant shall continue to be supervised by the department and comply with any conditions imposed by the department.

(5) Upon certification by the department of the participant's successful completion of the program, the entire term of confinement that rendered the participant eligible to participate in the State drug treatment program shall be deemed to have been served.

(c) Program management.--

(1) Consistent with the minimum time requirements set forth in subsection (b), the department may transfer, at its discretion, a participant between a State correctional institution, an institutional therapeutic community, a community-based therapeutic community, an outpatient addiction treatment program and an approved transitional residence. The department may also transfer a participant back and forth between less restrictive and more restrictive settings based upon the participant's progress or regression in treatment or for medical, disciplinary or other administrative reasons.

(2) This subsection shall be construed to provide the department with the maximum flexibility to administer the State drug [offender] treatment program both as a whole and for individual participants.

(d) Right of refusal to admit.--The administrator of a community-based therapeutic community or outpatient addiction treatment facility may refuse to accept a participant whom the administrator deems to be inappropriate for admission and may immediately discharge to the custody of the department any participant who fails to comply with facility rules and treatment expectations or refuses to constructively engage in the treatment process.

(e) Notice to court of completion of program.--When the department determines that a participant has successfully completed the State drug [offender] treatment program, it shall notify the sentencing court, the attorney for the Commonwealth and the commission.

(f) Expulsion from program.--

(1) A participant may be expelled from the State drug [offender] treatment program at any time in accordance with guidelines established by the department, including failure to comply with administrative or disciplinary procedures or requirements set forth by the department. An expelled participant shall be housed in a State correctional institution to serve the remainder of the participant's sentence. The expelled participant shall be eligible for parole at the minimum sentence but may not be eligible for short sentence parole under section 6137.5 (relating to short sentence parole).

(2) The department shall promptly notify the court, the [defendant] participant, the attorney for the Commonwealth and the commission of the expulsion of a participant from the State drug [offender] treatment program and the reason for such expulsion. [The participant shall be housed in a State correctional institution or county jail pending action by the court.

(3) The court shall schedule a prompt State intermediate punishment revocation hearing pursuant to 42 Pa.C.S. § 9774 (relating to revocation of State intermediate punishment sentence).] § 4107. [Reports] Evaluation.

(a) Final report.--The department shall provide a final report to the court, the defendant, the attorney for the Commonwealth and the commission on a participant's progress in the drug offender treatment program.]

(b) Evaluation and report to General Assembly.--The department [and the commission] shall monitor and evaluate the State drug [offender] treatment program to ensure that the programmatic objectives are met. [In odd-numbered years, the] Every three years, the department shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. [In even-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1.] The General Assembly shall convene hearings in the appropriate committees to hear and deliberate upon reports under this section. The report shall include:

(1) The number of [offenders] persons evaluated for the State drug [offender] treatment program.

(2) The number of [offenders sentenced to] persons placed

into the State drug [offender] treatment program.

(3) The number of [offenders] persons sentenced to a State correctional institution who may have been eligible for the State drug [offender] treatment program.

(4) The number of [offenders] persons successfully completing the State drug [offender] treatment program.

(5) The six-month, one-year, three-year and five-year recidivism rates for [offenders] persons who have completed the State drug [offender] treatment program and for a comparison group of [offenders] persons who were not placed in the State drug [offender] treatment program.

(6) Any changes the department [or the commission] believes will make the State drug [offender] treatment program more effective.

Section 13. The definition of "eligible offender" in section 4503 of Title 61 is amended to read:

§ 4503. 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:

"Eligible [offender] person." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the department and who meets all of the following eligibility requirements:

(1) Does not demonstrate a history of present or past violent behavior.

(2) Has not been subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or the attorney for the Commonwealth has not demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or the equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(3) Has not been found guilty of or previously convicted of or adjudicated delinquent for or an attempt or conspiracy to commit a personal injury crime as defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation:

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Any offense for which registration is required under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

Drug trafficking as defined in section 4103 (relating to definitions).

(5) Is not awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the defendant to become ineligible under this definition.

(6) Has not been found guilty or previously convicted of violating section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the sentence was imposed pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking sentencing and penalties).]

Section 14. Sections 4509 and 4510 of Title 61 are repealed:

[§ 4509. Evaluation.

(a) General rule.--The department, the board and the commission shall monitor and evaluate the recidivism risk reduction incentive pro-

grams. Evaluations under this section should be scientifically rigorous and seek to determine the effectiveness of the programs, including whether specific recidivism risk reduction incentive programs have reduced the recidivism rates of the program participants as compared to previously incarcerated and similarly situated inmates.

(b) Publication.--The department, the board and the commission shall make evaluations conducted under this section and underlying data available to the public. The publicly available data and evaluations shall comply with generally accepted practices of the research community, including expectations relating to subject privacy and identifying information.

§ 4510. Reports.

(a) Recidivism risk reduction.--The department, the board and the commission shall monitor and evaluate the recidivism risk reduction incentive programs to ensure that the goals and objectives of this chapter are met and shall report to the General Assembly as follows:

(1) In even-numbered years, the department shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. The report shall include all of the following:

(i) The number of inmates determined by the department to be eligible offenders under this chapter and the offenses for which the eligible offenders were committed to the custody of the department.

(ii) The number of inmates committed to the custody of the department who were subject to a recidivism risk reduction incentive minimum sentence.

(iii) The number of inmates paroled at the recidivism risk reduction incentive minimum date.

(iv) Any potential changes that would make the program more effective.

(v) The six-month, one-year, three-year and five-year recidivism rates for inmates released at the recidivism risk reduction incentive minimum sentence.

(vi) Any other information the department deems relevant.

(2) In odd-numbered years, the commission shall present a report of its evaluation to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives no later than February 1. The report shall include all of the following:

(i) Whether the goals of this chapter could be achieved through amendments to parole or sentencing guidelines.

(ii) The various options for parole or sentencing guidelines under subparagraph (i).

(iii) The status of any proposed or implemented guidelines designed to implement the provisions of this chapter.

(iv) Any potential changes to the program that would be likely to reduce the risk of recidivism of inmates and improve public safety.

(v) Any other information the commission deems relevant.

(b) Educational plan.--

(1) The Pennsylvania Commission on Crime and Delinquency shall publish a report of a proposed educational program plan within one year of the effective date of this section. The proposed educational program plan shall be developed in consultation with the department, the commission, the board, the Pennsylvania District Attorneys Association, the victim advocate and representatives of the judiciary and the criminal defense bar and other criminal justice stakeholders.

(2) The plan shall seek to provide cost-effective training or information through electronic means, publications or continuing educational programs that address the following topics:

(i) The treatment programs available through the board and the department.

(ii) The availability of programs and eligibility requirements that can reduce recidivism risk, including State intermediate punishment, motivational boot camp and recidivism risk reduction incentive programs.

(iii) The calculation of sentencing credit and practices that could inadvertently prevent an inmate from receiving sentence credit.

(iv) Recent statutory changes relating to sentencing, place of confinement, medical releases, transfer of inmates and parole.]

Section 15. The heading of Subchapter B of Chapter 61 of Title 61 is amended to read:

SUBCHAPTER B

ADMINISTRATION OF THE PENNSYLVANIA PAROLE BOARD

Section 16. Section 6101 and 6111 heading and (a) of Title 61 are amended to read:

§ 6101. 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:

"Board." The Pennsylvania [Board of Probation and] Parole Board.

§ 6111. Pennsylvania [Board of Probation and] Parole Board.

(a) Establishment.--The Pennsylvania [Board of Probation and] Parole Board is an independent administrative board for the administration of the [probation and] parole laws of this Commonwealth.

* * *

Section 17. Section 6123 of Title 61 is repealed:

[§ 6123. Advisory committee.

(a) Establishment.--An advisory committee on probation is reestablished to assist the board.

(b) Composition.--The advisory committee shall consist of nine members, seven of whom shall be appointed by the Governor, with the consent of a majority of the members of the Senate. At least two shall be judges of courts of record of this Commonwealth, at least one shall be a county commissioner, at least one shall be a chief county probation officer, and the remaining members shall be qualified in the field of probation and parole either by training or experience. The President pro tempore of the Senate and the Speaker of the House of Representatives shall each appoint a member of their respective houses to serve as members of the committee.

(c) Terms.--

(1) The term of a member hereafter appointed, except to fill a vacancy, shall be for four years and until their successors have been appointed and qualified, but in no event more than 90 days beyond the expiration of their appointed term.

(2) The terms of members of the committee who are appointed by virtue of holding an office as a member of the General Assembly, judge, chief county probation officer or county commissioner shall continue only so long as that person remains in that office.

(3) Vacancies occurring in an office of a member of the advisory committee by expiration of term, death, resignation, removal or for any other reason shall be filled in the manner provided by section 8 of Article IV of the Constitution of Pennsylvania for the remainder of the term.

(4) Whenever the term of an advisory committee member, other than one who is a member of the General Assembly, expires, that member's position shall be immediately deemed a vacancy, and the Governor shall nominate a person to fill that membership position on the committee within 90 days of the date of expiration, even if the member continues to remain on the committee. The Governor shall designate one of the members of the committee as its chairperson.

(d) Reimbursement of expenses.--Each member of the advisory committee shall be paid all reasonable and necessary travel and other expenses incurred by him in the performance of his duties.

(e) Assistance to be provided.--The advisory committee shall aid the chairperson and the board in formulating and reviewing standards for probation personnel and probation services in the counties.]

Section 18. Sections 6131(a)(3), (4) and (5), 6133(c) and (d) and 6137(a)(1) of Title 61 are amended to read:

§ 6131. General powers of board.

(a) General rule.--The board shall have the power and its duty shall be:

* * *

(3) To collect and maintain a record of all persons who are placed on [probation and] parole.

[(4) To collect, compile and publish statistical and other information relating to probation and parole work in all courts and such other information the board may deem of value in probation service.

(5) To establish, by regulation, uniform Statewide standards for:

(i) Presentence investigations.

(ii) The supervision of probationers.

(iii) The qualifications for probation personnel.

(iv) Minimum salaries.

(v) Quality of probation service.

The standards for the qualifications of probation personnel

shall only apply to probation personnel appointed after the date the standards are established. Should any probation personnel appointed prior to the date the standards were established fail to meet the standards, the court having jurisdiction of such personnel may request the board to establish in-service training for them in accordance with the standards.]

§ 6133. Probation services.

(c) [Grant-in-aid.--

(1) A county that provides additional probation staff for presentence investigations and improved probation supervision and programs shall receive a grant-in-aid from the Commonwealth through the board for additional costs incurred thereby but only to the extent that the additional staff and program meet the qualifications and standards established by the board.

(2) The grant-in-aid shall provide 80% of the personnel salary costs incurred by a county to administer these additional services and programs.

(3) If insufficient funds are appropriated, each county shall receive a prorated reduction in the grant-in-aid.

(4) The board shall establish rules and regulations for the allocation of funds available for such grants-in-aid.] Supervision and investigation.--Supervision and presentence investigations by court order or request shall be provided in accordance with board regulations.

(d) In-service training.--The board shall provide in-service training for personnel of county probation offices when requested to do so by the court having jurisdiction of the probation office[.] as provided by memorandum of understanding with the Pennsylvania Commission on Crime and Delinquency and contingent upon the availability of money. § 6137. Parole power.

(a) General criteria for parole.--

(1) The board may parole subject to consideration of guidelines established under 42 Pa.C.S. § 2154.5 (relating to adoption of guidelines for parole) or subject to section 6137.5 (relating to short sentence parole) and may release on parole any inmate to whom the power to parole is granted to the board by this chapter, except an inmate condemned to death or serving life imprisonment, whenever in its opinion:

(i) The best interests of the inmate justify or require that the inmate be paroled.

(ii) It does not appear that the interests of the Commonwealth will be injured by the inmate's parole.

Section 19. Title 61 is amended by adding a section to read:
§ 6137.5. Short sentence parole.

(a) General rule.--This section applies to persons committed to the department with a minimum sentence of confinement under 42 Pa.C.S. § 9756(b) (relating to sentence of total confinement) of two years or less or a recidivism risk reduction incentive minimum sentence under 42 Pa.C.S. § 9756(b.1) of two years or less, whichever is shorter. Regardless of sentence imposed, this section does not apply to:

(1) persons committed for or with an aggregate sentence containing a personal injury crime, or any criminal attempt, criminal solicitation, or criminal conspiracy to commit a personal injury crime, as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act;

(2) persons committed for or with an aggregate sentence containing an offense under 18 Pa.C.S. § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms);

(3) persons committed for or with an aggregate sentence containing an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or where the attorney for the Commonwealth has demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation;

(4) persons committed for or with an aggregate sentence containing a violation of any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth

of Puerto Rico or a foreign nation:

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

A criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

An offense for which registration is required under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

An offense for which registration is required under 42 Pa.C.S. Ch. 97 Subch. I (relating to continued registration of sexual offenders).

(5) persons committed for or with an aggregate sentence containing an offense under section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the sentence was imposed upon a finding of an amount or aggregate weight under 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking sentencing and penalties);

(6) persons awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the person to become ineligible under this subsection; or

(7) persons who are currently serving a sentence to State prison and have been denied parole on that sentence prior to the effective date of this section.

(b) Approval of parole.--The board shall, without requiring an interview, approve for parole at the expiration of the eligible person's minimum date or recidivism risk reduction incentive minimum date, whichever is shorter, unless the person has:

(1) been found guilty of a major disciplinary infraction while confined in a county correctional institution or State correctional institution; or

(2) a pending felony charge or outstanding felony arrest warrant or detainer, except that this section may be applied to allow a person to be paroled to a detainer related to an underlying felony charge.

(c) Nonapplicability.--The requirements of sections 6135 (relating to investigation of circumstances of offense), 6137(a)(3.1), (e)(1), (f) and (g) (relating to parole power) and 6139 (relating to parole procedure) and section 1101(e) of the Crime Victims Act do not apply to paroles under this section.

(d) Assessment.--The department shall provide a risk and needs assessment to the board and the board shall establish initial conditions of parole based on the assessment.

(e) Applicability.--This section shall only apply to individuals sentenced after the effective date of this section.

(f) Reports.--The Pennsylvania Commission on Sentencing shall provide a report to the General Assembly on cost savings and recidivism attributed to this section as follows:

(1) No later than two years after the effective date of this section.

(2) No later than two years after the report issued under paragraph (1).

(g) Procedures.--The chairman of the board shall adopt procedures to carry out this section.

(h) Definition.--As used in this section, the term "major disciplinary infraction" means:

(1) committing a violation equivalent to an incident that could lead to a conviction under 18 Pa.C.S. (relating to crimes and offenses);

(2) wearing a disguise;

(3) tattooing;

(4) gambling;

(5) Threatening harm to another person upon or following release; or

(6) possessing dangerous contraband while incarcerated.

Section 20. Section 6138(c) of Title 61 is amended by adding a paragraph to read:

§ 6138. Violation of terms of parole.

(c) Technical violators.--

(8) A parolee under the board's supervision who is alleged to have committed a technical parole violation may be arrested and detained for a period not to exceed seven days, provided that either the parolee is detained on a 48-hour warrant or the parolee is brought before a hearing examiner within 48 hours to determine if the parolee shall be

released or held for the remainder of the seven days or a shorter period. The chairman of the board shall adopt procedures governing the appropriate use of brief detention under this section so that technical violations enumerated under paragraph (1) are not resolved with brief detention.

Section 21. Section 6139(a)(6) and (b) of Title 61 are amended to read:

§ 6139. Parole procedure.

(a) Specific requirements.--

(6) In no case shall a parole be granted, or an application for parole be dismissed, unless a board member, hearing examiner or other person so designated by the board shall have seen and heard the parolee in person in regard thereto within six months prior to the granting or dismissal thereof. This requirement does not apply to paroles under section 6137.5 (relating to short sentence parole) or to persons scored as low probability to parole or high probability to parole under parole guidelines adopted under 42 Pa.C.S. § 2154.5 (relating to adoption of guidelines for parole).

(b) Reliance on reports.--In granting and revoking paroles and in discharging from parole, the members of the board acting thereon shall not be required to personally hear or see all the witnesses and evidence submitted to them for their action, but they may act on the report submitted to them by their agents and employees, together with any pertinent and adequate information furnished to them by fellow members of the board or by others. In granting or revoking parole or bringing an alleged parole violator before a hearing examiner, the appearance may be conducted via videoconferencing or similar virtual presence technology.

Section 22. This act shall take effect as follows:

(1) The following shall take effect in 60 days:

(i) The amendment of 42 Pa.C.S. §§ 2154, 2154.1, 2154.7 and 9728(b)(5).

(ii) The repeal of 42 Pa.C.S. § 2154.2.

(iii) The amendment of 61 Pa.C.S. Ch. 61 Subch. B heading.

(iv) The amendment of 61 Pa.C.S. §§ 6101, 6111, 6131(a)(3), (4) and (5) and 6133(c) and (d).

(v) The repeal of 61 Pa.C.S. § 6123.

(2) The following shall take effect in 120 days:

(i) The amendment of 61 Pa.C.S. §§ 6137(a)(1), 6138(c) and 6139(a)(6) and (b).

(ii) The addition of 61 Pa.C.S. § 6137.5.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator KILLION. Mr. President, this amendment is identical to Senate Bill No. 1071, which already passed the Senate unanimously. This legislation was the work of the Justice Reinvestment Initiative. It also includes changes that were made on this floor in an amendment made by Senator Langerholc.

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

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

MARTIN AMENDMENT A9634

Senator GORDNER, on behalf of Senator MARTIN, offered the following amendment No. A9634:

Amend Bill, page 2, line 4, by inserting after "aH":

at least

Amend Bill, page 2, line 14, by inserting a bracket after "facility"

Amend Bill, page 2, line 18, by striking out the bracket after "convicted."

Amend Bill, page 2, line 25, by inserting after "INMATE":

wages and

Amend Bill, page 2, line 29, by striking out the period after "OBLIGATION" and inserting:

or fees owed to the county jail or prison related to the inmate's incarceration. Before releasing funds on deposit, the county correctional facility shall deduct an amount sufficient to satisfy any outstanding restitution, costs imposed under section 9721(c.1), filing fees to be collected under section 6602(c) or other court-ordered obligations.

Amend Bill, page 3, by inserting between lines 12 and 13:

Section 2. The Pennsylvania Commission on Sentencing shall conduct a study of the guidelines developed under 42 Pa.C.S. § 9728(b)(5) and any related policies to determine the effectiveness in satisfying offenders' financial obligations including restitution. The Department of Corrections and each county shall make available to the commission any information relevant to this study requested in writing by the commission. The study shall be completed no later than December 31, 2021. Copies of the study shall be provided to the Department of Corrections, each county and the majority and minority chairperson of the Judiciary Committee of the Senate and the majority and minority chairperson of the Judiciary Committee of the House of Representatives.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 285 TAKEN FROM THE TABLE

Senator CORMAN. Mr. President, I move that House Bill No. 285, Printer's No. 4272, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL OVER IN ORDER

HB 289 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 353 (Pr. No. 3779) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for definitions and for professional prescription, administration, and dispensing.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Ward
Boscola	Greenleaf	Regan	White
Brewster	Haywood	Resenthaler	Williams
Brooks	Hughes	Sabatina	Yaw
Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

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

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

BILL OVER IN ORDER

HB 504 - Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL AMENDED

HB 544 (Pr. No. 3213) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability for landowners to recreational users.

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN offered the following amendment No. A10359:

Amend Bill, page 3, line 4, by inserting after "include":
voluntary contributions,
Amend Bill, page 3, line 6, by striking out all of said line and inserting:
not retained by the owner of the real property and are used by the owner of the real property exclusively for one or more of the following purposes:
(i) conserving or maintaining the land;
(ii) paying taxes on the real property; or
(iii) paying for liability insurance on the real property.

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 599, HB 644, HB 864 and SB 884 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 927 (Pr. No. 1080) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs.

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-34

Alloway	DiSanto	Martin	Stefano
Argall	Eichelberger	McGarrigle	Tomlinson
Aument	Folmer	McIlhinney	Vogel
Baker	Gordner	Mensch	Vulakovich
Bartolotta	Greenleaf	Rafferty	Ward
Boscola	Hutchinson	Regan	White
Brooks	Killion	Resenthaler	Yaw
Browne	Langerholc	Scarnati	
Corman	Laughlin	Scavello	

NAY-15

Blake	Farnese	Leach	Tartaglione
Brewster	Fontana	Sabatina	Williams
Costa	Haywood	Schwank	Yudichak
Dinniman	Hughes	Street	

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.

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 983 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1013 (Pr. No. 4069) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in quality health care accountability and protection, further providing for emergency services and providing for quality eye care for insured Pennsylvanians.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Table with 4 columns: Alloway, DiSanto, Leach, Street, Argall, Eichelberger, Martin, Tartaglione, Aument, Farnese, McGarrigle, Tomlinson, Baker, Folmer, McIlhinney, Vogel, Bartolotta, Fontana, Mensch, Vulakovich, Blake, Gordner, Rafferty, Ward, Boscola, Greenleaf, Regan, White, Brewster, Haywood, Reschenthaler, Williams, Brooks, Hughes, Sabatina, Yaw, Browne, Hutchinson, Scarnati, Yudichak, Corman, Killion, Scavello, Costa, Langerholc, Schwank, Dinniman, Laughlin, Stefano

NAY-0

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

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

BILL OVER IN ORDER

HB 1034 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1069 (Pr. No. 1537) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for the voluntary dissolution of the existing form of governance of a municipal corporation located in a county of the second class and the creation of unincorporated districts of counties of the second class; authorizing the county to assume responsibility for the governance of the municipal corporation and delivery of public services to the citizens residing in the municipal corporation through the administration of an unincorporated district; and authorizing unincorporated district advisory committees.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Table with 4 columns: Alloway, DiSanto, Leach, Street, Argall, Eichelberger, Martin, Tartaglione, Aument, Farnese, McGarrigle, Tomlinson, Baker, Folmer, McIlhinney, Vogel, Bartolotta, Fontana, Mensch, Vulakovich, Blake, Gordner, Rafferty, Ward, Boscola, Greenleaf, Regan, White, Brewster, Haywood, Reschenthaler, Williams, Brooks, Hughes, Sabatina, Yaw, Browne, Hutchinson, Scarnati, Yudichak, Corman, Killion, Scavello, Costa, Langerholc, Schwank, Dinniman, Laughlin, Stefano

NAY-0

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

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

SB 1157 (Pr. No. 2099) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Department of the Auditor General, providing for audits of Pennsylvania Statewide Radio Network.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Table with 4 columns: Alloway, DiSanto, Leach, Street, Argall, Eichelberger, Martin, Tartaglione, Aument, Farnese, McGarrigle, Tomlinson, Baker, Folmer, McIlhinney, Vogel, Bartolotta, Fontana, Mensch, Vulakovich, Blake, Gordner, Rafferty, Ward, Boscola, Greenleaf, Regan, White

Brewster	Haywood	Reschenthaler	Williams
Brooks	Hughes	Sabatina	Yaw
Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

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

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

BILL AMENDED

HB 1216 (Pr. No. 3819) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for definitions, for the offense of neglect of animal and for the offense of attack of guide dog; in trade and commerce, further providing for the offense of discrimination on account of guide, signal or service dog or other aid animal; and, in particular rights and immunities, providing for rescue from motor vehicle.

On the question,

Will the Senate agree to the bill on third consideration?

Senator DINNIMAN offered the following amendment No. A9092:

Amend Bill, page 1, line 5, by inserting after "DOG":
and providing for the offense of attack on animal belonging to certain protected persons

Amend Bill, page 4, by inserting between lines 10 and 11:

Section 3. Title 18 is amended by adding a section to read:

§ 5535.1. Attack on animal belonging to certain protected persons.

(a) Offense defined.--A person commits an offense if all of the following apply:

(1) The person intentionally, knowingly or recklessly kills, maims, disfigures, tortures or administers poison or exposes a poisonous substance with intent to administer the poison or poisonous substance to any of the following that is owned by or resides with a person protected by an order issued under 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation):

(i) A dog or cat.

(ii) A guide dog for an individual who is blind.

(iii) A hearing dog for an individual who is deaf or audibly impaired.

(iv) A service dog for an individual who is physically limited.

(2) The person committing the violation under paragraph (1) is the subject of the order referenced under paragraph (1).

(b) Grading.--A violation of this section is a felony of the third degree.

Amend Bill, page 4, line 11, by striking out "3" and inserting:

4

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

5

Amend Bill, page 6, line 1, by striking out "5" and inserting:

6

On the question,

Will the Senate agree to the amendment?

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

Senator DINNIMAN. Mr. President, let me say something. Members of this Senate have stood up and made their statement against domestic violence. In my area of the southeast, rightfully so, a number of our Members have taken credit for the fine work that has been done, and they deserve that credit. Yesterday, Members of this Caucus joined with me and others in an effort to protect animals. All that my amendment does is it affirms a bill we passed last Session that was also approved by the House Committee on Judiciary and never saw the light of day because it was too close to the end of Session. What is this bill and what does it have to do with with domestic violence and animals? If you care about both, you would support the amendment.

The amendment is very simple. Do you know, that in 70 percent of the cases where someone has a PFA order against them and they cannot get to the victim or the spouse, what they do is they kill or maim the animal. This is a statistic that has been affirmed in studies in the United States by the University of Nevada, the University of Utah, and in the UK. In other words, if I cannot physically get the person who I am committing domestic violence against, I am going to get to them emotionally and hurt them. We have person after person, and I can tell you in cases in my own county, which is represented by three of us here today, where the person is afraid to leave the house because they love their dog and cat and they are afraid of what would happen to that animal, so they stay in that domestic violence situation. In fact, we have created a system now where we will foster that dog or cat so that you can leave and go to the safeway house.

All this does is says that just as if you injure a guide dog or you injure any type of a dog of a special class, this adds, if you have a protection from abuse order--and by the way, it passed the Senate unanimously and it passed the House Committee on Judiciary unanimously, and I thank Senator Alloway for helping me with that bill in the last Session. I believe my colleague will remember it. All we are saying is add this to the special class. Why not? Why would anyone oppose it? It does not make sense to me. I am assuming it was overlooked in the rush of things. It would go back and there is no reason the House would not vote it on concurrence.

If we really believe in protecting people from domestic violence, if we really believe that we care about our pets and our cats and our dogs, then we affirm this simple amendment which we have already affirmed on two occasions and which the House Committee on Judiciary has affirmed. This is not partisan, and I try to be the least partisan person in this body, this is simply decency and common sense to protect our people in domestic abuse situations, 70 percent who have suffered this emotional horrendous situation. Many other States, State after State have done this, starting with Maine. Let us join them. Let us stand up for victims and let us stand up for the protection of our dogs and cats who are members of our family.

Thank you, Mr. President, and I hope we can approve this amendment. It is a good one and it hurts no one.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Yaw has returned, and his legislative 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 Baker.

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

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.

BILLS OVER IN ORDER

HB 1239, HB 1284, HB 1305, HB 1460 and HB 1527 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1539 (Pr. No. 3353) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in standby guardianship, further providing for definitions and for scope and providing for temporary guardianship; in child protective services, further providing for release of information in confidential reports; and making editorial changes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, I rise in support of House Bill No. 1539. I did not realize the importance of this bill until I had a constituent contact me about seeking guardianship of her grandchild after her daughter was the victim of opioid possession. Trying to maneuver the court system in circumstances like this is extremely trying and expensive. This bill provides a way for grandparents to obtain temporary guardianship of their grandchildren. More and more grandparents, like my constituent, are caring for their grandchildren due to the opioid epidemic we are facing. When these grandparents raise their children's children, they give unselfishly and want to keep their family intact rather than be placed in foster care or other arrangements with strangers. This bill will help them do just that.

Thank you very much, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Ward
Boscola	Greenleaf	Regan	White
Brewster	Haywood	Resenthaler	Williams
Brooks	Hughes	Sabatina	Yaw
Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerholc	Schwank	
Dinniman	Laughlin	Stefano	

NAY-0

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

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

BILLS OVER IN ORDER

HB 1613, HB 1659 and HB 1800 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S No., OVER IN ORDER

HB 1840 (Pr. No. 4147) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for schedule of compensation, for computation of benefits and for physical examination or expert interview.

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

MOTION TO REVERT TO PRIOR PRINTER'S No.

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

Senator CORMAN. Mr. President, I move to revert to prior Printer's No. 3802 on House Bill No. 1840.

On the question,
Will the Senate agree to the motion?
A voice vote having been taken, the question was determined in the affirmative.

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

BILLS OVER IN ORDER

HB 1843 and HB 1884 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1885 (Pr. No. 4255) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in personal representative and bond, further providing for requiring or changing amount of bond.

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

On the question, Shall the bill pass finally?

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

YEA-49

Table with 4 columns of names: Alloway, Argall, Aument, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Corman, Costa, Dinniman, DiSanto, Eichelberger, Farnese, Folmer, Fontana, Gordner, Greenleaf, Haywood, Hughes, Hutchinson, Killion, Langerholc, Laughlin, Leach, Martin, McGarrigle, McIlhinney, Mensch, Rafferty, Regan, Reschenthaler, Sabatina, Scarnati, Scavello, Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Vulakovich, Ward, White, Williams, Yaw, Yudichak

NAY-0

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

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

BILLS AMENDED

HB 1936 (Pr. No. 2753) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for operation by persons under age sixteen and for mufflers and sound controls.

On the question, Will the Senate agree to the bill on third consideration? Senator HUTCHINSON offered the following amendment No. A10214:

Amend Bill, page 1, line 2, by inserting after "Statutes," in general provisions relating to size, weight and load, further providing for restrictions on use of highways and bridges; and,

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting:

Section 1. Section 4902(a)(4) and (5) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 4902. Restrictions on use of highways and bridges.

(a) Restrictions based on condition of highway or bridge.-- * * *

(4) The methodology under paragraph (3) may allow for exemptions from 67 Pa. Code Ch. 189 (relating to hauling in excess of posted weight limit) related to the at-risk industry [sectors] of logging or other forest products experiencing a 20% decline in Statewide employment between March 2002 and March 2011, as determined by the Department of Labor and Industry.

(5) The exemptions and related requirements under paragraph (4) may remain in existence only until December 31, [2018] 2023. Exemptions for local delivery or pickup may not include traffic going to or coming from a site at which minerals, natural gas or natural resources are developed, harvested or extracted, notwithstanding whether the site is located at a residence, a commercial site or on farmland. Delivery or pickup of logs or other forest products to or from permanent processing mills located on or reachable only through posted highways shall be considered local delivery or pickup. Delivery or pickup of coal to or from permanent coal reprocessing or preparation plants located on or reachable only through posted highways and not on the same posted highway as a site at which coal is extracted shall be considered local delivery or pickup. * * *

Section 2. Sections 7725(b.1) and 7743(a) of Title 75 are amended to read:

Amend Bill, page 2, line 24, by striking out "2" and inserting: 3

On the question, Will the Senate agree to the amendment? It was agreed to.

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

HB 1958 (Pr. No. 3774) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in rules of the road in general, providing for platooning; and providing for highly automated vehicles.

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

Senator RAFFERTY offered the following amendment No. A10088:

Amend Bill, page 1, lines 5 through 8, by striking out all of said lines and inserting:

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in rules of the road in general, providing for platooning; and providing for highly automated vehicles.

Amend Bill, page 3, lines 22 through 30; pages 4 through 7, lines 1 through 30; page 8, lines 1 through 25; by striking out all of said lines on said pages and inserting:

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

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

"Highly automated work zone vehicle." A motor vehicle used in an active work zone, as implemented by the department or the Pennsylvania Turnpike Commission, as applicable, which is:

(1) equipped with an automated driving system; or
 (2) connected by wireless communication or other technology to another vehicle allowing for coordinated or controlled movement.

* * *

"Platoon." A group of buses, military vehicles or motor carrier vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without the coordination. The term does not include a school bus or a school vehicle.

* * *

Section 2. Title 75 is amended by adding a section to read:
 § 3317. Platooning.

(a) General rule.--The department shall be the lead Commonwealth agency on platooning.

(b) Exception.--Nonlead vehicles in a platoon shall not be subject to section 3310 (relating to following too closely).

(c) Visual identifier.--Each vehicle in a platoon must be marked with a visual identifier on the power unit. The department, after consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, shall establish the criteria and placement of the visual identifier under subsection (e).

(d) Restrictions.--A platoon shall observe the following restrictions:

(1) A maximum of three vehicles shall be in a platoon.

(2) Vehicles in a platoon shall travel only on limited access highways or interstate highways, unless otherwise permitted by the department or the Pennsylvania Turnpike Commission, as applicable.

(3) The department or the Pennsylvania Turnpike Commission, as applicable under paragraph (2), may restrict vehicle movement under this section for operational or safety reasons, including, but not limited to, emergency conditions.

(4) A driver shall be in each vehicle of a platoon.

(e) Plan for general platoon operations.--A person may operate a platoon on a highway of this Commonwealth if the person files a plan for general platoon operations with the department. The department shall review the plan in consultation with the Pennsylvania State Police and the Pennsylvania Turnpike Commission, as applicable. If the plan is not rejected by the department within 30 days after receipt of the plan, the person may operate the platoon.

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

CHAPTER 85

HIGHLY AUTOMATED VEHICLES

Sec.

8501. Definitions.

8502. Highly automated vehicles.

8503. Highly Automated Vehicle Advisory Committee.

§ 8501. 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:

"Advisory committee." The Highly Automated Vehicle Advisory Committee established in section 8503 (relating to Highly Automated Vehicle Advisory Committee).

§ 8502. Highly automated vehicles.

(a) General rule.--The department shall be the lead Commonwealth agency on highly automated vehicles.

(b) Highly automated work zone vehicles.--The department or the Pennsylvania Turnpike Commission, as applicable, shall authorize the locations in Pennsylvania on a periodic basis to implement the deployment of a highly automated work zone vehicle. A driver may be required in a highly automated work zone vehicle when used in an active work zone.

§ 8503. Highly Automated Vehicle Advisory Committee.

(a) Establishment.--The Highly Automated Vehicle Advisory Committee is established within the department.

(b) Composition.--The advisory committee shall consist of the following members:

(1) The secretary, who shall serve as the chairperson of the advisory committee.

(2) The Secretary of Community and Economic Development.

(3) The Insurance Commissioner.

(4) The Secretary of Labor and Industry.

(5) The Commissioner of Pennsylvania State Police.

(6) The Chief Executive Officer of the Pennsylvania Turnpike

Commission.

(7) The chairperson and minority chairperson of the Transportation Committee of the Senate.

(8) The chairperson and minority chairperson of the Transportation Committee of the House of Representatives.

(9) The following members to be appointed by the Governor:

(i) One member representing a transit authority located in this Commonwealth.

(ii) One member representing a transportation, educational or research institution located in this Commonwealth.

(iii) One member representing a technology company engaged in developing highly automated vehicles.

(iv) One member representing a vehicle manufacturer engaged in developing highly automated vehicles.

(v) One member representing bicyclists, pedestrians or motorcyclists in this Commonwealth.

(vi) One member representing drivers or consumers in this Commonwealth.

(vii) One member representing a municipality of this Commonwealth.

(viii) One member representing platoon operations.

(ix) One member representing an insurance company, association or exchange who is authorized to transact the business of motor vehicle insurance in this Commonwealth.

(x) Two members representing different labor organizations in this Commonwealth.

(c) Vacancies.--If a position under subsection (b)(9) has been vacant for 120 days, an appointment shall be made on a rotating basis by the President pro tempore of the Senate and the Speaker of the House of Representatives to fill the vacancy.

(d) Alternates.--An advisory committee member under subsection (b)(2), (3), (4), (5), (6), (7) or (8) may designate an alternate to serve in the member's absence. The advisory committee member shall notify the chairperson of the advisory committee in writing of the designation.

(e) Alternate for secretary.--The secretary may designate an alternate under subsection (b)(1) who must be a Deputy Secretary.

(f) Terms.--An advisory committee member may be reappointed for additional terms. The terms of advisory committee members appointed by the Governor under subsection (b)(9) shall be three years. An individual appointed to fill a vacancy on the advisory committee under subsection (b) shall serve for the unexpired term and shall be eligible for reappointment.

(g) Meetings and expenses.--The following shall apply:

(1) The advisory committee shall meet at least three times annually, but may hold additional meetings as are called by the chairperson of the advisory committee. The chairperson shall provide notice at least 14 days in advance for regular meetings and shall provide a minimum of three days' notice for special meetings.

(2) A record of meeting attendance shall be maintained and appointed members shall receive written notice if two consecutive meetings are missed. An appointed member under subsection (b)(9) who misses three consecutive meetings without good cause acceptable to the chairperson of the advisory committee may be replaced by the Governor.

(3) Minutes of the meetings shall be prepared and filed with the advisory committee and distributed to each member. Each record shall be a matter of public record.

(4) An appointed member under subsection (b)(9) may not receive per diem expenses.

(5) The department shall provide appropriate staff support to enable the advisory committee to properly carry out the advisory committee's functions.

(h) Powers.--The advisory committee shall have the power to advise and consult the secretary on each aspect of highly automated vehicles and platooning in this Commonwealth and may undertake any of the following:

(1) Developing technical guidance.

(2) Evaluating best practices.

(3) Reviewing existing laws, regulations and policies.

(4) Engaging in continued research and evaluation of connected and automated systems technology necessary to ensure safe testing, deployment and continued innovation in this Commonwealth.

(i) Annual report.--The department shall provide an annual report of the activities of the advisory committee under subsection (h) on the

department's publicly accessible Internet website.
Section 4. This act shall take effect in 180 days.

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 ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2049 (Pr. No. 3127) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for requirements for documentation of the need for an assistance animal or service animal in housing and for the offenses of misrepresentation of entitlement to assistance animal or service animal and misrepresentation of animal as assistance animal or service animal.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

Alloway	Dinniman	Laughlin	Schwank
Argall	DiSanto	Leach	Stefano
Aument	Eichelberger	Martin	Street
Baker	Farnese	McGarrigle	Tartaglione
Bartolotta	Folmer	McIlhinney	Tomlinson
Blake	Fontana	Mensch	Vogel
Boscola	Gordner	Rafferty	Vulakovich
Brewster	Greenleaf	Regan	Ward
Brooks	Hughes	Resenthaler	White
Browne	Hutchinson	Sabatina	Williams
Corman	Killion	Scarnati	Yaw
Costa	Langerholc	Scavello	Yudichak

NAY-1

Haywood

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 2075 (Pr. No. 4249) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for valuation of and return on the property of a public utility.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

Alloway	DiSanto	Laughlin	Schwank
Argall	Eichelberger	Leach	Stefano
Aument	Farnese	Martin	Street
Baker	Folmer	McGarrigle	Tartaglione
Bartolotta	Fontana	McIlhinney	Tomlinson
Blake	Gordner	Mensch	Vogel
Boscola	Greenleaf	Rafferty	Vulakovich
Brewster	Haywood	Regan	Ward
Browne	Hughes	Resenthaler	White
Corman	Hutchinson	Sabatina	Williams
Costa	Killion	Scarnati	Yaw
Dinniman	Langerholc	Scavello	Yudichak

NAY-1

Brooks

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 2124 (Pr. No. 3674) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Senator KILLION offered the following amendment No. A10354:

Amend Bill, page 2, line 28, by striking out all of said line and inserting:

promise of an actual projected amount. The statement shall include:

(1)

Amend Bill, page 3, line 2, by striking out the period after "INSTITUTION" and inserting:

; and

(2) a link to a Federal online aid counseling tool and a repayment estimator that have been approved by the Department of Education in consultation with the Pennsylvania Higher Education Assistance Agency.

Amend Bill, page 3, by inserting between lines 11 and 12:

(f) An institution of higher education that contracts with a student loan servicer, including the Pennsylvania Higher Education Assistance Agency, to provide the information required under subsection (a) to its students in the manner required under subsection (e) shall be deemed to have complied with the provisions of this section.

Amend Bill, page 3, line 12, by striking out "(f)" and inserting:

(g)

Amend Bill, page 3, line 14, by striking out "(g)" and inserting:

(h)

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

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

Senator KILLION. Mr. President, the intent of the bill is to provide a tool for students to help them manage their school debt. This amendment was requested by the Association of Independent Colleges and Universities, and the University of Pennsylvania. It provides for student loan notifications sent to students to include a link to a Federal online cancelling tool and repayment. It also provides that a college or university that contracts with a student loan service provider to provide student loan notifications comply with the requirements in this legislation.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

BILLS OVER IN ORDER

HB 2133, HB 2138, HB 2211, HB 2321, HB 2324 and HB 2325 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2453 (Pr. No. 3590) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, amending the title of the act; in general provisions, further providing for authority of the Department of Banking and Securities; in licensing provisions, further providing for license terms and fees; in enforcement, further providing for suspension and revocation of license and civil penalties, for change of status, for restrictions on business of licensee and for civil penalty; and, in miscellaneous provisions, further providing for applicability and repealing provisions relating to report to General Assembly.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	DiSanto	Leach	Street
Argall	Eichelberger	Martin	Tartaglione
Aument	Farnese	McGarrigle	Tomlinson
Baker	Folmer	McIlhinney	Vogel
Bartolotta	Fontana	Mensch	Vulakovich
Blake	Gordner	Rafferty	Ward
Boscola	Greenleaf	Regan	White
Brewster	Haywood	Resenthaler	Williams
Brooks	Hughes	Sabatina	Yaw

Browne	Hutchinson	Scarnati	Yudichak
Corman	Killion	Scavello	
Costa	Langerhole	Schwank	
Dinniman	Laughlin	Stefano	

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 2489 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 2 (Pr. No. 1776) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for education savings account; and conferring powers and imposing duties on the Department of Education and the State Treasury.

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

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

BILLS OVER IN ORDER

SB 16, SB 110, HB 296, SB 479, HB 582, SB 820, SB 930, SB 931, SB 963, SB 1023, HB 1152, HB 1153, SB 1154, SB 1199, SB 1207, SB 1220, SB 1245, SB 1254, HB 1588, HB 1745, HB 1811, HB 1829, HB 1931, HB 2050, HB 2066, HB 2071, HB 2158, HB 2159, HB 2205 and HB 2206 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION
AND REREFERRED

HB 2307 (Pr. No. 4067) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for victim and witness outreach; and, in post-trial matters, further providing for eligibility for relief and for jurisdiction and proceedings.

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 2308 (Pr. No. 4068) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in post-trial matters, further providing for postconviction DNA testing; and, in DNA data and testing, further providing for policy, for definitions, for powers and duties of State Police, for State DNA Data Base, for State DNA Data Bank, for State Police recommendation of additional offenses, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases, providing for collection from persons accepted from other jurisdictions and further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis, for DNA data base exchange and for expungement.

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.

BILL OVER IN ORDER

HB 2425 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

HB 2476 (Pr. No. 4132) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, further providing for weapons or implements for escape; and, in miscellaneous provisions, further providing for contraband prohibited.

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

BILL OVER IN ORDER

HB 2526 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

**HOUSE CONCURRENT RESOLUTION
No. 76, ADOPTED**

Senator CORMAN, without objection, called up from page 16 of the Calendar, **House Concurrent Resolution No. 76**, entitled:

A Concurrent Resolution declaring that the General Assembly of the Commonwealth of Pennsylvania is opposed to the enactment and enforcement of a State law, under a Federal mandate, that requires the suspension or revocation, or the delay of issuance or reinstatement, of the driver's license of an individual convicted of a violation of the Controlled Substances Act or another drug offense; urging the Governor to submit a written certification stating the Governor's opposition to the State law along with this resolution to the United States Secretary of Transportation; and accordingly preventing the United States Secretary of Transportation from withholding a specified percentage of Federal transportation apportionments under 23 U.S.C. 159.

On the question,
Will the Senate concur in the resolution?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 76.

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	Laughlin	Schwank
Argall	DiSanto	Leach	Stefano
Aument	Eichelberger	Martin	Street
Baker	Farnese	McGarrigle	Tartaglione
Bartolotta	Folmer	McIlhinney	Tomlinson
Blake	Fontana	Mensch	Vogel
Boscola	Gordner	Rafferty	Vulakovich
Brewster	Greenleaf	Regan	Ward
Brooks	Haywood	Reschenthaler	White
Browne	Hughes	Sabatina	Williams
Corman	Killion	Scarnati	Yaw
Costa	Langerholc	Scavello	Yudichak

NAY-1

Hutchinson

A 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 ask the Members of the Republican Caucus to please come to the Leader's desk.

The PRESIDENT. For the purpose of a meeting at the Leader's podium, without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

HB 270 (Pr. No. 4245) (Rereported)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for definitions, providing for medication synchronization, further providing for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier and for board, providing for medication therapy management and further providing for coordination of benefits.

HB 324 (Pr. No. 321) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for exemption of particular property.

HB 645 (Pr. No. 4148) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in neighborhood assistance tax credit, further providing for tax credit and for grant of tax credit and providing for reporting.

HB 1228 (Pr. No. 3299) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, providing for sun protection of students, including the application of nonprescription sunscreen.

HB 1233 (Pr. No. 4252) (Rereported)

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, in general provisions, further providing for scope of act, providing for definitions, further providing for treatment facilities and for individualized treatment plan and providing for assisted outpatient treatment implementation by department; in involuntary examination and treatment, further providing for persons subject, for involuntary emergency examination and treatment authorized by physician, for persons for whom application may be made, and for additional periods of court-ordered involuntary treatment; and adding provisions relating to assisted outpatient treatment.

HB 1469 (Pr. No. 3795) (Rereported)

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in adoption and enforcement by municipalities, further providing for administration and enforcement.

HB 1497 (Pr. No. 4246) (Rereported)

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 licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for applications for hotel, restaurant and club liquor licenses, for sales by liquor licensees and restrictions, for wine and spirits auction permits, for public venue license, for performing arts facility license, for wine expanded permits, for casino liquor license, for application for distributors', importing distributors' and retail dispensers' licenses, for breweries and for limiting number of retail licenses to be issued in each county, providing for liquor code suspension for deficiency and further providing for local option and for unlawful acts relative to liquor, malt and brewed beverages and licensees; in distilleries, wineries, bonded warehouses, bailees for hire and transporters for hire, further providing for limited wineries and for distilleries; in miscellaneous provisions, further providing for construction and applicability.

HB 1511 (Pr. No. 4253) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in hotel occupancy tax, further providing for definitions and for imposition of tax and establishing the Tourism Promotion Fund.

HB 1822 (Pr. No. 4045) (Rereported)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for suicide prevention in institutions of higher education.

HB 1886 (Pr. No. 2641) (Rereported)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in incapacitated persons, further providing for provisions concerning powers, duties and liabilities.

HB 1951 (Pr. No. 2762) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of access of minors to dextromethorphan and imposing a penalty.

HB 2052 (Pr. No. 3593) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, providing for military parent student support.

HB 2157 (Pr. No. 3278) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for Commission for Agricultural Education Excellence; in vocational education, providing for utilization of credits; and providing for classification of program code.

HB 2557 (Pr. No. 4247) (Rereported)

An act establishing intergovernmental cooperation authorities for certain cities of the third class; providing for powers and duties; and making an appropriation.

HB 2638 (Pr. No. 4248) (Rereported)

An Act amending the act of December 8, 2004 (P.L.1801, No.238), known as the Transit Revitalization Investment District Act, in general provisions, further providing for declaration of policy and for definitions; and providing for military installation remediation and for the establishment of the Military Installation Remediation Fund.

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

BILL AMENDED

HB 645 (Pr. No. 4148) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in neighborhood assistance tax credit, further providing for tax credit and for grant of tax credit and providing for reporting.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BROOKS offered the following amendment No. A10399:

Amend Bill, page 1, line 10, by inserting after "penalties,"": in realty transfer tax, further providing for excluded transactions; and, Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting:

Section 1. Section 1102-C.3 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, is amended by adding a paragraph to read:

Section 1102-C.3. Excluded Transactions.--The tax imposed by section 1102-C shall not be imposed upon:

(25) Beginning on or after December 31, 2015, a transfer of real estate by a housing authority created under the act of May 28, 1937 (P.L.955, No.265), referred to as the Housing Authorities Law, to a nonprofit organization which is utilizing the real estate for the purpose of Rental Assistance Demonstration administered by the United States Department of Housing and Urban Development under the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55, 125 Stat. 552).

Section 2. Sections 1904-A(c) and 1905-A of the act are amended to read:

Amend Bill, page 3, line 27, by striking out "2" and inserting:

3

Amend Bill, page 4, by inserting between lines 9 and 10:

Section 4. The addition of section 1102-C.3(25) of the act shall apply to a county of the fifth class with a population of between 115,000 and 118,000 in the 2010 Federal Decennial Census which filed an appeal with the Board of Finance and Review after December 31, 2015.

Amend Bill, page 4, line 10, by striking out "3" and inserting:

5

Amend Bill, page 4, lines 10 and 11, by striking out "JULY 1," in line 10 and all of line 11 and inserting:

as follows:

- (1) This section shall take effect immediately.
(2) Section 4 of this act and the addition of section 1102-C.3(25) of the act shall take effect in 60 days.
(3) The remainder of this act shall take effect July 1, 2019.

On the question, Will the Senate agree to the amendment? It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1511 (Pr. No. 4253) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in hotel occupancy tax, further providing for definitions and for imposition of tax and establishing the Tourism Promotion Fund.

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-43

Argall Eichelberger McGarrigle Street
Aument Farnese McIlhinney Tartaglione

Baker Folmer Mensch Tomlinson
Bartolotta Fontana Rafferty Vogel
Blake Gordner Regan Vulakovich
Boscola Haywood Reschenthaler Ward
Brewster Hughes Sabatina White
Browne Killion Scarnati Williams
Corman Langerholc Scavello Yaw
Costa Leach Schwank Yudichak
Dinniman Martin Stefano

NAY-6

Alloway DiSanto Hutchinson Laughlin
Brooks Greenleaf

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.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators SCAVELLO, GREENLEAF, DINNIMAN, STREET, FONTANA, SABATINA, FOLMER, EICHELBERGER, ARGALL, BROWNE, BLAKE, COSTA, BAKER, MENSCH, HUGHES, SCHWANK, KILLION, AUMENT, BREWSTER, RAFFERTY, FARNESE and YUDICHAK, by unanimous consent, offered Senate Resolution No. 466, entitled:

A Resolution designating the month of November 2018 as "Epilepsy Awareness Month" in Pennsylvania.

On the question, Will the Senate adopt the resolution?

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

Senator SCAVELLO. Mr. President, I submit my remarks for the record. Thank you.

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

(The following prepared remarks were made part of the record at the request of the gentleman from Monroe, Senator SCAVELLO:)

Mr. President, this resolution designates November 2018 as "Epilepsy Awareness Month." One of the world's oldest known medical conditions, epilepsy is also one of the most misunderstood, often leading to fear, discrimination, and isolation. By raising awareness of the realities of this disorder, we can reduce fear and misunderstanding while improving the lives of the millions affected by epilepsy.

Epilepsy is a chronic neurological condition characterized by recurring seizures that are physical reactions to sudden electrical discharges in the brain. While a seizure is often thought to be a full-body convulsion, it can also be brief muscle spasms or unconscious behaviors that appear to be attention lapses. Over 65 million people worldwide have epilepsy, with more than 2 million in the United States. Epilepsy is the fourth most common neurological disorder in the United States after migraine, stroke, and Alzheimer's disease. About one percent of Americans have some form of epilepsy, and nearly four percent (1 in 26) will develop epilepsy at some point in their lives. Unfortunately, the cause of epilepsy is unknown in about 70 percent of cases, and one third of

people with epilepsy must endure uncontrollable seizures because no available treatments work for them.

Therefore, I ask all of my colleagues to join me in this effort to raise awareness, educate people about epilepsy, and encourage the support of epilepsy research programs to support those Pennsylvanians living with this condition.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators SCAVELLO, FARNESE, GREENLEAF, MARTIN, HAYWOOD, FONTANA, DINNIMAN, SABATINA, BREWSTER, MENSCH, BARTOLOTTA, BROWNE, WARD, RESCHENTHALER, COSTA, WHITE, FOLMER, EICHELBERGER, BLAKE, REGAN, HUGHES, SCHWANK, KILLION, AUMENT, RAFFERTY and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 467**, entitled:

A Resolution designating October 5, 2018, as "Manufacturing Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator SCAVELLO. Mr. President, I submit my remarks for the record. Thank you.

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

(The following prepared remarks were made part of the record at the request of the gentleman from Monroe, Senator SCAVELLO:)

Mr. President, I am pleased to offer this resolution along with my colleague, Senator Farnese, designating October 5, 2018, as "Manufacturing Day" in Pennsylvania. This is part of a nationwide effort led by the National Association of Manufacturers, and in our Commonwealth by the Pennsylvania Manufacturers' Association. Manufacturing is the backbone of the economic well-being of our Commonwealth, generating over \$70 billion annually in State gross product, employing 570,000 hardworking Pennsylvanians on the plant floor, and supporting supply, distribution, and retail networks that sustain millions of additional Pennsylvania jobs. However, it is important to emphasize that there are upwards of 8,000 jobs that remain unfilled on our plant floors. Therefore, it is essential that we continue to increase awareness of our Commonwealth's need to fill manufacturing jobs and to educate young people as to the opportunities that exist in this important sector. Manufacturing jobs have above-average wages and benefits, averaging annual income over \$65,000, which is 44 percent higher than non-manufacturing sectors. However, stigmas that manufacturing is dirty, dangerous, and unfulfilling often remain uncontested. We must change this stigma, and showing continued support and involvement in Manufacturing Day is a critical first step.

Thank you, Mr. President, and I now would like to turn the microphone over to my friend and colleague, Senator Farnese.

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

Senator FARNESE. Mr. President, I submit my remarks for the record. Thank you.

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

(The following prepared remarks were made part of the record at the request of the gentleman from Philadelphia, Senator FARNESE:)

Mr. President, as has become custom each year, I rise with my fellow chairman, Senator Scavello, to designate October 5, 2018, as "Manufacturing Day" in Pennsylvania. Pennsylvania has always been a thriving epicenter of manufacturing. Statewide we have manufacturers that are true innovators: companies that have shifted technologies to keep up with modern-day outputs and stay ahead of the economic curve. We also continue to see success in attracting new manufacturers into the State for many reasons, one of which is our proximity to many large trade markets, accessible via our ports, our rails, our airports, and our highways. And because our manufacturing sector provides high-paying, family-sustaining wages, we continue to see interest in training and education opportunities for the next generation of manufacturers.

I know in the 1st Senatorial District, which I represent, we have incredible manufacturer makespaces providing opportunities for hobbyists and startups alike to become versed in new technology and have access to that technology to assist in their product-making. We also have incredible manufacturing going on down at the Navy Yard, including shipbuilding, pharmaceutical development, as well as robust research and development in the energy sector.

So, I am pleased to again stand with my colleague and recognize, albeit a little belatedly, Manufacturing Day in Pennsylvania, and to honor all our workers and innovators in the manufacturing sector in the Commonwealth.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators McILHINNEY, FONTANA, SCAVELLO, LANGERHOLC, BROOKS, YAW, BROWNE, BAKER, WHITE, RAFFERTY, SCHWANK, GREENLEAF, LEACH, TOMLINSON, YUDICHAK and COSTA, by unanimous consent, offered **Senate Resolution No. 468**, entitled:

A Resolution recognizing the 60th annual convention of the Pennsylvania State Tax Collectors Association and recognizing the month of October 2018 as "Elected Tax Collectors Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator McILHINNEY. Mr. President, I rise today to recognize the incredible contributions of some of the local elected officials who have the biggest impact on the financial health of our communities, our local tax collectors. Mr. President, Pennsylvania has a long history of outstanding local representation. Our local government structure was established by William Penn when he first came here from England in the late 1600s. Today, 300 years after the death of our Commonwealth's founder, this system remains an integral part of the lives of Pennsylvanians because it recognizes the importance of government that remains close to people it represents.

Elected tax collectors continue to serve an important role, not by simply collecting revenue, but also by helping citizens understand the local tax system and take advantage of every reduction and financial assistance program available to them. They are not

just tax collectors, they are educators, representatives, and leaders in the community. Mr. President, for the past 60 years this group of individuals has been represented by the Pennsylvania State Tax Collectors Association. This organization deserves a great deal of credit for providing continuing education and promoting the highest standards of ethics and professionalism that help our tax collectors best serve the community. The Tax Collectors Association and all of its members embody the spirit of effective local representation, and I believe it is important for the Senate of Pennsylvania to honor and recognize their efforts. I ask my colleagues to join me in honoring the tremendous work of our local tax collectors by designating October 2018 as "Elected Tax Collectors 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 McILHINNEY, FONTANA, EICHELBERGER, GREENLEAF, MENSCH, BREWSTER, SCHWANK, BROWNE, BLAKE, COSTA, RAFFERTY, KILLION, SCAVELLO and HUGHES, by unanimous consent, offered **Senate Resolution No. 469**, entitled:

A Resolution designating the month of October 2018 as "Lewy Body Dementia Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator McILHINNEY. Mr. President, I rise today and ask my colleagues to support this resolution designating October 2018 as "Lewy Body Dementia Awareness Month" in Pennsylvania. This condition is estimated to affect more than 1.4 million Americans, but it could impact even more people since it is frequently misdiagnosed. Some of the symptoms of this form of dementia mirror those of patients suffering from more common conditions such as Alzheimer's or Parkinson's disease. Unfortunately, medications prescribed to treat these diseases can have serious consequences on patients who suffer from Lewy Body Dementia. There is currently no cure or treatment to slow the progression of symptoms, but there is hope that further study of this disorder will lead to new breakthroughs that will improve the quality of life for patients. It is my hope that we can raise awareness of this issue both among the healthcare professionals and the general public in order to ensure more timely and accurate diagnosis. I ask for an affirmative vote.

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, GREENLEAF, MENSCH, DINNIMAN, RESCHENTHALER, HUGHES, SABATINA, EICHELBERGER, BARTOLOTTA, BROWNE, FONTANA,

MARTIN, SCAVELLO, COSTA, KILLION, RAFFERTY, STREET, BAKER, BLAKE, FOLMER and SCHWANK, by unanimous consent, offered **Senate Resolution No. 470**, entitled:

A Resolution designating the month of October 2018 as "Chiropractic Health Month" in Pennsylvania.

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

Senators AUMENT, YUDICHAK, DINNIMAN, FONTANA, MARTIN, BREWSTER, BARTOLOTTA, SCHWANK, SABATINA, ARGALL, MENSCH, McILHINNEY, BAKER, KILLION, GREENLEAF, WHITE, RAFFERTY, HUGHES, RESCHENTHALER and COSTA, by unanimous consent, offered **Senate Resolution No. 471**, entitled:

A Resolution recognizing October 25, 2018, as "Lights On Afterschool Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator AUMENT. Mr. President, I rise today along with my afterschool caucus co-chair, Senator Yudichak, to recognize October 25, 2018, as "Lights On Afterschool Day" in Pennsylvania. This year marks the 19th annual Lights On Afterschool Day event, a nationwide celebration aimed at recognizing the importance of afterschool programs in the lives of children. Unfortunately, more than 11.3 million children in America are left unsupervised after school between the hours of 3 p.m. and 6 p.m. To mitigate this, communities all across Pennsylvania are working together to develop safe, affordable, and enriching afterschool experiences for school-aged children and teens.

Research on the benefits of afterschool programs is clear. High-quality afterschool programming improves student academic achievement, reduces crime by and against youth, and promotes positive social development. Therefore, it is vital that the Senate recognizes the importance of these programs and supports the contributions that providers and volunteers make to improve the lives of our young people. As such, please join us in acknowledging the importance of afterschool programs by recognizing October 25, 2018, as Lights On Afterschool Day in Pennsylvania.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators FOLMER, FONTANA, SCHWANK, BARTOLOTTA, SABATINA, STREET, DINNIMAN, EICHELBERGER, GREENLEAF, AUMENT, MENSCH, BAKER, BROWNE, KILLION, MARTIN, BREWSTER, WHITE, RAFFERTY, HUGHES and COSTA, by unanimous consent, offered **Senate Resolution No. 472**, entitled:

A Resolution designating the month of November 2018 as "Reflex Sympathetic Dystrophy Syndrome Month" in Pennsylvania.

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

Senators KILLION, AUMENT, BAKER, BARTOLOTTA, BLAKE, BREWSTER, BROWNE, COSTA, DINNIMAN, FARNESE, FOLMER, FONTANA, GREENLEAF, HUGHES, MARTIN, McGARRIGLE, MENSCH, RAFFERTY, SABATINA, SCHWANK, STREET, WARD and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 473**, entitled:

A Resolution designating the month of October 2018 as "Bullying Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator KILLION. Mr. President, it is my pleasure this afternoon to offer this resolution designating the month of October 2018 as "Bullying Awareness Month" in Pennsylvania. In the past couple of years, I attended a walk with students at Strath Haven Middle School and Strath Haven High School located in Wallingford, Delaware County, who organized an anti-bullying walk at their school. It was a tremendous event, many students and members of the community attended, and I was proud to be part of it. Next Tuesday I will visit students at Boothwyn Elementary School in Delaware County and present them with this resolution.

Bullying affects many children in our schools. In a study of youth in grades 9 through 12, 19 percent of students reported being bullied on school property in the previous 12 months; 41.6 percent reported being bullied on school property. The Pennsylvania Department of Education Office for Safe Schools maintains a Web site containing resources on bullying prevention for parents, educators, and professionals who serve our youth in and out of school. October is national Bullying Prevention Awareness Month. With the adoption of this Senate resolution, October will be designated as Bullying Awareness Month in Pennsylvania as well.

Thank you, Mr. President.

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

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

Senators RAFFERTY, BARTOLOTTA, LANGERHOLC, BROOKS, ARGALL, DINNIMAN, MENSCH, GREENLEAF, STREET, EICHELBERGER, SABATINA, REGAN, MARTIN, WHITE, AUMENT, HUGHES, BROWNE, SCHWANK, BLAKE, FOLMER, FARNESE, BAKER, YUDICHAK, COSTA and RESCHENTHALER, by unanimous consent, offered **Senate Resolution No. 474**, entitled:

A Resolution recognizing November 10, 2018, as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 243rd anniversary of its founding.

On the question,
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, it is always an honor for me to introduce a resolution on behalf of the Senate for "Marine Corps Day" here in the Commonwealth of Pennsylvania. The United States Marine Corps is celebrating its birthday, founded at Tun Tavern in Philadelphia. Mr. President, when you were a Senator, the two of us used to introduce this resolution together.

The Second Continental Congress met in Philadelphia and passed a resolution calling for two battalions of Marines to be raised for service as landing forces with the fleet. On March 3, 1776, their first amphibious raid was carried out. The Marine Corps has played a central part and role in the liberation of the Pacific and many other embattled areas throughout the nation's history. The Marine Corps, Mr. President, will always be symbolized by the raising of the flag on Iwo Jima. To this day, when you speak of the Marine Corps, people remember the flag being raised on that horrific battle of Iwo Jima. The Marines truly embody the motto of the Marine Corps, "Semper Fidelis," which translates as "always faithful," and signifies the defense of freedom and democracy worldwide. Semper Fidelis.

Today, the Marine Corps is a separate branch of the Armed Forces, distinguishing itself as an expeditionary force ready to respond on the ground, in the air, and by the sea. Mr. President, I am proud to introduce this resolution congratulating the United States Marine Corps and celebrating the month of November as its founding and birthday. Mr. President, we owe a great deal of gratitude to the men and women of the United States Marine Corps, and to each and every one of them, Good night, Chesty, wherever you are.

Thank you, Mr. President.

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

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

Senators RAFFERTY, SABATINA, BOSCOLA, BREWSTER, GREENLEAF, DINNIMAN, RESCHENTHALER, HUGHES, EICHELBERGER, BARTOLOTTA, BROWNE, FONTANA, MARTIN, SCAVELLO, COSTA, KILLION, WARD, STREET, BAKER, WHITE, BLAKE, FOLMER and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 475**, entitled:

A Resolution designating the week of October 21 through 27, 2018, as "Teen Driver Safety Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, "Teen Driver Safety Week" is recognized across the United States to raise awareness of the importance of teen driver safety. In 2017, there were 40 fatalities involving teens 16 to 17 years of age, and over 36,000 young drivers 16 to 20 years of age were involved in reportable crashes on this Commonwealth's roadways. Teen Driver Safety

Week provides a great opportunity to take time to talk to teens about some of the biggest driving risks, including alcohol, drugs, seatbelts, distracted driving, speeding, passenger safety, and drowsy driving.

Mr. President, I ask for a unanimous vote on this resolution.

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

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

Senators RAFFERTY, SABATINA, REGAN, GREENLEAF, BOSCOLA, BREWSTER, DINNIMAN, RESCHENTHALER, HUGHES, EICHELBERGER, BARTOLOTTA, BROWNE, FONTANA, MARTIN, SCAVELLO, COSTA, KILLION, WARD, STREET, MENSCH, BAKER, WHITE, BLAKE, FOLMER, SCHWANK and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 476**, entitled:

A Resolution designating the week of October 22 through 26, 2018, as "School Bus Safety Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, "School Bus Safety Week" is recognized throughout the United States to raise awareness and address the importance of school bus safety and to remind our drivers to stop when the red lights are flashing and the arm is extended on our school buses. In this Commonwealth, school bus safety is a top priority for the 1.5 million children who are transported on our roads each school day. Students, parents, school officials, school bus drivers, and the motoring public all play an integral role to insure our children go to school and return home safely each day.

I ask for unanimous consideration. 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, by unanimous consent, offered **Senate Resolution No. 477**, entitled:

A Resolution recognizing the month of October 2018 as "National Arts and Humanities 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, for more than 30 years, the month of October has been recognized as "National Arts and Humanities Month" not only in the Commonwealth, but around the country as well. This October would also be recognized after we support this resolution. The arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind. It is a measure that is essential for us and plays a unique role in living our lives, in our families and our communi-

ties across this Commonwealth. Nonprofit arts and industries strengthens our economy of this Commonwealth by generating \$3.4 billion in total economic activity annually, and some \$400 million in State and local government revenue, and supported by some 100,000 employees across this great Commonwealth.

Mr. President, I ask my colleagues to join me in recognizing October 2018 as National Arts and Humanities 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.

BILL ON FIRST CONSIDERATION

Senator COSTA. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.
The bill was as follows:

SB 1270.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 17, 2018

9:00 A.M.	STATE GOVERNMENT (public hearing to discuss proposed amendments to the US Constitution through a Convention of States as provided by Article V, and related resolutions, including Senate Resolutions No. 133, 134 and 254)	Hrg. Rm. 1 North Off.
Off the Floor	APPROPRIATIONS (to consider House Bill No. 2154)	Rules Cmte. Conf. Rm.
Off the Floor	HEALTH AND HUMAN SERVICES (to consider House Bill No. 1742)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 6, 108, 261, 353, 373, 403, 554, 611, 796, 897, 915, 916, 961, 1098, 1156 and 1171; and certain Executive Nominations)	Rules Cmte. Conf. Rm.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 798, SB 1092, SB 1127 and SB 1209**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 353**, **SB 897**, **SB 915** and **SB 916**, 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.

BILLS SIGNED

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

SB 798, **SB 1092**, **SB 1127** and **SB 1209**.

RECESS

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

Senator GORDNER. Mr. President, I move that the Senate do now recess until Wednesday, October 17, 2018, at 10 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6 p.m., Eastern Daylight Saving Time.