

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, OCTOBER 25, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 62

SENATE

TUESDAY, October 25, 2011

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

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

PRAYER

The Chaplain, Reverend DARYL JEFFERS, of Calvary Baptist Church, Clymer, offered the following prayer:

Shall we pray.

Father, as we gather together in this Assembly, we first of all thank You for this beautiful day that You have given to us. We recognize that this is the day that You have made, and we should rejoice and be glad in it. Thank You that we could behold Your handiwork again, this very day.

We pray especially, Lord, for those even in this Assembly who might be going through some difficult times. Unbeknown to anyone but You, perhaps there are family problems, physical problems, maybe even in finances. May they recognize today that Thou art the great God, that You are the great physician. You own the cattle and a thousands hills, and You can provide and take care of their needs.

We pray that their minds could be cleared from other business, except what goes on here today, that You might be the God of all peace to them.

We also thank You for the opportunity that we have to serve in a free country. We thank You for this Commonwealth and the men and women who have given their lives that we may have these freedoms. We thank You for those in the Armed Services who are, even now, standing on the front line, that we might continue to have this liberty.

We give You praise and glory for all things that are said and done here today. We pray for all things, that there might be unity, and that all things might be pleasing to You. At the end of the day, we might be able to say that what was done was done for the glory of God, and also for the benefit of the good people of this Commonwealth. We give the praise, the honor, and the glory for all things. I pray this in Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Jeffers, who is the guest today of Senator Don White.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 282, SB 285, SB 290, SB 292, SB 295 and SB 296**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 286**, 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 XIII, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bills:

SB 282, SB 285, SB 290, SB 292, SB 295, and SB 296.

BILLS REPORTED FROM COMMITTEES

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

SB 433 (Pr. No. 1714) (Amended)

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, authorizing incorporation of benefit corporations; providing for rights, duties and obligations of benefit corporations and their shareholders, directors and officers; and imposing powers and duties on the Department of State.

SB 1019 (Pr. No. 1300)

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, defining "corrections manager"; and, in general administration, providing for salary of corrections managers.

SB 1092 (Pr. No. 1270)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in powers of attorney, further providing for general provisions, for form of power of attorney and for liability.

SB 1183 (Pr. No. 1715) (Amended)

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to the treatment, classification, sentencing and registration of sexual offenders; and making editorial changes.

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

SB 878 (Pr. No. 893)

An Act requiring owners and lessors of real property contaminated by methamphetamines to disclose the contamination to purchasers, lessees and transferees; providing for the powers and duties of the Department of Health and for enforcement; and establishing civil immunity for real estate professionals under certain circumstances.

SB 1228 (Pr. No. 1716) (Amended)

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for presumption of a reasonable number of attempts.

HB 332 (Pr. No. 2631) (Amended)

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions; and providing for regulation of genetic counselors.

HB 333 (Pr. No. 2632) (Amended)

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions; and providing for regulation of genetic counselors.

HB 398 (Pr. No. 2633) (Amended)

An Act providing for registration of appraisal management companies, for powers of the State Board of Certified Real Estate Appraisers with respect to appraisal management companies, for the responsibilities and duties of appraisal management companies, for prohibited activities, for discipline and for penalties.

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

SB 413 (Pr. No. 399)

A Joint Resolution proposing separate and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for qualifications for members of the General Assembly and the executive branch.

SB 1004 (Pr. No. 1712) (Amended)

An Act providing for the establishment of the Surety Bond Guarantee Fund Program; imposing duties on the Department of Community and Economic Development; and establishing the Surety Bond Guarantee Fund.

SB 1200 (Pr. No. 1713) (Amended)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for sole source procurement and for emergency procurement.

HB 1337 (Pr. No. 1535)

An Act authorizing the turn back from the Commonwealth to Ward Township, Tioga County, of the road known as Old Possessions Road in Ward Township, Tioga County; and providing for the powers and duties of the Secretary of Conservation and Natural Resources.

HB 1349 (Pr. No. 1558)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for legislative intent, for definitions and for proposed regulations and procedures for review.

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 152 (Pr. No. 126)

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for definitions, for financial assistance and for annual report.

SB 532 (Pr. No. 538)

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for permit and license application requirements and for enforcement orders; and providing for repeat violations.

HB 608 (Pr. No. 592)

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for mining permit; providing for bioenergy crop bonding; and making editorial changes.

Senator EICHELBERGER, from the Committee on Local Government, reported the following bills:

SB 477 (Pr. No. 482)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for compelled removal.

SB 1276 (Pr. No. 1630)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for classification of counties.

HB 715 (Pr. No. 729)

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for definitions; and providing for collection of municipal taxes by county treasurer.

HB 1441 (Pr. No. 1731)

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, in codification and publication of documents, providing for electronic publication of municipal codes; and making an inconsistent repeal.

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

SB 1 (Pr. No. 1711) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in opportunities for educational excellence, further providing for definitions and for concurrent enrollment agreements; in charter schools, further providing for definitions; establishing the Charter School Funding Advisory Committee; further providing for powers of charter schools, for charter school requirements, for powers of board of trustees, for establishment of charter school, for contents of application, for terms and form of charter, for State Charter School Appeal Board, for facilities, for enrollment, for funding for charter schools, for annual reports and assessments, for causes for nonrenewal or termination and for provisions applicable to charter schools; providing for effect on existing charter schools; further providing for powers and duties of department, for assessment and evaluation, for school district and intermediate unit responsibilities and for establishment of cyber charter school; repealing provisions relating to enrollment and notification; further providing for applicability of other provisions of this act and of other acts and regulations; providing for opportunity scholarships and for educational improvement tax credit; and repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following resolutions:

SR 143 (Pr. No. 1370)

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of recreational water trails on local communities in this Commonwealth.

SR 202 (Pr. No. 1687)

A Resolution urging the oil and gas industry to utilize acid mine water in fracturing Marcellus Shale for natural gas extraction, whenever economically feasible and environmentally safe.

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

LEGISLATIVE LEAVE

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

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

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

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of September 21, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of September 21, 2011.

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

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

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

YEA-49

Alloway	Erickson	Orie	Vogel
Argall	Farnese	Piccola	Ward
Baker	Ferlo	Pileggi	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

The PRESIDENT. The Journal is approved.

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR MICHAEL L. WAUGH PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, Distinguished Young Women, formerly known as the Junior Miss program, is a nationwide scholarship program that recognizes outstanding young women for their academic achievements, their leadership abilities, and for their community service. Today, we are pleased to welcome Miss Carolyne Henry, Distinguished Young Woman of the Commonwealth of Pennsylvania.

Carolyne entered this program in York County, where she won the title and more than \$12,000 in scholarship money. She then won the State title and brought her total scholarships to over \$17,000.

Carolyne is a senior at Dallastown Area High School in York County. There, she is a member of the National Honor Society, the distinguished honor roll, and is in the top 3 percent of her class. She is grand champion of her high school science fair, which, I will tell you, if you have ever seen one of the Dallastown science fairs, being the grand champion is really saying something, because we have some outstanding and very accomplished young scientists at Dallastown.

She plays the violin in orchestra and serves as vice president of student council. Carolyne is actively involved in community service, and is an all-around role model for today's youth. Throughout the next year, she will represent our Commonwealth at many public events, and promote the Distinguished Young Women program's national outreach message of "Be Your Best Self." In June of 2012, she will travel to Mobile, Alabama, to compete for the title of Distinguished Young Woman of America.

Members of the Senate, I ask you to join me today and please welcome Miss Carolyne Henry, our Distinguished Young Woman of Pennsylvania.

Thank you, Mr. President.

(Applause.)

Ms. HENRY. Good afternoon. It is indeed my honor to stand before you today representing Pennsylvania as its Distinguished Young Woman, formerly called Junior Miss. The Distinguished Young Women program has a rich history on the local, State, and national levels. For 53 years, it has rewarded young women for academic excellence and community and school involvement. It has the support of businesses and people across the nation, and it is their generosity and encouragement that allows this quality program to continue across the United States.

You need to understand that becoming York and Pennsylvania's Distinguished Young Woman has made a most positive impact on my life. It has allowed me and countless other young women to showcase our talent, scholastic, and leadership skills. In York County alone, \$35,000 in scholarships has been awarded each year. Contestants participate in five areas of competition: scholastics, self-expression, interview, fitness, and my favorite, talent. The Distinguished Young Women program is all about discovering a well-rounded individual, which allowed me to show others what I had worked so hard to achieve my entire life. It does not get much better than that.

I have been able to share my love of the violin before a crowd of over 1,000 people, gained valuable interview experience, met some of the most dedicated and kind people from across our State, and I have been able to visit classrooms to share the Be Your Best Self message, which is a platform of the Distinguished Young Women program.

I have earned over \$18,000 to put toward furthering my education. Needless to say, my parents are pretty happy about that. In June, I will be proud to be able to represent the great Commonwealth of Pennsylvania as I compete in America's Distinguished Young Woman competition in Mobile, Alabama, where I can earn even more scholarship money.

I want you to know that I will do my best, knowing that all of you are back here in Pennsylvania cheering me on. Thank you for that. I also want to thank you for all the work you do here in our State. Thank you.

(Applause.)

GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, it is my pleasure to introduce two constituents from my district, John Kleinschmidt, and his wife, Diana Rudloff, who live in Pennsburg, Montgomery

County. John and Diana are here today because they contributed generously to win a basket at a nonprofit program called Open Line, and we want to thank them for their continued support. Parenthetically, I would like to say that I also have had the chance of working with John's brother, Chuck, at AT&T for many years.

Mr. President, please join me in welcoming John and Diana to the Senate today.

The PRESIDENT. Would the guests of Senator Mensch please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Mr. President, I have the honor and distinction to introduce to the Senate two registered nurses who are involved in medical care on a daily basis for children in the Commonwealth of Pennsylvania. They devote their time, training, and expertise to care for our most precious resources.

Kim Small lives in the Downingtown area and works for a facility in Valley Township in my district. Ms. Small won a visit with the Senator, so we had the opportunity to have her here, along with Mary Pat Winterhalter.

Mary Pat lives in Ardmore, and her practice facility is located in Senator Pileggi's district. They both devote countless hours to care for children, something each and every one of us hold dear.

I thank them for being here today. With the three committee meetings, I did not have a whole lot of time to chat with them, but my staff had a great time entertaining them and taking them on a tour of the Capitol. I sincerely appreciate all they do on behalf of our children, and I ask the Senate to give them our traditional warm welcome.

The PRESIDENT. Would the guests of Senator Rafferty please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

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

Senator SCHWANK. Mr. President, I am excited this afternoon to introduce a family of individuals from Berks County who include up-and-coming leaders and one leader who has really made a difference in Berks County. I will start with the mother of this trio first.

Kimberly Peterson Murphy is the president of the Berks Conservancy. She is working to protect land and connect people with nature in Berks County. Kim is rather modest and did not want a long introduction, but her signature project has been assessing the environmental quality in Berks County. She has made a difference there. I hope everyone will join me in welcoming Ms. Kim Murphy.

The PRESIDENT. Would the guest of Senator Schwank please rise.

(Applause.)

Senator SCHWANK. But, that is not all that she has done. She has two wonderful sons whom I am very proud to introduce. McQuillin Murphy is a 16-year-old junior at Tulpehocken Area High School in Bernville, Berks County. McQuillin is a representative to his gifted council and student council, as well as the ambassador for student council. He was also a 2011 ambassador for his school to the Hugh O'Brian Youth Leadership Conference. Quil is a member of his school's award-winning show choir, and he participates in a number of other extracurricular activities. He has traveled to Russia to represent Berks County in a youth philanthropy conference. In addition, he has traveled to Europe and China, as well as across the country with his family.

He is a member of Bausman Memorial United Church of Christ and lives with his twin brother, mother, and father in Jefferson Township, Berks County. He is very interested in politics and international relations, which he would like to pursue learning after high school. I would also like to note, Mr. President, that these individuals reside in Senator Folmer's district.

I would also like to introduce his twin brother, Carver Murphy, a 16-year-old junior at Tulpehocken Area High School in Bernville as well. Carver is also a representative to his student council, gifted council, and student treasurer of his high school chorus. Carver is a member of the Berks County Community Foundation Youth Advisory Committee. He has also traveled to Russia to represent Berks County, and he also resides in Jefferson Township with his twin brother. These two individuals are serving as guest Pages today, Mr. President.

The PRESIDENT. Would the guests of Senator Schwank please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR CHRISTINE M. TARTAGLIONE PRESENTED TO THE SENATE

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

Senator TARTAGLIONE. Mr. President, I have students and two teachers in the gallery today from the Pennsylvania School for the Deaf of Philadelphia. The teachers' names are Jesse Thomas and Julie Nift. Our students are Naima Boudreaux, Ayanna Bradham, Tajji Brown, Mark Gonzalez, Sacha Ramos, and Gixa Rodriguez.

Mr. President, I ask that the Senate give our guests its usual warm welcome. If we could sign, that would be very nice. That (indicating) means welcome.

The PRESIDENT. Would the guests of Senator Tartaglione please rise so that the Senate may give you its usual warm welcome.

(Applause in sign language.)

RECESS

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

Senator PILEGGI. 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, Senate Democrats will also meet for a caucus in the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Alloway, Senator Orié, Senator Piccola, and Senator Don White, and a legislative leave for Senator Greenleaf.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Boscola, Senator Kasunic, Senator Washington, and Senator Yudichak.

The PRESIDING OFFICER. Senator Pileggi requests temporary Capitol leaves for Senator Alloway, Senator Orié, Senator Piccola, and Senator Don White, and a legislative leave for Senator Greenleaf.

Senator Costa requests temporary Capitol leaves for Senator Boscola, Senator Kasunic, Senator Washington, and Senator Yudichak.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 290 (Pr. No. 2626) -- 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, in preliminary provisions, providing for adjustments based on Consumer Price Index relating to contracts and purchases; in sheriff and coroner, providing for chief deputy in counties of the second class, for deputies and clerks in counties of the second class and for public list of applicants for deputy sheriff in counties of the second class; and further providing for sheriff's employees and counties of the second class; in contracts, further regulating contracts and purchases; in grounds, property and buildings, further providing for separate specifications and contracts for certain items; and, in sports and exhibition authority, further providing for competition in award 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	Erickson	Orie	Vogel
Argall	Farnese	Piccola	Ward
Baker	Ferlo	Pileggi	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earl	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

Ordered, That the Secretary of the Senate 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

SB 367 (Pr. No. 1670) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for indigenous mineral resource development; and imposing powers and duties on the Department of General Services and the State System of Higher Education.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PILEGGI, on behalf of Senator D. WHITE, offered the following amendment No. A5730:

Amend Bill, page 1, lines 15 and 16, by striking out all of said lines

Amend Bill, page 2, line 15, by striking out "mineral"

Amend Bill, page 2, line 19, by inserting after "valuable":

coal, oil, natural gas, coal bed methane, limestone and

Amend Bill, page 2, line 21, by inserting after "to" where it occurs the second time:

coal, oil, natural gas, coal bed methane, limestone and

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

coal, oil, natural gas, coal bed methane, limestone and

Amend Bill, page 3, line 10, by striking out "of the mineral resources"

Amend Bill, page 3, line 19, by inserting after "to":

coal, oil, natural gas, coal bed methane, limestone or

Amend Bill, page 3, line 20, by striking out "mineral" where it occurs the second time

Amend Bill, page 3, line 23, by inserting after "the" where it occurs the second time:

coal, oil, natural gas, coal bed methane, limestone or

Amend Bill, page 3, line 29, by striking out "of the mineral resources" and inserting:

under this section

Amend Bill, page 4, line 6, by striking out "mineral"

Amend Bill, page 4, line 10, by inserting after "valuable":

coal, oil, natural gas, coal bed methane, limestone and

Amend Bill, page 4, lines 24 and 25, by striking out "of mineral" in line 24 and "resources exceeding" in line 25 and inserting:

under this act that exceeds

Amend Bill, page 5, line 25, by striking out "the first \$50,000,000" and inserting:

Twenty-five percent

Amend Bill, page 5, lines 27 through 29, by striking out "Fund; and" in line 27 and all of lines 28 and 29 and inserting: Fund.

(ii) Twenty-five percent of the payments or royalties shall be allocated to the Pennsylvania Infrastructure Investment Authority established under the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(iii) Twenty-five percent of the payments or royalties shall be allocated to the H2O program established under the act of July 9, 2008 (P.L.908, No.63), known as the H2O PA Act.

(iv) Twenty-five percent of the payments or royalties shall be deposited into the Oil and Gas Lease Fund.

Amend Bill, page 6, line 2, by striking out "mineral"

Amend Bill, page 6, line 12, by inserting after "the":

coal, oil, natural gas, coal bed methane, limestone or

Amend Bill, page 6, line 17, by inserting after "no":

coal, oil, natural gas, coal bed methane, limestone or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 405 and SB 444 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 469 (Pr. No. 1164) -- 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," providing for a short title; further providing for definitions; and making editorial changes.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Alloway	Erickson	Orie	Vogel
Argall	Farnese	Piccola	Ward
Baker	Ferlo	Pileggi	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earl	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

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

SB 595 (Pr. No. 1703) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate and for automated red light enforcement systems in first class cities; and providing for automated red light enforcement in certain cities.

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-35

Alloway	Erickson	Mensch	Ward
Argall	Farnese	Pileggi	Washington
Blake	Fontana	Rafferty	Waugh
Brewster	Greenleaf	Scarnati	White Donald
Browne	Hughes	Smucker	Williams
Brubaker	Kasunic	Solobay	Wozniak
Corman	Kitchen	Stack	Yaw
Costa	Leach	Tartaglione	Yudichak
Eichelberger	McIlhinney	Tomlinson	

NAY-14

Baker	Ferlo	Piccola	Vogel
Boscola	Folmer	Robbins	White Mary Jo
Dinniman	Gordner	Schwank	
Earll	Orie	Vance	

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 747 (Pr. No. 757) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; creating the Plumbing Contractors Licensure Account; and making an appropriation.

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-35

Alloway	Eichelberger	Kitchen	Stack
Argall	Erickson	Leach	Tartaglione
Blake	Farnese	McIlhinney	Tomlinson
Boscola	Ferlo	Mensch	Washington
Brewster	Fontana	Pileggi	White Donald
Browne	Gordner	Rafferty	Williams
Corman	Greenleaf	Scarnati	Wozniak
Costa	Hughes	Schwank	Yudichak
Dinniman	Kasunic	Solobay	

NAY-14

Baker	Orie	Vance	White Mary Jo
Brubaker	Piccola	Vogel	Yaw
Earll	Robbins	Ward	
Folmer	Smucker	Waugh	

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Kasunic has returned, and his temporary Capitol leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 887 (Pr. No. 903) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for disposition of abandoned personal property.

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	Erickson	Orie	Vogel
Argall	Farnese	Piccola	Ward
Baker	Ferlo	Pileggi	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 10, SB 86, HB 170, SB 338, SB 342, SB 349, SB 390 and SB 539 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 563 (Pr. No. 619) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motorcycle safety education program.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 628 (Pr. No. 1601) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, further providing for medical diagnosis; and providing for liability insurance.

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

BILLS OVER IN ORDER

HB 755, HB 816, HB 864, HB 869 and SB 920 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 954 (Pr. No. 1090) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under influence of alcohol or controlled substance.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1054, SB 1069, SB 1095, SB 1099, SB 1147, SB 1179, SB 1184 and HB 1203 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1220 (Pr. No. 1496) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record.

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

BILL OVER IN ORDER

HB 1458 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 1459 (Pr. No. 1765) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, in civil service, further providing for promotions.

Considered the second time and agreed to,

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

HB 1460 (Pr. No. 1766) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

Considered the second time and agreed to,

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

HB 1461 (Pr. No. 2625) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in functions of appointed officers and employees, further providing for appointments and incompatible offices; and, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

Considered the second time and agreed to,

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator ALLOWAY, from the Committee on Game and Fisheries, reported the following bills:

SB 1049 (Pr. No. 1717) (Amended)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for form and expiration of licenses; providing for license and permit packaging options; and further providing for expiration of licenses and permits.

SB 1066 (Pr. No. 1220)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of enforcement officers and for trespass on private property while hunting.

SB 1279 (Pr. No. 1634)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for provisions relating to disabled veterans and former prisoners of war.

HB 735 (Pr. No. 2093)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful acts concerning licenses.

HB 860 (Pr. No. 898)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in protection of property and persons, further providing for hunting or furtaking prohibited while under influence of alcohol or controlled substance and for chemical test to determine amount of alcohol.

HB 1417 (Pr. No. 2634) (Amended)

An Act amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault; in enforcement, further providing for interference with officers of the Pennsylvania Game Commission and of the Pennsylvania Fish and Boat Commission; providing for the offense of assaulting an officer; further providing for jurisdiction and penalties and for disposition of fines and penalties; and, in game or wildlife protection, further providing for killing game or wildlife to protect person, for unlawful importation of game or wildlife, for unlawful taking and possession of protected birds, for possession or interference with active nests or eggs of birds, for unlawful sale of protected birds and plumage and for hunting or furtaking prohibited while under influence of alcohol or controlled substance.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Iris M. Cintrn by Senators Argall, Boscola, and Mensch.

Congratulations of the Senate were extended to Duane Albert Gessner by Senator Brewster.

Congratulations of the Senate were extended to Dr. Amy S. Bower, Joseph Thomas Schmidt and to Robert S. Hayman, Jr., by Senator Browne.

Congratulations of the Senate were extended to Ryan Fulmer by Senator Erickson.

Congratulations of the Senate were extended to Dr. Julianne James by Senator Hughes.

Congratulations of the Senate were extended to Vivian Calhoun and to Ruth Magee by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. David L. Knepp by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Jess Arnone, Mr. and Mrs. Rex Smith, Anna Faye Fowler-Milvet, John E. Mariner and to the Lions Club of Waynesburg by Senator Solobay.

Congratulations of the Senate were extended to Mr. and Mrs. David Scholl by Senator Vance.

Congratulations of the Senate were extended to Carolyn Henry by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Stan Rathfon, Mr. and Mrs. Jim Weisel and to Mr. and Mrs. Carter Henry by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Charles E. Naugle, Jr., Mr. and Mrs. George Walko, Mr. and Mrs. Louis Fabina, Mr. and Mrs. Leo Barczak and to Mr. and Mrs. Sheldon Thomas by Senator Wozniak.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Dr. Thomas W. Mering was extended to the family by Senator Solobay.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 152, SB 413, SB 433, SB 477, SB 532, SB 878, SB 1004, SB 1019, SB 1049, SB 1066, SB 1092, SB 1183, SB 1200, SB 1228, SB 1276, SB 1279, HB 332, HB 333, HB 398, HB 608, HB 715, HB 735, HB 860, HB 1337, HB 1349, HB 1417 and HB 1441.

And said bills having been considered for the first time,

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS****WEDNESDAY OCTOBER 26, 2011**

9:30 A.M.	PUBLIC HEALTH AND WELFARE (public hearing concerning navigating possible changes in the western Pennsylvania healthcare delivery system)	Hrg. Rm. 1 North Off.
10:00 A.M.	FINANCE (to consider Senate Bills. No. 746, 1150, 1263 and 1267)	Room 8E-A East Wing
10:30 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 1310; and the nomination of William Ian Gabig to the Workers' Compensation Appeal Board)	Room 461 Main Capitol
Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 1100)	Rules Cmte. Conf. Rm.
Off the Floor	BANKING AND INSURANCE (to consider House Bill No. 424)	Rules Cmte. Conf. Rm.

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 286; and certain executive nominations)	Rules Cmte. Conf. Rm.
<u>MONDAY, OCTOBER 31, 2011</u>		
12:00 P.M.	LEGISLATIVE REAPPORTIONMENT COMMISSION (Public Administration Hearing to adopt the Preliminary Plan for General Assembly redistricting)	Hrg. Rm. 1 North Off.
<u>TUESDAY, NOVEMBER 1, 2011</u>		
9:00 A.M.	EDUCATION (public hearing on Special Education Funding and Accountability)	Hrg. Rm. 1 North Off.
9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on eHealth Collaborative)	Room 8E-A East Wing
<u>WEDNESDAY, NOVEMBER 2, 2011</u>		
10:30 A.M.	AGING AND YOUTH (Aging Out of the Foster Care System)	Uni. of PA Terrace Rm. Claudia Cohen Hall, 249 S. 36th St., Phila., PA
<u>THURSDAY, NOVEMBER 3, 2011</u>		
1:00 P.M.	APPROPRIATIONS (public hearing to consider the impact of FY 2011-2012 General Appropriations Act and other various topics)	Millersville Uni., Student Memorial Ctr., 21 S. George St., Millersville, PA
<u>TUESDAY, NOVEMBER 15, 2011</u>		
10:00 A.M.	COMMUNICATIONS AND TECHNOLOGY and CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (joint public hearing on Act 183)	Hrg. Rm. 1 North Off.
<u>THURSDAY, NOVEMBER 17, 2011</u>		
9:30 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT and LOCAL GOVERNMENT (joint hearing with the House Local Government and House Urban Affairs Committees to continue discussion on Act 47 and the impact on local government, businesses, communities and labor)	Room 140 House Maj. Caucus Rm.
<u>WEDNESDAY, DECEMBER 7, 2011</u>		
9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing to review the OIT Strategic Plan)	Room 8E-A East Wing

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, I had the honor this week of having a Mass said in honor of my dear father, Michael Stack, Jr., at Saint Patrick's Cathedral in Harrisburg. It was offered by my friend and colleague, also the President of the Senate, Lieu-

tenant Governor Jim Cawley, and I want to thank him for offering it on behalf of my dad. Saint Patrick's Cathedral is a beautiful church in Harrisburg. It is the cathedral, and a little further down on State Street they also have a chapel, which is a gorgeous church. So I want to put in that plug for Harrisburg. Bishop McFadden, whom I know from when he served in Philadelphia, is now in Harrisburg, so it is great to have that connection.

Over the past several months, I also appreciated all the good wishes of my Senate colleagues upon the loss of my dad, Michael J. Stack, Jr., who was married to my mom for 53 years. He was the proud father of 5 kids and 11 grandchildren. He was an Army veteran who served in the occupying Army in Europe. Needless to say, he was a distinguished attorney, a former State Deputy Attorney General, a trustee on the Board of Prisons, served as General Counsel for the Philadelphia Parking Authority, taught at Georgetown University Law School, and served in the Johnson administration, but, most importantly, he was my most trusted advisor, role model, and mentor.

He was the Democratic Ward Leader of the 58th Ward in northeast Philadelphia, and he served in that capacity for 37 years. A couple of years ago he said to me, I think it would be good for you to take over as Ward Leader of the 58th Ward in addition to being a Senator. And I said to my father, have I not been a good enough son to you? Why would you do this to me? In any event, I now serve in that capacity, and I am carrying on my dad's legacy.

Over the weekend, I also had the sad occasion to say goodbye to one of my most favorite aunts in the world, and that was my aunt Maureen Rowley. She attended La Salle University and Temple Law School, and she was a former chief Federal public defender. At a very early age, she was involved with Women Against Abuse, and she essentially became one of the founders of the Federal Defender's Office. In her career, I got a chance to watch her get several wrongly accused people off of death row. It is one of the reasons that she has inspired me to carry on with a piece of legislation that I have introduced which creates the Innocence Review Commission.

The Innocence Review Commission, Senate Bill No. 759, what the bill essentially does is, we are finding out more and more in this country that people who are on death row not only should they not be on death row for the crime of which they have been accused, but they are innocent of all crimes. There are a lot of advancements being made in DNA and other kinds of evidence that we should look into, and we have the same problem in this State as in many other States, where we have a lot of folks on death row who should not be. So, what I am proposing through the Innocence Review Commission is -- it is not an automatic appeal of death sentences. Essentially, it just gives the Supreme Court and the Superior Court of Pennsylvania the right to review these cases, should they decide that there are issues worthy of review. Then to order the next step, through a commission, whether the issue of fact of whether there is a guilt or innocence issue should be reconsidered. Eventually, this commission would have the right to decide whether people are not guilty of a crime and should be not only taken off of death row, but released.

I think that is the least we can do in this country. When we are about fairness, when we are about humanity, we should be able to take a look at areas where people who are unjustly accused have a chance to be vindicated and set free. I have a number of

cosponsors, Mr. President. I am going to be circulating my cosponsor memo again, and I would certainly hope that Members would agree. It is not a Republican or Democratic issue, it is an issue of justice. What reminded me of it was being at the Abington Friends Meeting House to say goodbye to my Aunt Maureen and seeing just throngs of folks, many of them prosecutors, the United States Attorney was there, many of them defenders, but all of them defenders of justice. That is how I want to remember my aunt Maureen and have her legacy live on as a defender of justice. I think as Members of the Senate, we need to be defenders of justice. She set that role model for all of us, and in the next year and the rest of my career and my life, I hope to follow that kind of example and that kind of legacy.

Thank you, Mr. President.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF DIRECTORS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

October 25, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Timothy R. Therein, 51 West College Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2017, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

October 25, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William M. Mohler, 1205 Fieldcrest Drive, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, October 26, 2011, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:29 p.m., Eastern Daylight Saving Time.