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TUESDAY, OCTOBER 7, 2014

SESSION OF 2014 198TH OF THE GENERAL ASSEMBLY

No. 54

SENATE

TUESDAY, October 7, 2014

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

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

PRAYER

The Chaplain, Reverend J. THOMAS SHELLEY, York County Lodge No. 73, F.O.P., York, offered the following prayer:

Let us pray.

Almighty and everlasting God, You reign order out of chaos, light out of darkness, and life out of the dust of the earth. On the 7th day of October, people who call themselves Lutheran in Pennsylvania and worldwide give thanks for the faithful witness of Your servant Henry Melchior Muhlenberg, who brought order out of the chaos to the German Lutheran immigrants of the Pennsylvania colony in the 18th century, bringing about a system of church governance and accountability that became a model for generations to come. We also thank You for the faithful service rendered by this pioneer's son, John Peter Muhlenberg, who donned the uniform of the Continental Army serving under General Washington and bringing forth this new nation in her conception in liberty. We thank You for the faithful witness of those who have served You in every age, those who fought the battle of Lepanto to secure the Holy Lands six centuries ago. Especially for the ultimate witness of the martyrs Sergius and Bacchus, the great martyrs of Syria. Pray for peace in those troubled lands, pray for peace in our own lands, peace in our homes, and above all, peace in our hearts. Praying in the name of the Prince of Peace and the faithful witness, Christ our Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Shelley, who is the guest today of Senator Wagner.

PLEDGE OF ALLEGIANCE

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

BILL INTRODUCED AND REFERRED

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

October 7, 2014

Senators BLAKE, ALLOWAY, SMITH, EICHELBERGER, MENSCH, GREENLEAF, FONTANA, RAFFERTY, SCHWANK, COSTA, WHITE, ERICKSON, VULAKOVICH, YUDICHAK, FOLMER, HUGHES, BAKER, SOLOBAY and TARTAGLIONE presented to the Chair **SB 1494**, entitled:

An Act establishing the Pennsylvania Military Community Enhancement Commission; and providing for its powers and duties.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 7, 2014.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

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

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HB 500, 2349, and 2507 -- Committee on Veterans Affairs and Emergency Preparedness.

HB 1091, 1243, 2102, 2383, 2384, 2464 and 2465 -- Committee on Judiciary.

HB 1207 -- Committee on Finance.

HB 2272, 2409 and 2428 -- Committee on Transportation.

HB 2471 -- Committee on Banking and Insurance.

HB 2481 -- Committee on State Government.

BILL REPORTED FROM COMMITTEE

Senator ARGALL, from the Committee on Urban Affairs and Housing, reported the following bill:

SB 1302 (Pr. No. 2368) (Amended)

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in creation, alteration and termination of planned communities, further providing for voting and proxies.

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 Yudichak.

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of June 30, 2014, is now in print.

The Clerk proceeded to read the Journal of the Session of June 30, 2014.

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-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS CEREMONY HONORING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, before I begin my remarks, I want to make a historical note. Some time ago when I went to our Secretary of the Senate and asked about the prospects of honoring a very good friend, the retiring Speaker of the House, what the protocol was. She did her work, did her research, and found there was really not a protocol. I felt that many of us in this Chamber, including myself, want to take an opportunity to not only honor the retiring Speaker of the House, but put in place a protocol for somebody who is a fine individual here in the Capitol. So with that, I will begin my remarks.

Many years ago when I first met Sam, I can tell you he did look younger, he did look slimmer, and I believe he did get more

sleep. With all that said, he was simply Sam from Punxsutawney. Over the years, a relationship that was purely political became a relationship of friendship. Watching Sam over these years grow into his job has been a learning experience not only for myself, but I believe a learning experience for anybody else who has observed. As we know, he has served 27 years for the Commonwealth. Prior to becoming Speaker in 2011, he was a Member of House Leadership for 10 years. In 2000, his colleagues elected him Majority Whip, and from 2003 to 2010, Sam served as Leader of that Caucus.

His thoughtful, unassuming, and methodical approach to issues and confrontation is a refreshing lesson in that we can all disagree, but disagree in a civil manner. Sam has truly exemplified that. Sam has been a champion for numerous legislative initiatives and, undoubtedly, the father of educational block grants in Pennsylvania, which provide a strong funding source to allow public schools flexibility and accountability. He has made public education in Pennsylvania much better because of that.

My entry into politics and eventually winning the seat in this Chamber is largely, if not entirely, the work of Sam Smith. Some of you may praise him for that, and some of you may criticize him for that. It was Sam who, in very difficult times in the 25th Senatorial District, came forward and had a plan that not only I think saved the Republican Party that year in that district, but truly had an innovative way of bringing an independent candidate into the Senate. He developed an early strategy and on election night, not knowing whether I had won or lost, and truly we did not know whether I had won or lost until the last two precincts came in from Potter County, but winning by 197 votes. That is not the issue. The issue is Sam made the trip to Brockway to spend that night with myself, my family, and my friends not knowing if I had won or lost. We all know that many people only show up when you win. He was there because he is a friend.

One of my most memorable life experiences will always be sharing an apartment with Sam. Many of you have heard me speak in terms of "The Odd Couple," such as Oscar Madison and Felix Ungar, and I will let you figure out who was who, but I can tell you that whatever you heard, it is true. Spending time with Sam outside the busy halls and offices of this building, or a noisy restaurant downtown, really gave me a personal insight into Sam's beliefs and his personal life. Sam's strong Christian beliefs have been the backbone of his success and his demeanor. He has a deep belief in God and has been a shining example of how daily prayer and living a good life in the eyes of God bring many blessings. I think we will all agree he has truly been blessed. During Sam's career, he has been a leading and strong voice for not only his district, which I share, but all of rural Pennsylvania. Speaking on behalf of those rural beliefs and those rural issues, he has been a strong, true leader.

Today, I am honored to have him on the floor of the Senate to recognize his outstanding achievements, his life, and his retirement as Speaker of the House. Sam, I truly wish you many good years of health and God's blessings as you return back to Punxsutawney as simply Sam. God bless.

(Applause.)

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

Senator PILEGGI. Mr. President, I would like to briefly make some additional remarks and thank Senator Scarnati for beginning a tradition with a special person, Sam Smith. I think it is a

great opportunity to have the Speaker of the House here on the floor of the Senate and to say some kind words about him that are deeply felt. I want to personally congratulate Sam for 28 years of faithful service to the people in his district but also to the people of the Commonwealth of Pennsylvania. On a personal note, I want to thank you publicly for what you did 7 years ago when I was first elected Leader. You were an experienced Leader, an experienced legislator, and you were courteous, patient, helpful, and you did not have to be. I very much appreciate that and I want to publicly thank you for that.

Last week someone sent me a book that I opened this weekend and started to read. It is called "Good to Great," and the author is Jim Collins. It was a bestseller in 2001, which is a little bit dated, but it is still a good book. And what Collins did in that book was go around to the companies he thought were great and did an exhaustive amount of research to try to figure out why they were great and not just good. What he found was that there were leaders in those companies who made them great rather than just good. The description of those leaders were that they were humble and modest, they were quiet but with an inner intensity and unwavering resolve, they were comfortable not being in the spotlight, they were devoted to the organization rather than themselves, and that they were always looking forward to the organization's future. Reading those words in that book, I could not help but think of Sam Smith. I watched him lead a diverse and large organization, the House of Representatives here in Pennsylvania. He has done it with a skill and a style that has allowed him to remain not only respected by Members of the House and the Senate, but many of us consider him a personal friend as well from those experiences that we have had with him. So, I want to, again, offer my congratulations and best wishes to Sam on his retirement.

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

Senator WHITE. Mr. President, it is tough to follow those good remarks. Mine are a little more personal. I had heard of Sam Smith back in my region, his mug was in the paper all the time so you could not help but know who he was, but I had never met the man. In January of 2000, the same year that Joe was running, I had made up my mind that I was not going to run unless I had the endorsement of Sam Smith. So, it was a cold January morning and I drove up there, and I find out afterwards that he was sitting there in his office thinking that if this jerk comes up here with a coat and tie, it is 10 degrees out, snow is up to our butts, I will have no respect for him. So luckily, I chose a parka and jeans. We sat down and talked for an hour. I did say I would not run unless he felt I was capable. Now, here he was taking some guy who never so much as went to a Republican committee meeting or rally or anything other than voting Republican all his life. He worked hard for me in that race. Joe mentioned in his remarks that he spent time in Brockway that night. Well, he also spent time in Indiana that night at my campaign headquarters, following Joe, following his House races, and was there to share the moment with Joe and myself. He has given me invaluable advice. His phone calls during the campaign picked me up when I was feeling down and he always knew that I was maybe a little bit of an emotional wreck, needed some guidance, and needed to be pulled back every once in a while.

Over these 14 years, I could not have asked for a better friend. We shared highs and lows. He has been there with me personally

on some of my own personal issues. He has given me special handling. I have adored what he has done in the House, and especially his work recruiting great people for the House, especially in my area, people like Jeff Pyle, Donna Oberlander, and especially a protege of his who I think has big things in store, Dave Reed. I am proud of what he has done there.

Joe talked about his election and how he had a nail-biter. Well, we both ran at that time and neither one of us was expected to win. I had to fight against a 17-year county commissioner who was anointed by my predecessor. Joe went up against a felon with an ankle bracelet, but he managed to win, and he credits that to Sam. To this day, I would like to remind Senator Scarnati that he came here the same year, and tabulated on votes, I have seniority on our pro tempore.

To think that Sam and Joe came from little Jefferson County is truly an amazing fact. Sam is Sam, and I am very proud of what he has accomplished, and out of respect I will always consider him a foxhole buddy. Punxsutawney is only 28 miles away, it is my hometown too. You are a foxhole buddy for life, captain, my captain. Thank you.

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

Senator ARGALL. Mr. President, Mr. Speaker, this is the first time I have been able to put those two words together. Sam, you will probably not be surprised to learn that for the last 5 years, I stand here and I frequently say "Mr. Speaker." and the rest of them laugh, so, it is nice to be able to do this today. Senator Scarnati, thank you for beginning this historic tradition. I think it is very much in order.

I was pleased, when Sam was Leader, to sit next to him for 4 years in the House. I will tell you that during those 4 years, I learned more from Sam about Pennsylvania government and politics than I did in many of my graduate school classes. If I know Sam and Tony Aliano as well as I do, right now they are thinking, yeah, but you still did not learn enough, and you are probably correct. Certainly, Senator Scarnati had mentioned his work in rural education. I also well remember his work rolling up his sleeves as the prime sponsor of the Growing Greener initiative and now, today, we all give speeches about what a wonderful program that is and how it has helped communities with acid mine drainage and fixing up State parks and State forests. We cannot imagine that anyone could be against it. Sam will tell you that on that day, there were a lot of people against it as we fought off amendment after amendment after amendment, but he never lost his cool. As I said, he was not afraid to roll up his sleeves on the tough issues. Just as in the last year, he was willing to do it for bridges and road funding, not just in his district, but in communities large and small all across Pennsylvania.

So, as an old House guy and a friend, I am very pleased to congratulate Sam on many years of good service. He served his district well and he made a difference in Pennsylvania. What more can you ask for? I do not know what the future brings to the gentleman from Punxsutawney, but I wish him all the best.

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

Senator HUTCHINSON. Mr. President, thank you, colleagues, for allowing me this opportunity to say a few words about Speaker Smith. Although I did not serve in the House the longest of any Senator who served with Sam, I did serve a longer period with him as Speaker. Allow me to share a few prepared

remarks that I put together. I actually put a title on my remarks. I call it, "Sam Smith: From Rebel to Statesman."

Mr. President, when I was first elected to the General Assembly, I had the privilege of having Sam there to help me as a freshman legislator when I was learning the ropes of State government. His insight and experience were invaluable. He exhibited practicality and common sense, and he was a man of deep faith. I came to the House as a very naive 31-year-old. Sam had been in the House for several terms and he was from rural northwestern Pennsylvania, so we had a lot of common issues and a lot of common viewpoints and we were invited to a lot of those same regional kind of meetings and events back near home, so we crossed paths often. We also had, what is really nostalgic for me, or they were infamous, Wednesday morning coffee sessions here in the Capitol each Wednesday morning. A whole group of us really bonded through those and ended up getting cups with our names on it. It was a neat thing. It was a great group.

Sam provided invaluable help to me, especially with the amendment process. Back then, when I first came, we were in the Minority and that was really the only way we could get things done. That was back in the days when, quite frankly, everything of import seemed to be done in the Administrative Code and done in the sine die Session, and Sam really helped guide me through that process. I might add he did introduce me to Steve MacNett and Senator Robbins, and betwixt us all, we were able to do some stuff back then.

Representative Smith had a particular guidance to me on natural resources legislation. He was an expert in dealing with coal mining. He has several bills in that arena, but he also helped me immensely with oil and gas legislation, and that was very, very important to me and continues to be important to me to this day, and I appreciated his help very much. More than any other skill that Sam Smith has, he has the ability to count votes. That is a reflection on his knowing the idiosyncrasies and priorities of each and every Member; and folks, that takes a lot of hard work. It takes a lot of insight, and Sam has that. It is a skill that made him an effective legislator and it is a skill that helped him climb the Leadership ranks.

I think I speak for a lot of folks when I say that as I grow older and mature, there is a satisfaction not just in our achievements, but as time goes on, more importantly to see others succeed. There is a sense of satisfaction there. Over the years, as I grew and spent more time here as a legislator, my respect for Sam grew even more, because I particularly remember the times when he stood steady as a rock when some very critical things were happening in the House and he was in Leadership. That was not an easy thing to do, but my respect for Sam just went through the roof at that time. To his credit, Sam weathered many, many trials and storms and he always did it with style. I might add that from time to time, part of those storms were, I was part of them, obviously, but he dealt with that, too.

For my colleagues here in the Senate who never had the opportunity to serve in the House, let me tell you, that Chamber can be much more raucous and the proceedings can be very vocal and the emotions are very raw, and there was a day that Sam was part of that raucousness, both in caucus as well as on the floor. But over the years he has mellowed into a relaxed, confident, and controlled demeanor. It has been gratifying to watch him grow in his abilities to very ably project the dignity of the House and the dignity of the Speaker's office, and now as I witness on PCN,

there is a Speaker Smith who has a palpable comfort zone when he is presiding. That comfort allows him to strategically display either firmness or a quickness of wit whenever that is appropriate.

Speaker Smith, you will be missed by your colleagues, but more so by your constituents. I think nobody is prouder of their hometown than Sam Smith. He vigorously defended the only true weather prognosticator, Punxsutawney Phil, even though one time he did let it slip on the floor that he had fond memories of his father shooting groundhogs out the window of his car. So, Sam, please accept my best wishes for a long, happy retirement, and may God bless you in your journey.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, Mr. Speaker, welcome. I think this is great that we are doing this. We have not done this very often for Speakers who are retiring. I think it is quite appropriate.

People might not know that 14 years ago, we in the Senate Republican Caucus recruited the Speaker with a lot of excitement and vigor to try to get him to run for the Senate. He decided, no, after a long courtship it was something that he did not want to do, he wanted to stay in the House, and I am sure right now that the President pro tempore wishes he had run for the Senate instead of getting the Senator from Indiana County that we got 14 years ago. Anyway, maybe it worked out best for all parties.

Speaker Smith and I have something in common. We are both legacies. The Speaker and I both benefitted tremendously in our personal lives but also in our political lives because we had fathers who were not only public servants but great public servants. I remember, I was fortunate enough to be friends with the Speaker prior to coming to the Senate and running for Senate. I sought him out for advice about running as a legacy, and his advice to me was a good one, not only as a candidate but as a public servant, which was, do not ever give off a sense of entitlement. Give off a sense that you are willing to work hard to earn your position not only as a candidate, but then hopefully as a Senator to work to get things accomplished. It is probably good advice no matter who you are, but particularly as a legacy, where most people think that you feel like you have a sense of entitlement to come to this position because your father had it before you, and that was exactly the opposite case. President Bush actually said to me once, when you run for a seat that your father once held, that you inherit half of their friends and all of their enemies. So it can be a challenge at times. We both benefitted tremendously because both of our fathers were great public servants, and I think that the public gave us the benefit of the doubt when we sought out election ourselves.

When I first got into Leadership as chairman of the Committee on Appropriations in 2009, that was the rather long, lengthy budget battle with Governor Rendell, which dragged on until November. Even though the Speaker was the Minority Leader at the time, they had a significant impact in that debate. By them holding steady as one Caucus, strong, and preventing the other side the votes to pass a personal income tax that the Governor wanted at the time, that did not give them the ability to pass over there, which would have put a lot of pressure on us as we were fighting that same battle. The Speaker, as the Senator from Venango said, held that Caucus together as one, and even though

he was Minority Leader, he had a tremendous impact on the outcome of that budget battle.

I have enjoyed our Leadership meetings over the last 4 years. The Speaker has an interesting style. Those meetings can get contentious at the times. I cannot remember once that you and I actually battled it out, but he has a steady hand and a patient hand, things that I need to learn at times. He has served his Caucus and served the House well. When you retire, people always ask about your legacies, and it is hard to define what a legacy is or may not be. Pennsylvania has had a rich tradition of outstanding Speakers. All the way back to the beginning of Pennsylvania's founding, we have had tremendous Speakers. Unfortunately, before Sam got there, the Speakership in the House came under some scandal, and I think that if Sam Smith has a legacy, it is that he brought dignity and respect back to that position. On behalf of all Pennsylvanians, Mr. Speaker, I thank you for that.

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

Senator VULAKOVICH. Mr. President, Mr. Speaker, I certainly want to congratulate you on all of your years of service. Public service is a great thing. It fills your heart with warmth when you think about all of the people that you helped. We go through an embattlement where people criticize us for a lot of things that we do. We make some mistakes. But when you really think about all of the good things we have done and the people we have helped, I think, as the good nuns used to tell us, you built your treasure chest up in heaven. So I think you need to keep that in mind.

A little levity here: on your path over to this hall today, I want to congratulate you on making the movement from the darkness into the light, and I am glad to be part of that. In going back to me, I started in 2007 and it was a year with 50 new freshmen between the Democrats and Republicans, and it was a year of a lot of younger people coming on, a lot of different ideas, and it was a little hectic, but I enjoyed myself immensely. The person whom I respected the most was Representative Rick Cessar, he was a policeman like I was, but he was there when I was just a little tot and he was the guy who gave us a little boot to the pants when we did not do what we were supposed to do in our local community. He said to me, when you get to Harrisburg, watch closely, keep your mouth shut for a while, and try to follow Sam Smith, because he knows more about how the workings go than anybody else. So stick with him. And I took that to heart.

Senator Hutchinson brought up about the floor over in the House, which is unique, and you noticed the whole time we were all talking, that gavel was not hit once. That is amazing because over in the House we would have heard it probably two dozen times already. It is the difference between the House and the Senate, but that is just the way it is. I want to comment on this: there were times when I would sit back and listen to some of the speeches from certain people and think, why does he not gavel them or just cut them off or something? But I noticed a quality in you where you never wanted to embarrass anyone. You really worked so hard not to embarrass someone and you gave them that little stretch, you gave them as many warnings as you had to give, and even then you tried to make it so that they could sit down with a little bit of dignity even after they went too far. That is a quality in a person when you work with 203 people.

So, I thank you for my experience in the House, which, you know, I am happy over here, but I do miss the House. I do.

Sometimes you sit around and you just shake your head and it is 9 o'clock, it is 10 o'clock, it is 11 o'clock, and you are getting pretty tired, but I have to admire you for how you handled being Speaker because I really admired the way that you treated people and gave them their time to get their point across. That is an important attribute. So, I wish you all of the best of luck with your family, enjoy yourself, you will not get beat up as much now, and God bless you.

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

Senator TOMLINSON. Mr. President, I think it is interesting, other than Senator Pileggi, I am the only one from the southeast to stand up and say a good word about you. I saw all of these rural, central Pennsylvania, Senator Don White--and Senator Scarnati, I did not know Sam Smith was responsible for your landslide victory that year. We used to call him landslide Joe with that great victory. You were the roommate of Senator Heckler, Judge Heckler, DA Heckler, who came up here last night to pay respects to you for your retirement. Most people do not know that you shared an office, your desks were side by side. When I would go in to take counsel from Senator Heckler, I had to listen to you at the same time. Senator Heckler could bluster a little bit and was a little bit full of his opinion, and you would do the same. So I got great tutelage.

When I came here in 1990, you were the old guard. I was just the young pup and you were the old guard. I would say that someone from the southeast who was part of the Sam Smith caucus for a little while there, when we had the Sam Smith caucus, it was a great thing to sit down with people from different parts of the State and share what our interests were, share our personal points of view, our political points of view, share what was interesting to each of us, because we do come from a very diverse State. Sam, you did a great job as Speaker and you did a wonderful job as a representative for your district. You honored your district by your service. You succeeded your father, and together you two served 52 years in this institution, which I think is a remarkable and wonderful thing.

I think the thing I respect most about you is that you respected my difference of opinion. When I disagreed with you, you gave respect to that. When you disagreed with me, I respected that opinion. I think that is what really makes us work. I go out and speak to high school kids around my district and they say, what is one of the most important things you have to have to be a Senator? I say, you have to have respect for other people, you have to have people skills, you have to be able to communicate with people, and you have to understand what their needs are. You took those skills on into the Speakership, and took those competing interests, those diverging differences, you somehow melded them together, realized that everybody has to have some kind of win in these compromises, and if we do not get a compromise, we do not get anywhere. So, from those early years with you and Senator Heckler in that office listening to you two banter back and forth, to early days on the House floor with you, Senator Vance, Senator Gerlach, Senator Dent, and Senator Uliana, that was our year, the 1990-year.

You were a great mentor because you were there so much longer than I was, 4 years, but thank you, Sam. Thank you for not only representing your district, but representing the people of Pennsylvania, taking diverging interests, making them work, listening to people, and doing the best job that you could for the

Commonwealth. It was truly a pleasure and an honor to serve with you and watch you as Speaker of the House.

Thank you, Sam. Good luck and God bless you.

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

Senator COSTA. Mr. President, on behalf of my colleagues, I, too, rise and congratulate my friend, Sam Smith, Speaker of the House. Just a few moments ago, I was reminded by my good friend, Senator Yudichak, that when he first appeared in the House of Representatives he was provided with some great advice from then Majority Leader Smith. The advice was, young man, if you have remarks, submit them for the record and you will go a long way. So, that being said, Sam, I am going to provide my remarks for the record, as you counseled Senator Yudichak to that end.

Before I conclude, and there are three pages of remarks that I think summarize basically what so many folks have said here today, I can share a personal experience as well. When I started, back around 2007-08, and began to get engaged in those Leadership discussions that were centered around the smaller group of folks getting together, whether it would be at the Governor's residence, or even different meetings in the Governor's Office, my first foray into those very limited, in terms of numbers, folks who were engaged in those final budget discussions or policy issues, Sam and I sat in a similar seat. We were both Minority Leaders, and I can say to folks here that to me, he was somebody who made certain that the role that I played, representing the Minority Caucus I should say, he did not allow us to get stepped on. He made certain that our conversations and as things went forward we were included in those conversations and our voice, the voice of our Senate Democratic Caucus, was heard. He did it in a respectful way, but most importantly, made certain that our views were a part of the conversation that was taking place even while others in that room were sort of looking past us, thinking that our views were not important and did not need to be part of that conversation. So, Sam, thank you for that early support and that effort along those lines.

Over the course of the years I have had a chance to talk to Sam from time to time about governing and leading, and he has been an outstanding Leader in that respect. I want to say thank you for that advice that you provided to me. It is the things that folks have talked about. It is your ability and willingness to work with folks to reach a compromise, and as Senator Tomlinson just said, working to make sure that everybody felt that they had success in that conversation and in that compromise, because that is what makes a good compromise, folks knowing that we did something that was worthy of being done but was crafted in a way that folks felt comfortable moving and advancing it in a bipartisan, bicameral way. That was important. Also, your relationships with so many folks in this room, working to keep Members on both sides of the aisle together, conversing, and being part of a General Assembly, one General Assembly where we were all working in the same direction. I applaud you for that. I also applaud you for the manner and the way that you upheld the history of this institution and you view it as an institution, and that it should not be harmed as we go forward. I applaud you for all of your leadership along those lines.

I would be remiss, however, if I did not touch upon something that I noticed in the last couple of years of your tenure here in Harrisburg. I have come to learn, as a co-coach with you in the

Hunger Games, as we call it, the charitable softball games that we have done east versus west, Yinz versus Youse, your ability to manage a team of 35 players and make certain that everybody has an opportunity to participate in the games and have an opportunity to be part of that conversation and that fun that we had when we were working along with so many of our colleagues to raise money for hunger programs and organizations around the Commonwealth. So, Sam, you will leave this General Assembly with a 1.000 winning percentage of a manager of the western team, the Yinz. I want to congratulate Sam, and, quite frankly, I thought he did an outstanding job as Speaker making sure that we had that type of engagement, I think was very, very important. So Sam, congratulations along those lines.

Finally, I would be remiss if I did not talk a little bit about some of the things we started a couple of years ago, and how we talked about issues in the General Assembly. Sam was in the forefront of helping us craft work that allowed Members to appreciate who we are as a Caucus, as a General Assembly, and as a Chamber. The historical perspective of how we started, when we did work with the folks from Temple and other organizations, to remind Members of different issues, where we come from, where we are today, and how we deal with those challenges. Sam, along with Senator Pileggi and Senator Scarnati, were at the forefront of making certain we had those what I will call training sessions for new Members, but also other opportunities to begin to have dialogue on very, very important issues outside this building in a bipartisan, bicameral way. That type of learning environment was helpful for the Members, I believe, and something, quite frankly, that I look forward to reinstating a little bit more next year as we begin with a new class of legislators both here in the Senate, and also in the House, to remind us of who we are, remind us where we come from, and, most importantly, remind us what our job is of being elected officials, representatives of the people we represent in our community.

So, Sam, my best to you. Congratulations on a job well done. Pennsylvania is a better place because of your participation in this General Assembly.

Thank you, Mr. President.

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

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

Mr. President, I rise today to say a few words about House Speaker Sam Smith, who is retiring this year after an illustrious career in service to the people of Jefferson County, the citizens of Pennsylvania, and the Members of the State House of Representatives. Sam is completing his 14th term in the House and has served the last couple of terms as Speaker. There is no question that Speaker Sam Smith will be missed. In fact, I will personally miss Sam because I know he brought well-grounded sensibilities and a firm foundation to the many discussions that we had as Leaders. In the midst of roiling, troubled waters, Sam has been a calming influence and exhibited the type of leadership that makes a difference. But, let us not be confused: Sam and I often disagree strongly. I often thought that he and his Caucus were taking the wrong approach to an issue, just as he likely thought that my position was wrong.

While I often disagreed with him on a multitude of issues, Sam has never been disagreeable with me or with others in our Caucus. He possesses the kind of level-headed common sense that we need more of here in Harrisburg.

Sam and his father, "Snuffy," have represented Jefferson County since 1963. For their constituents, they have been rocks - solid, forceful, and strong. They have delivered time and again for their constituents and established long and distinguished careers. Because Sam's political roots run deep, he knows more about politics and issues than most. Just like the famous groundhog, Sam was born and raised in Punxsutawney. But, unlike the groundhog who tells us weather forecasts, Sam was able to tell us how a Leader should act. Sam was such a strong Leader because he exhibited more than a good understanding of what it takes to manage issues. Sam Smith rose to be Speaker of the House of Representatives because he knows people and he cares about them. He cares for his Members and he recognizes the long history of the Chamber and its place as an institution. There have been many Speakers of the State House, but few who have left a legacy for fairness and equity that approaches the level set by Sam Smith. He will be well-remembered for standing strong and resolute.

While Sam Smith is moving on to other challenges, his contributions will not be forgotten. As he opens another door and takes on new projects, let us make sure that we continue to open our doors to Sam. He is welcomed here because he is among friends. On behalf of the Senate Democratic Caucus, I wish Sam and his family the very best. He has been an outstanding public servant who has made this world, his world, a better place. Thank you.

The PRESIDENT. Well, in the annals of everything that has been said, but not everyone has said it yet, comes my meager offering. I never had the opportunity to serve with Speaker Smith in the House, despite my best efforts. I do remember meeting Sam Smith for the first time, essentially in a car with my then-boss Senator Tomlinson, and we were either on our way to Hershey or coming back from Hershey. I know this might shock some of you, but as a younger man, I was a wee bit egotistical. I was a little full of myself. I know that is shocking. But, I got up my courage and I said, Representative, I am Jim Cawley from Senator Tomlinson's office and it is so great to meet you. And he looked at me and said, yeah, I know. I was absolutely deflated.

But after years of therapy, it occurred to me that what Sam was trying to convey was that in this business it is important for us to be genuine. It is important for us to be honest. It is important for us to be direct. So Sam, here is direct: you have been one hell of a public servant. You have served with honor, you have served with integrity, you have served with dignity, and you have served with compassion. You have done what everybody in this room hopes that someday can be said of them. You have made a difference for the people whom you represent and for the people of Pennsylvania. Your legacy will live long after these words have faded. God bless you, sir, and congratulations.

Now, it is my pleasure to invite to the podium the Speaker of the House of Representatives, Sam Smith.

(Applause.)

Speaker SMITH. Thank you. I told Senator Scarnati I wore a suit because he does not like to see me in a sport coat and I am a sport coat kind of guy, but he is a suit guy. So, I wore a suit. What I did not know was that I needed my hip waders as well. It was getting a little deep in here for a minute or two. I appreciate the heartfelt comments. I started to make a list in my mind but I thought I would be here too long to rebut some of these things or add a little color to the commentary. I would remind Senator Hutchinson that one of my minor achievements in the House was to actually get you to vote for one budget before you left the House. Scott only had one switch at his seat, it was the "no." Right before he went to the Senate, we actually got him to vote. My chief of staff went and stood by his desk to watch him and enjoy the moment.

Senator Scarnati mentioned the apartment. I was glad he did not get into those details too much. I am the Oscar Madison, if there is any doubt. We were an odd couple, but it was one of those things that many of us do not have the opportunity to do, to commingle. What is going on in the Senate? What is going on in the House? And it really benefitted us greatly in just gaining understanding.

As well as it did, Senator Tomlinson made reference to east versus west in this State. We all know how many things divide on those lines as much as they divide on Republican and Democratic lines, perhaps. There I was, a Member from a single county. I had all of Jefferson County, a little bit of Indiana County, over the years that has changed a little bit, but it was always Jefferson County. For some reason, I started palling around with a bunch of guys from Montgomery County, a big delegation in the House. They adopted me. They let me come to their dinners and sometimes they were talking serious stuff, and sometimes it was just shooting the breeze, but they adopted me. I gained a relationship with them and got to learn a little bit about how they think, which is different than the way people in Bucks County think, by the way. I had the opportunity to share an office with Dave Heckler. We came in together and we are about as different as two Republicans could be just because of geography and kind of the socioeconomic worlds that we represented. Later on, I somehow got adopted by the Delaware County delegation. I used to tease those guys when they were having a little debate among themselves, I used to always tell them, you guys need to get your delegation under control because I certainly have the Jefferson County delegation under control. But it is an important point that getting to know and understand our colleagues is the real key to success in this business.

Although I could go on and on and on, I will not. Thank you. I am even having trouble coming up with some of my favorite wisecracks, which I certainly like to do. Senator Pileggi has been the brunt of a few of those. It is hard to tell if he actually laughed or not because he has that stone face. I should tell one story. I do not know if you ever heard this one. We were in a budget meeting and there was a former Democratic Majority Leader sitting at the table and he came up with something he wanted to look at doing and he was respectfully serious about what he was proposing, and Senator Pileggi was sitting there shaking his head like he does--do not ever believe that means he is agreeing with you, that just means he is hearing you. Senator Pileggi said, hmmm, that is worthy of further staff evaluation. Well, I knew what that meant. I had grown to know Dominic, the former Democratic Majority Leader did not. He thought he won the day. So, there is that.

I would like to leave you with one thing, and this is on a very serious note. This is a serious business and I often say I do not take myself seriously but I take this job very seriously, and I hope that that does not get lost. When they were wrapping up the Constitutional Convention, it was on Monday, September 17, 1787, and Benjamin Franklin was in his 80s, he was weak, and he could not speak very loudly so he actually prepared this speech and another gentleman read it as they were closing up the Constitutional Convention. If you get the whole copy, it is not long, it is a great summarization of what governing is all about. I want to read one statement out of this page-long speech. "For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all

their prejudices, their passions, their errors of opinion, their local interests, and their selfish views." The gist of what he was telling the members of this Constitutional Convention was, I do not like everything in this Constitution. I do not even think I agree with it, but I have learned that my personal view, that I think I am always right—we all come here thinking we are right, we know what the answers are—he recognized, as the older he got, that while he may think he is right, he may be. And it is important for each of us, to be effective at governing, to understand that we are fallible, that we do not have all of the answers individually, and that collectively what our business is about is collectively coming up with something that works.

Franklin encapsulated that in this short speech that he gave to close out the convention. He added one more thing. He said, if you all leave here to go back to your respective constituencies—to the various States, because they had to go home to sell this thing—if you go back and amplify and try to build partisan support or opposition because of the things you do not like in this Constitution, we will have failed. If you go back and talk about what is good about it, we will succeed. That is much of what we are about: amplify the good, do not amplify what you do not like, and understand that you inevitably assemble those men with all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views.

Thank you so much for this great honor. I appreciate it. Senator, I know I am just a pawn in your game today, but I appreciate it. It has been a great honor and a great privilege to address the Senate. I truly mean that. It has been a great honor. Thank you very much.

(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, today I have the pleasure of introducing Sydne Lyons, a senior at Oley Valley High School, who is joined in the gallery today by her mother, Stacy. This is a very energetic and very promising young leader, Mr. President. Sydne serves as student council president, drama club president, prom committee vice president, marching band silks captain, Tri-M Music Honor Society historian, and still manages to be on the academic honor roll. This past year Sydne had the opportunity to play one of her dream roles as Millie in "Thoroughly Modern Millie," and as a result, received a countywide award. We have 18 school districts in Berks County and we have awards for individuals who do outstanding performances in their school musicals. Sydne won the Most Memorable Female Solo Vocal and Most Memorable Duet, really outstanding. Outside of school, Sydne is a Girl Scout, participates in local community theater, dances with the Melanie Wright Dance Studio, and swims with the Albright Aquatic Club. You might have noticed that there is a crown on Sydne's head. Early this year, Sydne was crowned Miss State Capitol's Outstanding Teen and received the Overall Talent, Interview and Spirit Awards. Sydne had the honor of participating in the Miss Pennsylvania Outstanding Teen Scholarship Pageant in Pittsburgh this June, where she was crowned second runner-up. Her scholarship platform is "The Importance of Music and Performing Arts Education." She is an

outstanding example of why we need to continually fund music and arts in our schools.

After graduating from Oley Valley High School this spring, Sydne will attend college, of course, and hopes to earn a bachelor of fine arts, specializing in musical theater. Mr. President, would you ask my colleagues to join me in welcoming Sydne to the Senate today.

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 MICHAEL J. FOLMER PRESENTED TO THE SENATE

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

Senator FOLMER. Mr. President, I rise today to introduce a group of Pennsylvania Music Therapy Task Force members, therapists, and students visiting the Capitol for Music Therapy Hill Day. There are more than 41,000 Pennsylvanians who receive music therapy treatment each year. The Commonwealth has 9 institutions that offer degrees in music therapy, and over 400 therapists. Music therapy is part of the healthcare profession with benefits that span across all developmental domains to support individuals of all ages. Later today I will be introducing a resolution declaring October 2014 as "Music Therapy Month" in Pennsylvania. In the gallery today are Judy Simpson, director of government relations for the American Music Therapy Association; Maria Fay, chair of government relations for the Mid-Atlantic Region of AMTA; Nicole Hahna and Melanie Walborn, co-chairs of the Pennsylvania Task Force on Music Therapy; and Anita Gadberry, Michelle Montgomery, and Kimberly Studebaker, members of the task force. Senators, please join me in a warm welcome for Pennsylvania music therapists.

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

(Applause.)

GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, I would like to introduce two guest shadows who have joined me today at the Capitol. The first student is Mary Grace Eckert, a 12-year-old seventh grade student at St. Jude's School in Mountain Top. She resides in Wapwallopen with her parents, Dave and Maryanne Eckert. She is a member of the National Junior Honor Society, the Pennsylvania Junior Academy of Science, and is also involved in the sign language club at her school. Mary Grace has been named an ambassador for the Pennsylvania Wounded Warriors by Helen Sajer, the founder and president. It is due to an initiative she had several years ago that began in November of 2012 called Cards for Heroes, a campaign that she initiated on her own. These holiday greeting cards have been delivered to Walter Reed Hospital for the past 2 years just before Christmas. They are passed out to our wounded soldiers. This past year, Mary Grace joined Helen Sajer and was thrilled at the opportunity to talk with our soldiers,

an experience she said she will never forget. The money she has made from selling the cards has been donated to the Wounded Warrior project for Pennsylvania. Her goal for this year is \$5,000. In her free time she enjoys drawing, singing, ice skating, and playing with her dog, Amber.

Also joining Mary Grace is another student, Janice Lisman, a sixth grade student from Dallas Middle School. She is the daughter of Christine and James Lisman, and she resides in Shavertown. This past June she visited the Capitol with her family to witness the passage of Kevin's Law, a bill that was in honor and tribute to her cousin Kevin. We passed the bill providing a mandatory sentence for drivers who fatally hit, run, and flee the scene. She was here to watch Governor Corbett sign it into law. Janice loves history and politics. She was elected the mayor of her fifth grade class, and last year she was the senator for her class, having "The Cookie" selected as a school program at Dallas. She is an excellent student, she enjoys learning all about Presidents, and one day I think she would like to sit in my seat here on the Senate floor. She participates in Girl Scouts, softball, and soccer in the Back Mountain area. She enjoys swimming, reading, and theater. She has been taking ballet and tap dance at the Harris Conservatory for the Arts since she was 4 years old. She enjoys acting and doing plays, and she had the lead role in "Alice in Wonderland." I ask my colleagues to join me in welcoming these two very bright, talented young ladies to the Senate of Pennsylvania, who I know will be doing great things one day.

Thank you, Mr. President.

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

GUESTS OF SENATOR LISA M. BOSCOLA AND SENATOR PATRICK M. BROWNE PRESENTED TO THE SENATE

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

Senator BOSCOLA. Mr. President, my guests were here. They were sitting in the gallery for about an hour, so they did try to stay here for the introduction, but they had to leave, so I will just get this on the record real quick. They are nursing students, about 30 of them, from Cedar Crest College. They are guests on behalf of Senator Browne and myself. They are learning to be politically active in their profession, learning about State government, and especially issues related to healthcare. We talked about how a bill becomes a law, and I can tell you that the conversation lasted about 35 minutes because I really did not use the textbook version. Anyway, they were here today, and I wanted to get it on the record that they were in the gallery. So thank you for giving them a warm welcome even though they are not here.

The PRESIDENT. Would the Senate recognize the guests of Senator Boscola.
(Applause.)

GUEST OF SENATOR PATRICIA H. VANCE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, I am particularly delighted to introduce Joshua Geruntho, who is acting as a guest Page today. He really is an exceptional young man. He is a senior at Cumberland Valley who enjoys learning about government functions and seeing how today's global events affect decisions that are made. He is the son of James and Jennifer Geruntho. He has six sisters and one brother. In addition, the Gerunthos have also served as a foster family. His extracurricular activities include 7 years in the band; 9 years of Issinyru--I knew I was not going to pronounce that kind of a karate correctly--he has earned a junior black belt; and he has been taking Chinese language lessons for the past 5 years. In his free time, he enjoys writing and has considered pursuing a career in speech writing or as a political strategist. He plans to attend college to obtain a degree in political science or government, and would like the opportunity to represent his district in a legislative office at some point in the future. His achievements at Cumberland Valley include being recognized as a Soaring Eagle of the month for his dedication and attitude. He really is an exceptional young man. I ask the Senate to give him a very warm welcome.

The PRESIDENT. Would the guest of Senator Vance please rise so that the Senate may give you its usual warm welcome.
(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Permission has been granted for the Committee on Finance to meet today off the floor in the Rules room to consider House Bill No. 1067.

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by the following committee meetings also to be held in the Rules room: Committee on Appropriations, Committee on Law and Justice, Committee on Veterans Affairs and Emergency Preparedness, and the Committee on Finance. Following the conclusion of the meeting of the Committee on Finance, there will be a Republican caucus in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the meetings just referenced, Senate Democrats will meet at the rear of the Chamber for caucus as well.

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations, to be followed the Committee on Appropriations, to be followed by the Committee on Law and Justice, to be followed by the Committee on Veterans Affairs and Emergency Preparedness, to be followed by the Committee on Finance, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Hutchinson.

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Hutchinson.

Senator Costa requests a legislative leave for Senator Dinniman.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 80 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 90 (Pr. No. 4253) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, providing for administrative subpoena; and further providing for civil action.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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

HB 1135 (Pr. No. 4254) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge that carries State Route 153 over the Bennett Branch in Huston Township, Clearfield County, as the Huston Township Veterans Memorial Bridge; designating U.S. Route 219 in Johnsonburg Borough, Elk County, from the intersection of State Route 1009, Center Street, starting at roadway segment 0502 offset 0000 to the intersection of State Route 1009, Center Street, ending at roadway segment 0522 offset 1159, as the Veterans of Johnsonburg Bypass; designating a portion of Pennsylvania Route 1001 between Rhawn Street, 0100/0000 and Kendrick Street, 0100/2784 in the City of Philadelphia, Philadelphia County, as the Firefighter Daniel Sweeney Memorial Highway; designating a portion of Pennsylvania Route 611 between Maple Avenue and Meetinghouse Road, in Montgomery County, as the Lieutenant Joseph C. Park II Memorial Highway; designating a portion of State Route 272 in Lancaster County, south of State Route 372 and before Osceola Road, as the Staff Sergeant Keith A. Bennett Memorial Highway; designating a portion of U.S. Route 1, City Avenue in Philadelphia and Montgomery Counties from its intersection with Presidential Boulevard to its intersection with Monument Road as Ed Bradley Way; providing for the redesignation of the Easton-Phillipsburg Toll Bridge operated by the Delaware River Joint Toll Bridge Commission as the Sergeant William John Cahir Memorial Bridge; designating a portion of PA Route 191 in Washington Township, Northampton County, as the "World War II Homefront Heroes Highway"; renaming the Hokendauqua Bridge in Lehigh County as the Lieutenant Colonel Thomas J. Lynch Memorial Bridge; renaming the Main Street Bridge in Brockway Borough, Jefferson County, as the Ensign USN Connie Rita Esposito Memorial Bridge; designating a bridge carrying State Route 1008 known as Pompey Hill Road, over the Stonycreek River in Quemahoning and Stonycreek Townships, Somerset County, as the Private John W. Mostoller Bridge; and designating a bridge on that portion of State Route 271 over the South Branch Blacklick Creek, Nanty Glo Borough, Cambria County, as the Platoon Sergeant Alfred McCullough Memorial Bridge.

On the question,
Will the Senate agree to the bill on third consideration?
Senator RAFFERTY offered the following amendment No. A10167:

Amend Bill, page 2, line 6, by striking out "AND"
Amend Bill, page 2, line 9, by striking out the period after "BRIDGE" and inserting:
; and designating a bridge on that portion of State Route 181 over the Conewago Creek, between Newberry Township and East Manchester Township, York County, as the SP4 Randy Stephen Schell Memorial Bridge.

Amend Bill, page 13, by inserting between lines 2 and 3:
Section 14. SP4 Randy Stephen Schell Memorial Bridge.

- (a) Findings.--
(1) SP4 Randy Stephen Schell was a native of Mount Wolf, York County, and a graduate of Northeastern High School.
(2) SP4 Schell served from 1967 to 1968 with the United States Army, Company C, 1st Battalion, 26th Infantry.
(3) On June 18, 1968, in a display of selfless courage during an attack by the Viet Cong, SP4 Schell moved into an area under enemy assault and administered first aid to several wounded comrades. After dragging his fellow soldiers to safety, SP4 Schell disregarded the great personal risk and returned to search for injured soldiers when he was mortally wounded by enemy sniper fire.
(4) SP4 Schell was awarded the Silver Star, Bronze Star, Pur-

ple Heart, National Defense Vietnam Service Medal, Vietnamese Military Merit Medal, Vietnam Gallantry Cross and Republic of Vietnam Campaign Medal.

(b) Designation.--The bridge located on State Route 181 over the Conewago Creek between Newberry Township and East Manchester Township, York County, is hereby designated the SP4 Randy Stephen Schell Memorial Bridge.

(c) Signs.--The Department of Transportation shall erect and maintain appropriate signs displaying the name of the bridge to traffic in both directions on the bridge.

Amend Bill, page 13, line 3, by striking out "14" and inserting:

15

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

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

Senator RAFFERTY. Mr. President, I offer the bridge-naming amendment on behalf of Representative Reed. I ask for its adoption.

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 PILEGGI.

BILL OVER IN ORDER

HB 1163 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1363 (Pr. No. 4241) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 2008 (P.L.1672, No.135), known as the Abandoned and Blighted Property Conservatorship Act, further providing for definitions, for initiation of action, for appointment of conservator, for powers and duties of conservator, for incurring indebtedness and for sale of property.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak

Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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.

HB 1543 (Pr. No. 4242) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "time and materials"; and further providing for procedures for registration as a contractor and for home improvement 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?

POINT OF ORDER

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

Senator SCHWANK. Mr. President, I rise to request a ruling pursuant to Senate Rule 20.

The PRESIDENT. Would the gentlewoman please state the conflict.

Senator SCHWANK. Mr. President, my husband is a contractor who is required to register and comply with Pennsylvania's Home Improvement Consumer Protection Act. My question is whether I am permitted to vote on House Bill No. 1543, and amendments to the bill, pursuant to Article III, Section 13, of the Pennsylvania Constitution.

The PRESIDENT. The Chair thanks the gentlewoman for her inquiry about the conflict of interest in the factual situation just given. The Chair finds that in the situation you have just described, there is no conflict of interest and the Chair would rule that in accordance with Senate Rule 20, you must vote on House Bill No. 1543. The Chair finds that there is nothing particularly personal to you in this bill, Senator Schwank. Your husband is a member of a class of individuals who may or may not be affected by the passage of this legislation. The Chair does not find that any votes you may cast would be particularly personal to you or privately affect you alone. Therefore, it would be the ruling of the Chair that the gentlewoman be required to vote on this bill.
Senator SCHWANK. 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-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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

HB 1550 (Pr. No. 3650) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in economic development financing strategy, further providing for definitions; in small business first, further providing for definitions, for fund and accounts, for department responsibilities, for capital development loans, for EDA loans, for loans in distressed communities, for pollution prevention assistance loans, and for export financing loans; providing for delegation; and further providing for reporting and inspection; in machinery and equipment loans, further providing for definitions, for establishment, for eligibility for loans and terms and conditions, for application and administration, for powers of secretary, for reporting and inspection, for nondiscrimination, for conflict of interest, for reports to General Assembly and for guidelines; providing for the Pennsylvania Industrial Development Program; in Pennsylvania Industrial Development Authority, providing for general provisions, for Pennsylvania Industrial Development Program and transfer of loans; repealing certain provisions of the Pennsylvania Industrial Development Authority Act; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ALLOWAY offered the following amendment No. A10180:

Amend Bill, page 1, line 16, by inserting after "definitions;": establishing the Pennsylvania Military Community Enhancement Commission;

Amend Bill, page 122, by inserting between lines 26 and 27: Section 1. The General Assembly finds and declares as follows:

(1) The successful operation and enhancement of the active, reserve and the National Guard components of our nation's military are essential to the well-being and safety of our nation and to the citizens of this Commonwealth.

(2) The United States military installations, organizations and defense-related regions comprised of military bases and supporting private sector enterprises located in this Commonwealth are of vital

importance

(3) There is a need to have an integrated approach among Federal, State and local agencies, the general public and private businesses in the economic enhancement and preservation of the military installations and organizations.

(4) The Commonwealth shall promote the health, safety, employment, business opportunities, economic activity and general welfare of our citizens by establishing, within the Department of Community and Economic Development, a commission to carry out these goals.

Amend Bill, page 122, line 27, by striking out "1" and inserting: 1.1

Amend Bill, page 123, by inserting between lines 19 and 20: Section 1.2. Title 12 is amended by adding a chapter to read:

CHAPTER 4

PENNSYLVANIA MILITARY COMMUNITY ENHANCEMENT COMMISSION

Sec.

401. Definitions.

402. Establishment and membership.

403. Powers and duties.

404. Administrative assistance.

405. Report.

§ 401. 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:

"Commission." The Pennsylvania Military Community Enhancement Commission established under this chapter.

§ 402. Establishment and membership.

(a) Establishment.--The commission is hereby established within the department.

(b) Membership.--The commission shall be comprised of not more than 17 members as follows:

(1) The Lieutenant Governor.

(2) A member appointed by the President pro tempore of the

Senate.

(3) A member appointed by the Minority Leader of the Senate.

(4) A member appointed by the Speaker of the House of Representatives.

(5) A member appointed by the Minority Leader of the House of Representatives.

(6) Up to 12 members appointed by the Governor as follows:

(i) One member shall have experience at the senior level of the military, such as an active duty retired three-star or four-star military officer, and shall be familiar with the operations represented by the installations and organizations stationed in this Commonwealth. The member shall serve as chairperson in the absence of the chairperson elected by a majority of the members.

(ii) At least ten members shall be representatives of the military installations or organizations stationed in this Commonwealth and shall have knowledge of the mission and operations of the installation or organization that they represent.

(iii) One member shall be an expert in the field of economic development and shall be knowledgeable in the missions and operations of the military in their respective regions of this Commonwealth.

(c) Chairperson.--A chairperson shall be elected by a majority of the commission members.

(d) Executive director.--The Governor shall appoint an executive director who shall be an employee of the department.

(e) Membership terms.--

(1) Members shall be appointed for a term of two years and serve until their respective successors are appointed. A member may be reappointed for additional terms. Members appointed by the Governor shall serve at the pleasure of the Governor.

(2) If a vacancy occurs on the commission, a successor shall be appointed in the same manner as the predecessor.

(3) A member who is absent from two consecutive meetings of the commission without a reasonable excuse, as determined by the chairperson, shall forfeit membership on the commission.

(4) Members shall not receive compensation for their services, but shall receive reimbursement for their necessary and proper expenses related to their duties on the commission.

§ 403. Powers and duties.

The commission shall have the following powers and duties:

(1) Advise on the expansion of economic development opportunities and defense-related industry organizations in public or private sectors in this Commonwealth.

(2) Establish a viable and long-term relationship with each military installation, organization and defense-related organization in this Commonwealth.

(3) Closely monitor the activities at the Federal level relating to any initiative or proposal that will affect, either positively or negatively, any military installation or organization or defense-related organization in this Commonwealth.

(4) Educate and engage stakeholders at the Federal, State and local levels and in the public and private sectors on the enhancement and preservation of the military installations and organizations and defense-related organizations in this Commonwealth.

(5) Advocate at the Federal, State and local levels for the enhancement of the military installations and organizations and defense-related organizations in this Commonwealth in order to fully support our nation's military at home and abroad.

(6) Identify, in coordination with the department, sources of funding for economic development projects, including projects under this title, 64 Pa.C.S. (relating to public authorities and quasi-public corporations) or projects under the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, related to military installations and defense-related organizations and for the enhancement of military installations or defense-related organizations in this Commonwealth.

(7) Estimate an annual budget for the commission.

§ 404. Administrative assistance.

The department shall provide appropriate administrative, legal and technical support as needed by the commission in order to accomplish its purpose.

§ 405. Report.

The commission shall report its activities no less than quarterly to the Governor or the Governor's designated representative and annually to the General Assembly.

Amend Bill, page 123, line 20, by striking out "1.1" and inserting:
1.3

Amend Bill, page 172, by inserting between lines 23 and 24:

(ii) The addition of 12 Pa.C.S. Ch. 4.

Amend Bill, page 172, line 24, by striking out "(II)" and inserting:
(iii)

Amend Bill, page 172, line 26, by striking out "(III)" and inserting:
(iv)

Amend Bill, page 172, line 28, by striking out "JULY" and inserting:

November

On the question,

Will the Senate agree to the amendment?

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

Senator ALLOWAY. Mr. President, this amendment deals with the Base Realignment And Closure Commission process. This process is where the military installations across the nation are reviewed to determine if functions and bases are consolidated and closed. BRACC, as it is normally called, reflects the Department of Defense's desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher-priority weapons platforms and troop trainings. Indications are that the next round of BRACC process may occur in 2017.

In order to position Pennsylvania for this eventuality, in 2011, the cosponsors created the bipartisan and bicameral legislative military installations and base development caucus. This legislative caucus is currently chaired by myself and Senator Blake, and Representative Miccarelli and Representative Readshaw. I want to extend my hearty thanks and great support to Senator Blake.

Senator Blake and I sat down together a couple of years ago, discussed the importance of getting this caucus back together and getting this thing formalized so that we can be ready when this BRACC process happens to look out and defend our installations here in Pennsylvania so the missions are not moved to other States like Alabama and Texas. I express my sincere thanks to Senator Blake. He and I worked this issue hard, we pushed this thing through, and we got the Governor to agree to appoint this commission through executive order. What my amendment would do is codify this order into the Pennsylvania Military Community Protection Commission. It will make it a State statute, elevate it to status from an entity operating under the auspices of executive order to having statutory recognition. I will not go into detail. There are 17 members to be appointed to this from each of the Chambers, each of the bodies, Lieutenant Governor, high-level military experience, economic development person, and representatives from all of the military installations here in Pennsylvania.

So, I ask for support from our Members here, and I think this is an important step forward for Pennsylvania, all of Pennsylvania, to protect its interests whenever this next BRACC occurs. Again, I cannot say enough to thank Senator Blake. Senator Blake and I had a previous relationship before we came to this body. He worked at the Department of Community and Economic Development and he had extensive experience in dealing with BRACC and working with our installations around the State. So I got to know him and his great knowledge through that, and now here we are, both here today, and we are able to stand here as Senators and work for everyone in Pennsylvania at these installations.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the amendment?

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

Senator BLAKE. Mr. President, I rise in support of this amendment and I want to extend mutual accolades to my friend and colleague, Senator Alloway. I met Senator Alloway at Letterkenny once with Senator Punt, I think he might remember that meeting, and we did have a prior relationship before coming to the Senate.

I do not want to take too much time on this, but I think there are some really important things that the body needs to know about what happens with this amendment. Throughout Pennsylvania we have some of the best military installations in the country. In my district back home, we have Tobyhanna Army Depot, basically serving as an electronics maintenance facility for the U.S. Department of Defense, which currently employs nearly 5,000 people, among the largest employers in my district. Its economic impact is close to \$3 billion. Indirectly it supports about 18,000 jobs back home. There are more than 64,000 Pennsylvanians currently employed in defense-related jobs at 11 bases and facilities throughout the State: Naval Support Activity in

northeast Philadelphia and the Navy Yard; the Naval Air Station Joint Reserve Base at Willow Grove; Tobyhanna; the Army and Air National Guard at Fort Indiantown Gap, Mr. President, as you well know; the Defense Distribution Center in New Cumberland, Navy Support Activity in Mechanicsburg; the Carlisle Barracks and Army War College; Letterkenny, as I mentioned earlier; the 911th Airlift Wing in Pittsburgh; as well as the 316th Expeditionary Sustainment Command in Pittsburgh.

Mr. President, for many years we have had a means by which the State could step up and defend these military installations to guarantee defense spending so they would not lose their value and we would not be at risk of losing the missions that are assigned here. For many years it has been ebb and flow. Sometimes we rise up to meet the challenge, other times it would go away. Mr. President, I need to commend you for your leadership because you have worked tirelessly and with distinction in heading up the Governor's commission to executive order. I also want to commend you for being an advocate for what we are doing here because we are codifying this in law to allow a sustainable and a permanent mission for the Military Community Enhancement Commission. This sends a signal not only to the military and civilian workforce of Pennsylvania, this sends a mission to the nation about what Pennsylvania thinks about the value of our military installations and the military spending that goes on here, which is worth about \$18 billion annually.

So I want to commend you for your leadership, I want to commend my colleague, Senator Alloway, and I look forward to this amendment being signed into law by the Governor.

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 PILEGGI.

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1672 (Pr. No. 4255) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the testing of new, environmentally beneficial and energy efficient technologies within various State agencies.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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.

HB 1702 (Pr. No. 4151) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Aging to license and inspect community adult respite services programs; defining "community adult respite service providers"; and imposing additional powers and duties on the Department of Aging.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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

HB 1714 (Pr. No. 3764) – 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, further providing for disposition of abandoned personal property.

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

POINT OF ORDER

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

Senator WOZNIAK. Mr. President, I realize that we are doing a lot of work on the Landlord-Tenant Act today. I happen to own some properties that I rent out. I request a ruling under Article III, Section 13, of the Pennsylvania Constitution, am I okay to vote here?

The PRESIDENT. The Chair thanks the gentleman for his inquiry about the conflict of interest in the factual situation that you just gave. The Chair would rule that there is no conflict of interest, and that in accordance with Senate Rule 20(c), the Senator must vote on House Bill No. 1714 and any amendments to this bill for two reasons. First, the Chair finds that the gentleman is a member of a class of individuals who may or may not be affected by any actions on such legislation. Second, the Chair does not find that any votes the gentleman may cast would be particularly personal to you, Senator Wozniak, or privately affect you alone. Therefore, it would be the ruling of the Chair that the gentleman be required to vote on House Bill No. 1714 and any amendments to this bill.

Senator WOZNIAK. Fair enough. Thank you very much, Mr. President.

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

BROWNE AMENDMENT A9725

Senator BROWNE offered the following amendment No. A9725:

Amend Bill, page 7, by inserting between lines 23 and 24:

(i) A landlord that violates the provisions of this section shall be subject to treble damages, reasonable attorney fees and court costs.

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

MOTION TO RECONSIDER AMENDMENT A9725

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

Senator COSTA. Mr. President, I move that the vote by which amendment No. A9725 was agreed to be reconsidered.

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

Senator PILEGGI. No objection, Mr. President.

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

The PRESIDENT. Those in favor signify by saying "aye"; those opposed, "no."

In the opinion of the Chair, the "nays" have it and the motion fails.

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

BLAKE AMENDMENT A10105 OFFERED

Senator BLAKE offered the following amendment No. A10105:

Amend Bill, page 7, by inserting between lines 10 and 11:

(g) In the event that the landlord wrongfully takes or exercises control over personal property in violation of this section, the tenant may have the right to bring an emergency action against the landlord in a court of competent jurisdiction over the rental unit. The following shall apply:

(1) If a complaint is filed initiating an action under this subsection, the court shall set the matter for a hearing which shall be held on an expedited basis and within five days following the filing of the complaint.

(2) The tenant shall have the right to punitive damages, treble damages, and may be reimbursed for any fees or costs incurred by the tenant as a result of the landlord's actions.

(3) In the event the landlord wrongfully takes or exercises control over personal property in violation of this section and the tenant is removed from the premises in violation of this act, the tenant shall have the right to additional damages including a penalty of up to five hundred dollars (\$500) per day for failure of the landlord to restore possession of the personal property to the premises.

Amend Bill, page 7, line 11, by striking out "(g)" and inserting:

(h)

Amend Bill, page 7, line 11, by striking out "(h)" and inserting:

(i)

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

(i)

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

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

Senator BLAKE. Mr. President, we just did the amendment by Senator Browne, which was an improvement to the underlying bill, but I believe that this amendment would strengthen the bill even further by allowing, in the event that a landlord wrongfully confiscates property of a tenant, the tenant would have the right to bring an expedited proceeding before a court of competent jurisdiction over the rental unit, which must be held within

5 days of filing a complaint, and the tenant would be allowed punitive damages, treble damages, and be reimbursed for any fees or costs, as well as additional damages, including a penalty of up to \$500 per day for failure to restore the possessions.

Long and short, Mr. President, this amendment basically is an added protection for tenants. Many tenants do not keep a list of their property and it would be difficult to prove what was in the unit, the actual value of personal property would often be much less than the replacement value, and we need a little bit of deterrent to guarantee good conduct by landlords in the treatment of their tenants' belongings. So, I ask for an affirmative vote on the amendment.

Thank you, Mr. President.

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

Senator ARGALL. Mr. President, there are good landlords and there are bad landlords, and there are good tenants and bad tenants. I have stood at microphones in this Chamber and over in the House talking about the need to cut back on blight and the difference between good landlords and let us be honest, some of them are slumlords. I think what we have tried to do with this debate on the underlying bill, as well as on the next several amendments, is to find a balance between the rights of the landlords and the rights of the tenants. Certainly, the landlords have the right to expect that when a tenant leaves, when a tenant stops paying rent, or when a tenant moves out, the landlord ought not to be stuck with mattresses filled with bed bugs and household trash and all of the items I suspect many landlords have told you, unfortunately, occur in their day-to-day business.

For the last year, the Senate Committee on Urban Affairs and Housing has, first at the request of Senator Williams and then later at the request of Representative Petri, held a public hearing on this event. We have endeavored to put together a compromise that everyone could live with, the tenant organizations, their attorneys, the groups of individuals who own perhaps one or two apartments, and the groups of individuals who own a chain of apartments. Certainly, in the case of Senator Browne, we were able to ascertain that amendment had general agreement, the likes of which were that when it returns to the House, it is likely that it can pass in the few remaining Session days left to us. It is my understanding that if Senator Blake's amendment, however well meaning, is inserted in this bill, as well as the next several amendments that are under consideration, if those are to be inserted, in all likelihood they will kill the bill for this Session and we will have to start from scratch during the next Session. So with that being said, Mr. President, I ask for a negative vote.

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

Senator BLAKE. Mr. President, first of all, I just want to extend my gratitude to Senator Argall, Representative Petri, to actually everyone who was in a collective effort to try to find that balance that he discussed. So I want to commend him for that work, I want to commend everybody who was involved. I just feel that in this case we are trying to do a little bit of deterrent for good conduct by landlords. That is the reason for the amendment, Mr. President. I ask for an affirmative vote from the body.

Thank you, Mr. President.

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

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

YEA-22

Blake	Ferlo	Schwank	Washington
Boscola	Fontana	Smith	Wiley
Brewster	Hughes	Solobay	Williams
Costa	Kasunic	Stack	Yudichak
Dinniman	Kitchen	Tartaglione	
Farnese	Leach	Teplitz	

NAY-28

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Baker	Gordner	Robbins	Wagner
Browne	Greenleaf	Scarnati	Ward
Brubaker	Hutchinson	Smucker	White
Corman	McIlhinney	Tomlinson	Wozniak
Eichelberger	Mensch	Vance	Yaw

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

And the question recurring,

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

COSTA AMENDMENT A10069 OFFERED

Senator COSTA offered the following amendment No. A10069:

Amend Bill, page 7, by inserting between lines 10 and 11:

(g) A landlord may not dispose of or otherwise exercise control over personal property remaining on the premises under the provisions of this section if any of the following apply:

(1) The landlord fails to hold a rental license, certificate of occupancy, certificate of suitability to rent or other licensure requirements that the landlord must meet prior to leasing a residential property as required by the applicable provisions of all municipal, county and Commonwealth codes, regulations, ordinances, and statutes in the jurisdiction in which the rental property is located.

(2) The tenant has taken any of the following actions:

(i) Filed a complaint with a code enforcement office, health department or any governmental office regarding the condition of the property.

(ii) Filed a civil action, or notified the landlord of the tenant's intent to file a civil action, against the landlord regarding the condition of the property.

(iii) Notified the landlord that the tenant is exercising his rights under the implied warranty of habitability or under the act of January 24, 1966 (1965 PL 1534, No 536), referred to as the City Rent Withholding Act.

(3) Code violations have been cited and still exist on the property. For purposes of this paragraph, "code" may include a building, housing, property maintenance, fire, health or other public safety ordinance, related to the use or maintenance of real property, enacted by a municipality.

Amend Bill, page 7, line 11, by striking out "(g)" and inserting:

(h)

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

(i)

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Mr. President, this amendment prohibits landlords from disposing of personal property taken from tenants for a number of reasons. One, if a landlord does not have a rental license or certificate required by law to rent a particular unit, the tenant also has done one of the following things: filed a formal complaint with the code enforcement office, health department, or any government office regarding the condition of the property; also, Mr. President, the tenant has filed a civil action or notified the landlord of his intent to file such an action regarding the condition of the property being rented; also, Mr. President, the tenant has notified the landlord that he or she is exercising his or her rights under the City Rent Withholding Act and applied a warranty of habitability; also, Mr. President, the tenant has notified the landlord if other code violations exist on the property.

Mr. President, the intent of this amendment is to prevent an opportunity where a particular landlord, and as the gentleman referenced earlier, there are good landlords and bad landlords, but what we do not want is to have bad landlords utilize the action of the tenants in a responsible legal manner be the reason why disposing of their personal property may, in fact, take place. Our hope is that will not be the case, particularly as it relates to the issue of the rental units being registered where they are supposed to be registered, and the certificate of rental is part of the process that would require they have that in place. I do not believe that somebody who has failed to comply with the law as it relates to renting units should be given the ability to exercise their options under this law if, in fact, it becomes law in the Commonwealth of Pennsylvania.

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

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

Senator ARGALL. Mr. President, again, I believe this amendment, however well meaning, could jeopardize the passage of this bill onto the Governor. We certainly believe that with the underlying law, there are existing protections to protect both the landlord and the tenant. We believe that when a tenant has left the building, such as it is when the lease has expired, they should not have the legal right to leave tons, in some cases, of improper materials behind, forcing the landlord an incredible amount of money to do the cleanup. So, with that in mind, I ask for a negative vote.

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

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

YEA-23

Blake	Ferlo	Leach	Teplitz
Boscola	Fontana	Schwank	Washington
Brewster	Greenleaf	Smith	Wiley
Costa	Hughes	Solobay	Williams
Dinniman	Kasunic	Stack	Yudichak
Farnese	Kitchen	Tartaglione	

NAY-27

Alloway	Erickson	Rafferty	Vulakovich
Argall	Folmer	Robbins	Wagner
Baker	Gordner	Scarnati	Ward
Browne	Hutchinson	Smucker	White
Brubaker	McIlhinney	Tomlinson	Wozniak
Corman	Mensch	Vance	Yaw
Eichelberger	Pileggi	Vogel	

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

And the question recurring,

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

FONTANA AMENDMENT A10074 OFFERED

Senator FONTANA offered the following amendment No. A10074:

Amend Bill, page 7, by inserting between lines 23 and 24:

(1) In the event that the landlord wrongfully disposes of or otherwise exercises control over personal property in violation of this section, the tenant may have the right to bring action against the landlord in a lower court with jurisdiction over the rental unit within fifteen days following the postmark date of the landlord's written notice of the tenant's rights regarding the property under subsection (d). The following shall apply:

(1) The tenant may have the right to treble damages and may be reimbursed for any reasonable attorney fees and court costs incurred by the tenant as a result of the landlord's actions.

(2) If the court finds the landlord disposed of or exercised control of the personal property in violation of this section in bad faith, the landlord may be liable to the tenant for additional punitive damages of no less than one hundred dollars (\$100).

(3) If the landlord fails to restore possession of the property to the tenant within seven days following the rendition of a judgment in favor of such, the landlord may be liable to the tenant for an additional penalty of up to one hundred dollars (\$100) per day thereafter until possession of such property is restored to the tenant.

On the question,

Will the Senate agree to the amendment?

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

Senator FONTANA. Mr. President, this particular amendment grants tenants rights and legal direction against an unscrupulous landlord. As has been pointed out, there are good landlords and bad landlords, and I believe in this bill there should be some protection for the tenants also. The first amendment that we voted on and was passed, by Senator Browne, is an amendment that helps but it is very vague and lacks details. My amendment actually points out the details of that particular amendment and goes into a little more depth.

This amendment grants the tenant the right to bring action against a landlord in a lower court, that would be a magistrate court, within 15 days following the landlord's written notice of the tenant's rights regarding the property, if the tenant feels that the landlord wrongfully disposed of their personal property. Furthermore, Mr. President, the tenant will have the right to damages three times the amount of actual compensatory damages, as well as reimbursements or any reasonable attorney fees, and

court costs incurred by the tenant as a result of the landlord's actions. Thirdly, if the court finds the landlord disposed of personal property in bad faith in violating the act, the landlord may be liable for punitive damage of at least \$100 to the tenant. If the landlord fails to restore possession of the property within 7 days of the court's favorable judgment to the tenant, the landlord may have to pay a penalty of \$100 per day to the tenant until possession of the property is restored.

Mr. President, again, this is an amendment that, I think, tightens up the amendment that did pass and actually gives the tenant some rights in case they do run up against a landlord who is trying to get them out for the wrong reasons. I ask for a unanimous vote.

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

Senator ARGALL. Mr. President, again, for the same reasons which I have previously cited, as well as the fact that we believe that the current bill as suggested by Representative Petri is balanced, we believe that this would tip the scales too far in the opposite direction. I ask for a negative vote.

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

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

YEA-22

Blake	Ferlo	Schwank	Washington
Boscola	Fontana	Smith	Wiley
Brewster	Hughes	Solobay	Williams
Costa	Kasunic	Stack	Yudichak
Dinniman	Kitchen	Tartaglione	
Farnese	Leach	Teplitz	

NAY-28

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Baker	Gordner	Robbins	Wagner
Browne	Greenleaf	Scarnati	Ward
Brubaker	Hutchinson	Smucker	White
Corman	McIlhinney	Tomlinson	Wozniak
Eichelberger	Mensch	Vance	Yaw

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

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

BREWSTER AMENDMENT A10083 OFFERED

Senator BREWSTER offered the following amendment No. A10083:

Amend Bill, page 7, by inserting between lines 23 and 24:

(i) (1) Notwithstanding any other provision of this section to the contrary, this section shall not apply to a person who is a senior citizen or disabled.

(2) 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:

"Senior citizen." Any person who has attained the age of 62 years of age or older, or will attain such age during the term of an agreement in which the person is a tenant of a residential property.

"Disabled." Having a physical or mental impairment that substantially limits one or more major life activities.

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

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

Senator BREWSTER. Mr. President, I want to commend Senator Argall for his effort. As our chairman, I share that responsibility on the same committee. I ask my colleagues to consider the implication to the disabled and the seniors. This is a complicated bill and there are two sides to it. As we go through and try to strengthen our legislation, I think it is important that we consider these two groups. I can tell you as chairman of the McKeesport Housing Authority, we get involved oftentimes with many seniors and disabled, particularly veterans coming back, and I ask my colleagues to have in their mind's eye trying to envision what may happen if these individuals are unavoidably caught up in this legislation. I ask for your special consideration for those two categories.

Thank you, Mr. President.

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

Senator ARGALL. Mr. President, again, we believe that this amendment would unnecessarily jeopardize the passage of the underlying bill to the Governor. I am also concerned that the definitions may be unduly broad in the senior citizen definition. I believe I would fit that definition in just a few years, and I do not know that that should give me the right to leave tons of material behind in an apartment in which I am no longer paying rent, regardless of whether or not I am 56 or 61 1/2.

I am also concerned that the definition of "disabled" may be unduly broad. I have not had the time to compare it to other statutes, but I know some of us consider golf as a major life activity. I cannot hit a golf ball. I do not know if that is a mental impairment of mine or a physical impairment, but the fact that someone cannot play golf ought not to give them the right to trash an apartment. So, with all of those things in mind, Mr. President, I ask for a negative vote on the amendment.

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

Senator BREWSTER. Mr. President, I just want to acknowledge the fact that Senator Argall may be vertically impaired, but that should not be part of the consideration. We have given a lot of attention this past year to the disabled and the elderly. In the interest of being consistent with how we treat people when we make laws, I think we have to consider the fact that in some of our regions, there is a growing number of population in the elderly and disabled category. Many of them are military. I am not trying to complicate the bill, but every now and then we have to draw upon our personal feelings and the human side of what we do here. I have no personal interest in this legislation, even though I am a senior, but we are paid to represent an awful lot of people in Pennsylvania who are seniors and disabled. As we go through this and hear the rhetoric, and I want to commend my colleague, Senator Argall, who did a great job, it is a complicated

bill, but being disabled and being elderly is not complicated. So, I ask my colleagues to consider this amendment. Thank you.

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

Senator TARTAGLIONE. Mr. President, as a disabled individual, I think we should pass this amendment. To say that you do not have to be elderly or disabled to be able to hit a golf ball, I can hit a golf ball, but I am in a wheelchair. So, that is real life to me.

I ask for an affirmative vote on Senator Brewster's amendment. Thank you.

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

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

YEA-24

Blake	Ferlo	Leach	Tartaglione
Boscola	Fontana	Rafferty	Teplitz
Brewster	Greenleaf	Schwank	Washington
Costa	Hughes	Smith	Wiley
Dinniman	Kasunic	Solobay	Williams
Farnese	Kitchen	Stack	Yudichak

NAY-26

Alloway	Erickson	Robbins	Wagner
Argall	Folmer	Scarnati	Ward
Baker	Gordner	Smucker	White
Browne	Hutchinson	Tomlinson	Wozniak
Brubaker	McIlhinney	Vance	Yaw
Corman	Mensch	Vogel	
Eichelberger	Pileggi	Vulakovich	

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

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

KITCHEN AMENDMENT A10084 OFFERED

Senator KITCHEN offered the following amendment No. A10084:

Amend Bill, page 5, lines 3 through 5, by striking out all of lines 3 and 4 and "(2)" in line 5 and inserting:

(1)

Amend Bill, page 5, line 8, by striking out "(3)" and inserting:

(2)

Amend Bill, page 5, line 10, by striking out "(4)" and inserting:

(3)

Amend Bill, page 5, lines 13 through 16, by striking out all of said lines

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

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

Senator KITCHEN. Mr. President, all that my amendment does is strikes the language defining "abandoned" to include a person who has had to leave their home and seek shelter because of domestic abuse or because an individual has been hospitalized. Mr. President, I am in my 19th year in the Senate, and the Majority chairperson of the Committee on Urban Affairs and Housing, of course, offers most of the control because they are in the Majority. Every chairperson of that committee has handled it in a bipartisan manner, including the present chairperson. I am saying that, Mr. President, because we should look at an exception to domestic abuse on an individual who has been hospitalized through no fault of their own. They cannot be there on the scene to move any of their belongings away. They are not able to, in some instances, even talk to the landlord. I think that, and this is a very serious matter, there is nothing funny about a person losing everything they have when they are running for their lives or when they are in a hospital flat on their back. Mr. President, I think that we should consider this language to allow these individuals a chance to be able to come back and claim their possessions, and I think that would be a good and decent thing to do.

Thank you, Mr. President.

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

Senator ARGALL. Mr. President, House Bill No. 1714, as currently drafted, already requires a landlord to not dispose of personal property of any tenant with a Protection From Abuse order. It also requires that the landlord provide written notice of their rights giving 10-days' notice to retrieve the property or request that the property be stored for an additional time, not to exceed 30 days. So, Mr. President, I believe that the underlying law already contains many of the protections that are suggested by my friend from Philadelphia, and so I do not believe the amendment would be in order.

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

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

YEA-22

Blake	Ferlo	Schwank	Washington
Boscola	Fontana	Smith	Wiley
Brewster	Hughes	Solobay	Williams
Costa	Kasunic	Stack	Yudichak
Dinniman	Kitchen	Tartaglione	
Farnese	Leach	Teplitz	

NAY-28

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Baker	Gordner	Robbins	Wagner
Browne	Greenleaf	Scarnati	Ward
Brubaker	Hutchinson	Smucker	White
Corman	McIlhinney	Tomlinson	Wozniak
Eichelberger	Mensch	Vance	Yaw

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

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

BILL OVER IN ORDER

HB 1796 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS AMENDED

HB 1874 (Pr. No. 2935) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for counseling of sexually violent predators.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCARNATI offered the following amendment No. A10189:

Amend Bill, page 1, line 2, by inserting after "for":
confidentiality issues in the areas of attorney-client privilege and
Amend Bill, page 1, line 3, by inserting after "predators":
; and making a related repeal

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. The General Assembly finds and declares as follows:

- (1) Confidentiality represents a serious issue in the administration of justice.
- (2) The issue under paragraph (1) affects:
 - (i) legal representation;
 - (ii) criminal investigation; and
 - (iii) the authority of the Attorney General.
- (3) The purpose of this act is to address the areas under paragraph (2).
- (4) The amendment of 42 Pa.C.S. §§ 5916 and 5928 shall not be construed to be an expansion of the applicability of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

Section 2. Sections 5916 and 5928 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:
§ 5916. Confidential communications to and from attorney.

[In] (a) Privilege.--Except as set forth in subsection (b), in a criminal proceeding [counsel], including a grand jury or investigating grand jury proceeding and a criminal investigation, the following shall apply:

(1) Counsel shall not be competent or permitted to testify to confidential communications made to [him by his client] counsel by the counsel's client or by counsel to the counsel's client, nor shall the client be compelled to disclose the same[, unless in either case this privilege is waived by the client].

(2) Counsel shall not be competent or permitted to testify or to otherwise disclose material that contains the counsel's mental impressions, conclusions, opinions, memoranda, notes or summaries or legal research or theories; nor shall the client be compelled to disclose the same.

(b) Exceptions.--

(1) Subsection (a)(1) shall not apply if:

(i) the privilege is waived by the client; or
(ii) the communications were made for the purpose of receiving or giving advice for the commission of a crime or fraud.

(2) Subsection (a)(2) shall not apply if:

(i) the privilege is waived by the client or the counsel; or
(ii) the material was prepared for the purpose of giving advice for the commission of a crime or fraud.

(c) 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:

"Client." Includes a government unit and each of its employees.

"Counsel." Includes counsel employed by or under contract with a government unit.

§ 5928. Confidential communications to and from attorney.

[In] (a) Privilege.--Except as set forth in subsection (b), in a civil

matter [counsel], the following shall apply:

(1) Counsel shall not be competent or permitted to testify to confidential communications made to [him by his client] counsel by the counsel's client or by counsel to the counsel's client, nor shall the client be compelled to disclose the same[, unless in either case this privilege is waived upon the trial by the client].

(2) Counsel shall not be competent or permitted to testify or to otherwise disclose material that contains the counsel's mental impressions, conclusions, opinions, memoranda, notes or summaries or legal research or theories; nor shall the client be compelled to disclose the same.

(b) Exceptions.--

(1) Subsection (a)(1) shall not apply if:

(i) the privilege is waived by the client; or
(ii) the communications were made for the purpose of receiving or giving advice for the commission of a crime or fraud.

(2) Subsection (a)(2) shall not apply if:

(i) the privilege is waived by the client or the counsel; or
(ii) the material was prepared for the purpose of giving advice for the commission of a crime or fraud.

(c) 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:

"Client." Includes a government unit and each of its employees.

"Counsel." Includes counsel employed by or under contract with a government unit.

Section 3. Section 9799.36 of Title 42 is amended by adding a subsection to read:

Amend Bill, page 2, line 3, by striking out all of said line and inserting:

Section 4. Section 208 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is repealed to the extent it is inconsistent with the amendment of 42 Pa.C.S. §§ 5916 and 5928.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) Section 1 of this act.

(ii) This section.

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

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 2092 (Pr. No. 3812) -- 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; and in commercial drivers, further providing for requirement for commercial driver's license.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BROWNE offered the following amendment No. A9948:

Amend Bill, page 1, line 3, by inserting after "DEFINITIONS;":
in licensing of drivers, further providing for examination of applicant for driver's license;

Amend Bill, page 3, by inserting between lines 8 and 9:

Section 2. Section 1508 of Title 75 is amended by adding subsections to read:

§ 1508. Examination of applicant for driver's license.

(c) Third-party testing.--The department may authorize a third party to administer the portion of the examination that demonstrates the applicant's ability to exercise ordinary and reasonable control in the

operation of a motor vehicle of the type or class of vehicles for which the applicant desires a license to drive. Third-party providers shall only administer exams required in this section if:

(1) The test is the same test as that which would otherwise be administered by the department.

(2) The third party has entered into an agreement with the department, and the agreement has not been terminated by the department.

(f) Layoffs.--No layoffs shall occur in the classifications known as Driver License Examiner, Driver License Examiner Assistant and Driver License Center Supervisor as a result of third-party testing under subsection (e).

Amend Bill, page 3, line 9, by striking out "2" and inserting:

3

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

4

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.

BILL OVER IN ORDER

HB 2110 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2204 (Pr. No. 3526) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for definitions and for child identification, assessment and tracking system.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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.

BILLS AMENDED

HB 2310 (Pr. No. 4176) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 2014 (P.L.881, No.100), entitled "An act authorizing the Department of General Services to survey certain lands and buildings situate partly in the City of Harrisburg and partly in Susquehanna Township, Dauphin County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to East Liberty Development Corporation certain lands and improvements situate in the City of Pittsburgh, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County, and the Borough of Pine Grove, Schuylkill County; authorizing the Department of General Services, with the approval of the Governor to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County; authorizing the Department of General Services, with the approval of the Department of Labor and Industry and the Governor, to grant and convey to the Coatesville Area Senior Center, or its successors or assigns, certain lands, buildings and improvements situate in the City of Coatesville, Chester County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Technician Training School certain lands situate in the City of Philadelphia, Philadelphia County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Fort LeBoeuf Historical Society certain lands situate in the Borough of Waterford, Erie County; authorizing and directing the Department of General Services, with the approval of Millersville University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Penn Manor School District certain lands situate in the Borough of Millersville, Lancaster County, and further authorizing and directing the Department of General Services to accept, in exchange, a conveyance of certain lands situate in the Borough of Millersville, Lancaster County, from the Penn Manor School District; authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use and reversionary covenants imposed on certain real property situate in the City of Scranton, Lackawanna County; partially removing and releasing restrictive use covenants on certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Attorney General and the concurrence of the Department of Environmental Protection, to lease to the City of Philadelphia land within the bed of the Delaware River within the City of Philadelphia," reenacting provisions authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the Fort LeBoeuf Historical Society certain lands, known as Washington Monument Park, Judson House and Fort LeBoeuf Museum, situate in the Borough of Waterford, Erie County; authorizing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to grant and convey to Centura Development Co., Inc. a vacant parcel of land situate in Old Lycoming Township, Lycoming County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Erie Convention Center Authority, or its assigns, an ingress and egress easement from lands of the Commonwealth of Pennsylvania at the Warner Theater Historical Site situate in the City of Erie, Erie County.

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

BROWNE AMENDMENT A10206

Senator BROWNE offered the following amendment No. A10206:

Amend Bill, page 2, line 32, by striking out "AND"

Amend Bill, page 2, line 37, by striking out the period after "COUNTY" and inserting:

; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to East Allen Township, or its assigns, certain lands situate in the Township of East Allen, Northampton County.

Amend Bill, page 6, line 8, by striking out "AND"

Amend Bill, page 6, line 13, by striking out the period after "COUNTY" and inserting:

; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to East Allen Township, or its assigns, certain lands situate in the Township of East Allen, Northampton County.

Amend Bill, page 30, by inserting between lines 21 and 22:
Section 14.3. Conveyance in East Allen Township, Northampton County.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to East Allen Township, or its assigns, certain lands, and any improvements located thereon, situate in the Township of East Allen, County of Northampton under terms, conditions and for consideration equal to fair market value to be established in an Agreement of Sale.

(b) Legal description.--The property to be conveyed pursuant to subsection (a) consists of approximately 18.14-acres of land, and any improvements thereon, bounded and more particularly described as follows:

ALL THAT CERTAIN TRACT OF LAND situate in East Allen Township, Northampton County, Pennsylvania, being bounded and described as follows:

BEGINNING at a point at the intersection of the center line of Weaversville Road (SR 3017) and the center line of Colony Drive; thence

(1) N 35° 20' 50" W along the center line of Weaversville Road (SR 3017) for a distance of 127.53 feet to a point;

(2) N 33° 4' 30" W along the center line of Weaversville Road (SR 3017) for a distance of 277.49 feet to a point;

(3) N 36° 11' 04" W along the center line of Weaversville Road (SR 3017) for a distance of 181.18 feet to a point;

(4) N 38° 35' 58" W along the center line of Weaversville Road (SR 3017) for a distance of 61.01 feet to a point;

(5) N 40° 01' 40" W along the center line Weaversville Road (SR 3017) for a distance of 272.92 feet to a point;

(6) S 86° 18' 05" E along the dividing line between the parcel herein described and lands now or formerly of Northampton County for a distance of 725.29 feet to a point;

(7) thence along the dividing line between the parcel herein described and lands now or formerly of Northampton County through a curve to the left with an arc distance of 602.00 feet, a radius of 1945.10 feet, and a chord bearing of N 84° 49' 56" E for a distance of 599.60 feet to an iron pin;

(8) S 03° 41' 50" along the dividing line between the parcel herein described and lands now or formerly of East Allen Township for a distance of 250.63 feet to an iron pin;

(9) N 90° 00' 00" E along the dividing line between the parcel herein described and lands now or formerly of East Allen Township for a distance of 100.21 feet to an iron pin;

(10) S 03° 48' 04" E along the dividing line between the parcel herein described and lands now or formerly of East Allen Township and of N/F Paul S. Evans, Jr. for a distance of 491.64 feet to a point on the center line of Colony Drive;

(11) S 89° 45' 05" W along the center line of Colony Drive for a distance of 921.11 feet to a point on the center line of Weaversville

Road (SR 3017), said point being the point of BEGINNING.

CONTAINING 18.14-acres as per survey and major subdivision of Kurtanich Engineers & Associates, Inc., Hermitage, PA, titled Final Plan Allentown State Farm, dated March 10, 1997 and revised June 1, 1998, Drawing No. K-97-940-08 and being Parcel VIII on said Final Plan recorded to Instrument No. 1998024534.

UNDER AND SUBJECT TO the rights of a hundred foot (100') easement provided to East Allen Township by deed dated September 11, 1995 and recorded January 18, 1996 in the Recorder of Deeds of Northampton County in Deed Book Volume 1996-1, Page 5015, and being Instrument Number 1996001683.

BEING Tax Parcel ID: 5060-18-0679-5193

ALSO BEING a portion of the same premises conveyed to the Commonwealth of Pennsylvania in Deed Book H63, Page 256.

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

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

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

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

(g) Alternate disposition.--In the event that the conveyance is not completed within two years of the effective date of this section, the Department of General Services may sell the property in accordance with section 2405-A of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929.

Amend Bill, page 30, by inserting between lines 27 and 28:

(iv) The addition of section 14.3 of the act.

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

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

BAKER AMENDMENT A10236

Senator BAKER offered the following amendment No. A10236:

Amend Bill, page 2, line 32, by striking out "AND"

Amend Bill, page 2, line 37, by striking out the period after "COUNTY" and inserting:

; and authorizing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to grant and convey to D&I Silica LLC, or its assigns, an egress easement through lands of the Commonwealth of Pennsylvania situate in the Township of Tunkhannock, County of Wyoming.

Amend Bill, page 6, line 11, by striking out "AND"

Amend Bill, page 6, line 13, by striking out the period after "COUNTY" and inserting:

; and authorizing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to grant and convey

to D&I Silica LLC, or its assigns, an egress easement through lands of the Commonwealth of Pennsylvania situate in the Township of Tunkhannock, County of Wyoming.

Amend Bill, page 30, by inserting between lines 21 and 22: Section 14.3. Conveyance in Tunkhannock Township, Wyoming County.

(a) Authorization.--

(1) Subject to paragraph (2), the Department of General Services, with the approval of the Department of Agriculture and the Governor, is authorized on behalf of the Commonwealth to grant and convey to D&I Silica, LLC, or its assigns, an egress easement through lands of this Commonwealth at the Tunkhannock regional office of the Department of Agriculture situate in the Township of Tunkhannock, County of Wyoming, under terms, conditions and for consideration equal to fair market value acceptable to the Secretary of General Services.

(2) Granting of this easement is contingent upon a stipulated agreement between the Grantee and the Wyoming County Commissioners, and approved by the Court of Common Pleas of Wyoming County.

(b) Description.--The egress easement to be conveyed pursuant to Section 1 total approximately 0.74-acres bounded and more particularly described as follows:

ALL that certain piece or parcel of land situated in the Township of Tunkhannock, County of Wyoming and Commonwealth of Pennsylvania, more particularly bound and described as follows:

BEGINNING at a point situate at the intersection of the common boundary line of lands now or formerly of J. Stark Bartron, II & Jane D. Bartron, His Wife as described in Record Book 282 at Page 440 and lands now or formerly of the General State Authority as described in Record Book 256 at Page 795 and Deed Book 178 at Page 676, said point being in the westerly right-of-way line of State Highway Route 92 (S.R. 0092).

Thence along the westerly right-of-way line of State Route 92, South 05° 40' East a distance of 57.68 more or less to a point;

Thence through lands now or formerly of the General State Authority, South 84° 10' 09" West a distance of 253.98 more or less to a point;

Thence through the same, South 75° 47' 00" West a distance of 739.44 to a point;

Thence through the same, South 51° 44' 36" West a distance of 143.39 to a point in the easterly line of lands now or formerly of Lehigh Valley Railroad;

Thence along lands now or formerly of Lehigh Valley Railroad, North 31° 13' 00" West a distance of 82.00 to a common corner of lands now or formerly of J. Stark Bartron, II & Jane D. Bartron and lands now or formerly of the General State Authority;

Thence along lands now or formerly of J. Stark Bartron, II & Jane D. Bartron, North 75° 47' 00" East a distance of 1154.20 to a point in the westerly right-of-way line of State Highway Route 92, the place of BEGINNING.

CONTAINING a total area of 32.096 square feet or 0.74-acres of land, more or less.

BEING all of the Access Easement through lands of the General State Authority as described in Wyoming County Record Book 276 at Page 795 and Deed Book 178 at Page 676.

ALSO BEING all of the Access Easement as depicted in EX-1, dated September 10, 2014 as prepared by Pennoni Associates, Inc., 100 North Wilkes-Barre Boulevard, Suite 409, Wilkes-Barre, PA 18702, Said plan on file with the Department of General Services.

(c) Adjustments.--The legal description in subsection (b) is preliminary and minor adjustments can be made to the final description with the prior written consent of the secretary.

(d) Execution.--The easement agreement shall be executed by the secretary in the name of the Commonwealth.

(e) Costs and fees.--Costs and fees incidental to the conveyance of the easement shall be borne by the grantee.

(f) Proceeds.--The Department of General Services shall utilize the proceeds from the conveyance to reimburse itself for costs and fees it incurred as a result of this conveyance. Any money remaining after reimbursement to the Department of General Services shall be deposited into the Agricultural Farm Operations Account.

(g) Expiration.--If the parties have not entered into an easement agreement within one year of the effective date of this section, the authorization contained in this section shall expire.

Amend Bill, page 30, by inserting between lines 26 and 27:

(iii) The addition of section 14.3 of the act.

Amend Bill, page 30, line 27, by striking out "(III)" and inserting:

(iv)

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.

HB 2340 (Pr. No. 3757) -- 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, providing for medical professional liability reciprocal exchange-to-stock conversion.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VANCE offered the following amendment No. A10137:

Amend Bill, page 1, line 11, by inserting after "laws,"": in casualty insurance, providing for pharmaceutical coverage for oral anticancer medications; and

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting:

Section 1. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section and an article to read:

Section 631.1. Pharmaceutical Coverage for Oral Anticancer Medications.--(a) Whenever an individual or group health, sickness or accident insurance policy or subscriber contract or certificate issued by any entity subject to the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act," 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations) or this act provides pharmaceutical coverage that includes coverage for cancer chemotherapy or anticancer medications which have been approved by the United States Food and Drug Administration for general use in the treatment of cancer, the policy shall not place orally administered anticancer medications on a specialty tier or charge a coinsurance payment for orally administered anticancer medications. The prohibition of coinsurance payments applies to charging a percentage of the cost of the medication or a flat-fee cost that is specific to anticancer medication, but does not include charging the minimal copayment that is usual for covered prescription medications not on a specialty tier.

(b) Nothing in this section shall serve to diminish the benefits of any insured or subscriber in effect on the effective date of this section, nor prevent the offering or acceptance of benefits which exceed the minimum benefits required by this section.

(c) This section shall apply to those insurance policies, subscriber contracts or certificates issued or entered into or renewed on or after the effective date of this section.

(d) As used in this section:

"Anticancer medication" means a drug or biological product that is used to kill, slow or prevent the growth of cancerous cells.

"Specialty tier" means a formulary category for a prescription drug that meets one or more of the following criteria:

(1) A high-cost medication that is used to treat and is prescribed for a person with a complex, chronic or rare medical condition.

(2) The drug is not typically available at community retail pharmacies.

(3) The drug requires special handling, storage or has distribution or inventory limitations.

(4) The drug has a complex dosing regimen or requires special administration.

(5) The drug is considered to have limited distribution by the United States Food and Drug Administration.

(6) The drug requires complex and extended patient education or counseling, intensive monitoring or clinical oversight.

(7) The drug has significant side effects or risk profile.

Amend Bill, page 19, line 4, by striking out all of said line and inserting:

Section 2. This act shall take effect as follows:

- (1) The following shall take effect immediately:
 - (i) This section.
 - (ii) The addition of section 631.1 of the act.
- (2) The remainder of this act shall take effect in 60 days.

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

POINT OF ORDER

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

Senator WHITE. Mr. President, I rise to question whether amendment No. A10137 is germane to the subject of House Bill No. 2340.

The PRESIDENT. Senator White has raised a point of order under our Rules that amendment A10137 may be out of order because it is not germane. To determine whether an amendment is germane, the Chair must determine whether or not the amendment is relevant, appropriate, and in a natural and logical sequence to the subject matter of the bill. The amendment must at least relate to the subject matter to be germane. It is the Chair's determination that, indeed, the amendment does satisfy that requirement and, as such, is germane.

Senator WHITE. Thanks for that decision, Mr. President.

I rise to oppose this amendment to House Bill No. 2340. This is a complete subversion, in my opinion, of the committee process. Just yesterday, the House passed this bill and it was, literally, just referred to my committee about 8 hours ago. I was notified of this amendment just 30 minutes before the start of caucus today. Senator Tomlinson's bill, Senate Bill No. 402, has been in my committee this entire Session and was introduced in the spring of 2013. It was not until 3 weeks ago that his office inquired with my office about the status of this bill. At Senator Pileggi's request, his office met with the insurers and the Department of Insurance to discuss the many issues, both technical and substantive, on the bill and it was clear to me that the bill had many issues that needed to be addressed and done so in an orderly manner through the committee process as I used to know it. I believe with the right effort, we can reach an agreement on this very important issue.

Ironically, just a few days ago, "60 Minutes" did an interesting story, this past Sunday, on how the drug companies manipulate the price of cancer therapy drugs to line their own pockets at the expense of patients and insurers. Maybe the discussion needs to be not about making major medical policies pay for prescriptions, but preventing pharmacies from gouging patients and physicians, as the recent "60 Minutes" clip highlights. I do not think we need to be a lapdog for big pharmacies on this.

Moreover, this bill is badly written and completely dismisses the technical and substantive concerns expressed by the Department of Insurance presented to the House prior to this bill passing, and they have gone completely unaddressed. For example, the effective date cannot work. Because Obamacare prevents insurers from changing insurance policies until they are approved by the Federal government, functionally, this means this legisla-

tion cannot take effect at least until 2016. As is written, this bill is illegal under Obamacare. There are many other functional problems with this bill, which is what the committee process is designed to address, but we are not doing that today. This bill is much more than just cost, because let us face it, the insurers will pass the cost on through increased premiums to one and all. This amendment actually prohibits insurers from putting a cancer drug on what is known as a specialty tier, meaning insurers are completely unable to monitor the drug for proper usage. We are talking about a \$10,000 per month prescription. If insurers are going to have to pay big pharma that kind of money, they should at least be given some oversight over its use.

Currently, intravenous chemo is covered. You go to a clinic, you go to a hospital, you go to a doctor's office, there are nurses, there are doctors, and they are there to observe to make sure the correct dosage is given. That is not the case with this bill. I have talked with a dear personal friend of mine who is on this pill. If you miss one day, for lack of supervision and no one there to tell you, you restart the cycle again. Not doing a chemo treatment correctly is not like me not taking my blood pressure pill, which, obviously, today I did not take. Again, we are paying big pharma \$10,000 per month, or more, and it needs to be properly used.

Let us remember, we cannot pass a law that affects any person who is insured by a company that has self-funded health insurance. I repeat, we cannot pass a law that affects anybody with self-funded health insurance. That means large companies that are all self-insured, such as a big pharmacy company, will not be subjected to this mandate, but the small businesses will. That is unfair to those employers and it is unfair to the citizens of Pennsylvania who will not be covered under this bill, which is about 50 percent of those insured, because they are in a self-funded plan.

MOTION TO TABLE AMENDMENT

Senator WHITE. For all of these reasons, I move to table the amendment until legitimate discussion can occur in a committee process.

Thank you very much, Mr. President.

The PRESIDENT. The motion to table takes precedence and is undebatable.

Senator PILEGGI. Mr. President, I request a roll-call vote.

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

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

YEA-11

Alloway	Eichelberger	Leach	Wagner
Argall	Folmer	Scarnati	White
Browne	Gordner	Stack	

NAY-39

Baker	Ferlo	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Greenleaf	Schwank	Ward
Brewster	Hughes	Smith	Washington
Brubaker	Hutchinson	Smucker	Wiley

Corman	Kasunic	Solobay	Williams
Costa	Kitchen	Tartaglione	Wozniak
Dinniman	McIlhinney	Teplitz	Yaw
Erickson	Mensch	Tomlinson	Yudichak
Farnese	Pileggi	Vance	

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

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

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, very briefly, this is about oral cancer treatment. There was a time in the past when the only way to receive cancer treatment was in a hospital via an IV. Now we have cancer drugs that are able to be taken orally that are much more effective because they target a specific cancer and do not destroy the whole body. This also enables people to work while they are taking this oral therapy. It is a win-win for the patients, and I ask for a "yes" vote on this amendment.

Thank you, Mr. President.

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

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

YEA-46

Alloway	Farnese	Rafferty	Vogel
Argall	Ferlo	Robbins	Vulakovich
Baker	Fontana	Scarnati	Wagner
Blake	Gordner	Schwank	Ward
Boscola	Greenleaf	Smith	Washington
Brewster	Hughes	Smucker	White
Browne	Hutchinson	Solobay	Williams
Brubaker	Kasunic	Stack	Wozniak
Corman	Kitchen	Tartaglione	Yaw
Costa	McIlhinney	Teplitz	Yudichak
Dinniman	Mensch	Tomlinson	
Erickson	Pileggi	Vance	

NAY-4

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

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

BILL OVER IN ORDER

HB 2345 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2353 (Pr. No. 3854) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, in suspension of business - involuntary dissolutions, further providing for definitions, for injunctions and orders, for fraudulent transfers prior to petition and for voidable preferences and liens.

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-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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 without amendments.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 7 and SB 76 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 91 (Pr. No. 3835) -- 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 educational improvement tax credit, further providing for definitions.

Considered the second time and agreed to,

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

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

BILL OVER IN ORDER

HB 162 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 201 (Pr. No. 4238) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in source selection and contract formation, further providing for competitive sealed proposals; providing for investment activities in Iran; and imposing civil penalties.

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

BILL REREFERRED

HB 207 (Pr. No. 2558) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for autopsies.

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

BILL ON SECOND CONSIDERATION

HB 402 (Pr. No. 3881) -- The Senate proceeded to consideration of the bill, entitled:

An Act imposing duties on lessees of oil and natural gas leases; and providing for the recording of surrender documents from oil and natural gas leases and of affidavits of termination, expiration or cancellation.

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 435 (Pr. No. 4225) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for persons required to report suspected child abuse, for reporting procedure, for confidentiality of reports, for release of information in confidential reports, for information relating to prospective child-care personnel, for information relating to family day-care home residents and for information relating to other persons having contact with children; providing for continued employment or participation in program, activity or service and for certification compliance; making a conforming amendment to Title 42; providing for a study on employment bans for those having contact with children; and making editorial changes.

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

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

BILL ON SECOND CONSIDERATION

SB 476 (Pr. No. 2186) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing guidelines and procedures governing certain investigations of correctional officers; authorizing certain civil suits by correctional officers; and providing for impact of collective bargaining agreements and for summary suspensions.

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

BILL OVER IN ORDER

HB 477 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 573 (Pr. No. 4170) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in financial responsibility, providing for neighborhood electric vehicles; in special vehicles and pedestrians, providing for operation of pedalcycles with electric assist; and, in inspection of vehicles, further providing for operation of vehicle without official certificate of inspection.

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

BILL OVER IN ORDER

HB 618 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 764 (Pr. No. 4239) -- 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 sentencing, providing for sentencing for offenses involving online impersonation; 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; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis; providing for request for modified DNA search; and further providing for DNA data base exchange, for expungement and for mandatory cost.

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

HB 803 (Pr. No. 4240) -- 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 school health services, providing for school access to emergency epinephrine.

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

BILL REREFERRED

SB 898 (Pr. No. 2325) -- 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 school health services, providing for school access to emergency epinephrine.

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

BILL ON SECOND CONSIDERATION

HB 939 (Pr. No. 4250) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in administration, further providing for assessment for regulatory expenses upon public utilities; in responsible utility customer protection, further providing for definitions, for cash deposits and household information requirements, for payment agreements, for termination of utility service, for reconnection of service, for late payment charge waiver and for complaints filed with commission, providing for public utility duties, further providing for automatic meter readings, for reporting to General Assembly and Governor, for nonapplicability and for construction and providing for expiration; in natural gas competition, further providing for requirements for natural gas suppliers; and, in restructuring of electric utility industry, further providing for requirements for electric generation suppliers.

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

BILLS REREFERRED

HB 1013 (Pr. No. 4174) -- 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 pupils and attendance, further providing for home education program.

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

SB 1061 (Pr. No. 2356) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the design, construction and renovation of certain State-owned or State-leased buildings to comply with specified energy and environmental building standards; and providing for the powers and duties of the Department of General Services.

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 1096 and HB 1159 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

SB 1268 (Pr. No. 2312) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating navigators and assisters in the education and promotion of health insurance exchanges.

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

EICHELBERGER AMENDMENT A9735

Senator EICHELBERGER offered the following amendment No. A9735:

Amend Bill, page 2, line 10, by inserting after "PRODUCER.":
This term shall not include an individual employed to provide insurance enrollment or coverage assistance by a health care facility as defined in section 103 of act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

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

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

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

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

HUGHES AMENDMENT A10159

Senator STACK, on behalf of Senator HUGHES, offered the following amendment No. A10159:

Amend Bill, page 2, lines 1 through 4, by striking out "or" in line 1, all of lines 2 and 3 and "Health and Human Services," in line 4 and inserting:

and operated by the Commonwealth

Amend Bill, page 8, lines 8 and 9, by striking out all of said lines and inserting:

This act shall take effect upon establishment of a health insurance exchange operated by the Commonwealth under the Patient Protection and Affordable Care Act (Public Law 111-148, 124 Stat. 119).

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

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

Senator STACK. Mr. President, this amendment is simple. It seeks to improve and make workable the underlying bill. As you know, with Obamacare, we have literally chosen not to set up our own exchanges in Pennsylvania. So, therefore, the underlying bill, which seeks to set up navigators, is essentially unconstitutional because we do not have our own exchange here in Pennsylvania. So, this amendment simplifies that process and changes the effective date of when we can use navigators, and so I ask the Members to support the legislation and make this bill constitutional.

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

Senator EICHELBERGER. Mr. President, I recommend a negative vote on this amendment, and explain that this issue has been litigated around the country and we have no evidence anywhere to show that this is an unconstitutional bill in its entirety as it moves through the system. Again, I ask for a negative vote.

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

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

YEA-23

Blake	Ferlo	Schwank	Washington
Boscota	Fontana	Smith	Wiley
Brewster	Hughes	Solobay	Williams
Costa	Kasunic	Stack	Wozniak
Dinniman	Kitchen	Tartaglione	Yudichak
Farnese	Leach	Teplitz	

NAY-27

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Rafferty	Vulakovich
Baker	Gordner	Robbins	Wagner
Browne	Greenleaf	Scarnati	Ward
Brubaker	Hutchinson	Smucker	White
Corman	McIlhinney	Tomlinson	Yaw
Eichelberger	Mensch	Vance	

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

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

BILLS ON SECOND CONSIDERATION

SB 1310 (Pr. No. 2190) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Grade Crude Development Advisory Council; and providing for duties of the Pennsylvania Grade Crude Development Advisory Council and the Department of Environmental Protection and for administrative support.

Considered the second time and agreed to,

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

HB 1357 (Pr. No. 4256) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offenses of impersonating a public servant and for impersonating a notary public or a holder of a professional or occupational license; in general provisions, providing for the definition of "ignition interlock limited license"; in licensing of drivers, further providing for occupational limited license and providing for ignition interlock limited license; in driving after imbibing alcohol or utilizing drugs, further providing for ignition interlock and for prior appeals; and, in other required equipment, further providing for visual and audible signals on emergency vehicles.

Considered the second time and agreed to,

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

SB 1361 (Pr. No. 2326) -- 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, establishing the Ready to Succeed Scholarship Program; and conferring powers and imposing duties on the Pennsylvania Higher Education Assistance Agency and the Department of Education.

Considered the second time and agreed to,

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

HB 1436 (Pr. No. 4244) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1996 (P.L.1492, No.191), known as the Medical Foods Insurance Coverage Act, amending the title of the act; and further providing for medical foods insurance coverage, for cost-sharing provisions, for regulations and for applicability.

Considered the second time and agreed to,

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

HB 1440 (Pr. No. 1951) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions.

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 1481 (Pr. No. 2301) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, in residual waste, further providing for transportation of residual waste; and abrogating a regulation.

On the question,
Will the Senate agree to the bill on second consideration?
Senator ERICKSON offered the following amendment No. A10168:

Amend Bill, page 2, line 3, by striking out "municipal authority or municipal-owned"
Amend Bill, page 2, line 9, by striking out "regulation" and inserting:
regulations
Amend Bill, page 2, line 10, by inserting after "273.273(a)":
, (b)(1), (2) and (3) and (e)
Amend Bill, page 2, line 11, by striking out "is" and inserting:
are

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

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

YEA-32

Alloway	Eichelberger	Pileggi	Vogel
Argall	Erickson	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Gordner	Scarnati	Ward
Brewster	Greenleaf	Smucker	White
Browne	Hutchinson	Solobay	Williams
Brubaker	McIlhinney	Tomlinson	Yaw
Corman	Mensch	Vance	Yudichak

NAY-18

Boscola	Fontana	Schwank	Washington
Costa	Hughes	Smith	Wiley
Dinniman	Kasunic	Stack	Wozniak
Farnese	Kitchen	Tartaglione	
Ferlo	Leach	Teplitz	

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILL REREFERRED

SB 1484 (Pr. No. 2303) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for duty of driver in construction and maintenance areas or on highway safety corridors and for duty of driver in emergency response areas.

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

BILL ON SECOND CONSIDERATION

SB 1491 (Pr. No. 2357) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1963 (P.L.1059, No.459), referred to as the Cemetery and Funeral Merchandise Trust Fund Law, further providing for deposits into merchandise trust funds; providing for price and description reports; and further providing for payments from merchandise trust funds, for filing of financial reports and for penalty.

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

BILL OVER IN ORDER

HB 1565 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 1567 (Pr. No. 3126) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring health care facilities to disseminate information relating to pertussis education; and imposing a duty on the Department of Health.

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

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

HB 1654 (Pr. No. 2274) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 9, 1965 (P.L.497, No.251), known as the Newborn Child Testing Act, further providing for newborn child screening and follow-up program.

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

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

HB 1655 (Pr. No. 4226) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Patient-Centered Medical Home Advisory Council; providing powers and duties of the council, the Department of Human Services; and providing for development of a plan to implement a Statewide medical home model.

Considered the second time and agreed to,

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

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

BILL ON SECOND CONSIDERATION, AMENDED

HB 1816 (Pr. No. 3644) -- 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 certification of teachers, further providing for continuing professional development; providing for baccalaureate certification basic skills; and further providing for Pennsylvania School Leadership Standards.

On the question,

Will the Senate agree to the bill on second consideration?

Senator WILLIAMS offered the following amendment No. A9966:

Amend Bill, page 1, line 5, by inserting after "thereto," in preliminary provisions, providing for employment history review and for electronic public safety and criminal justice information;

Amend Bill, page 1, lines 12 through 14, by striking out all of said lines and inserting:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding sections to read:

Section 111.1. Employment History Review.--(a) This section shall apply to all positions for employment at school entities and independent contractors of school entities involving direct contact with children.

(b) In addition to fulfilling the requirements of section 111 and 23 Pa.C.S. § 6344.2 (relating to information relating to other persons having contact with children), before a school entity or independent contractor may offer employment to an applicant who would be employed by or in a school entity in a position involving direct contact with children, the school entity or independent contractor shall:

(1) Require the applicant to provide:

(i) A list, including name, address, telephone number and other relevant contact information of the applicant's:

(A) Current employer.

(B) All former employers that were school entities.

(C) All former employers where the applicant was employed in positions that involved direct contact with children.

(ii) A written authorization that consents to and authorizes disclosure by the applicant's current and former employers under subparagraph (i) of the information requested under paragraph (2) and the release of related records and that releases those employers from liability that may arise from such disclosure or release of records pursuant to subsection (d)(5).

(iii) A written statement of whether the applicant:

(A) has been the subject of an abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or child protective services agency, unless the investigation resulted in a finding that the allegations were false;

(B) has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in clause (A); or

(C) has ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in clause (A).

(2) Conduct a review of the employment history of the applicant by contacting those employers listed by the applicant under the provisions of paragraph (1)(i) and requesting the following information:

(i) The dates of employment of the applicant.

(ii) A statement as to whether the applicant:

(A) was the subject of any abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or child protective services agency, unless such investigation resulted in a finding that the allegations were false;

(B) was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct described in clause (A); or

(C) has ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct as described in clause (A) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in clause (A).

(3) Check the eligibility for employment or certification status of any applicant for a position involving direct contact with children to determine whether the applicant holds valid and active certification appropriate for the position and is otherwise eligible for employment and whether the applicant has been the subject of public professional discipline.

(4) Inquire whether the Department of Education has received notification of pending criminal charges against the applicant.

(c) An applicant who provides false information or willfully fails to disclose information required in subsection (b) shall be subject to discipline up to, and including, termination or denial of employment and may be subject to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), and may be subject to civil penalties and professional discipline in accordance with subsection (1).

(d) (1) No later than twenty (20) days after receiving a request for information required under subsection (b)(2), an employer that has or had an employment relationship with the applicant shall disclose the information requested.

(2) The employer shall disclose the information on a standardized form developed by the Department of Education.

(3) (i) After reviewing the information initially disclosed under paragraph (1) and finding an affirmative response to subsection (b)(1)(iii)(A), (B) or (C), (2)(ii)(A), (B) or (C) where the prospective employing school entity or contractor makes a determination to further consider the applicant for employment, the school entity or contractor shall request that former employers provide additional information about the matters disclosed and all related records.

(ii) Former employers shall provide the additional information requested no later than sixty (60) days after the prospective employer's request under this paragraph.

(4) (i) Information received under this section shall not be deemed a public record for the purposes of the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

(ii) A school entity that receives the information under this subsection may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment and may report the information as appropriate to the Department of Education, a State licensing agency, law enforcement agency, child protective services agency, another school entity or prospective employer.

(5) An employer, school entity, school administrator or independent contractor that provides information or records about a current or former employee or applicant shall be immune from criminal liability under 23 Pa.C.S. Ch. 63 (relating to child protective services) and the act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act," and civil liability for the disclosure of the information, unless the information or records provided were knowingly false. Such immunity shall be in addition to and not in limitation of any other immunity provided by law, or any absolute or conditional privileges appli-

cable to such disclosures by virtue of the circumstances or the applicant's consent thereto.

(6) Except where the laws of other states prevent the release of the information or records requested, or disclosure is restricted by the terms of a contract entered into prior to the effective date of this section, the wilful failure of a former employer, school entity, school administrator or independent contractor to respond or provide the information and records as requested may result in civil penalties, and professional discipline where appropriate, in accordance with subsection (1).

(7) Notwithstanding any provision of law to the contrary, an employer, school entity, school administrator, independent contractor or applicant shall report and disclose in accordance with this section all relevant information, records and documentation that may otherwise be confidential under 23 Pa.C.S. Ch. 63 and the "Educator Discipline Act."

(e) (1) A school entity or independent contractor may not hire an applicant who does not provide the information required under subsection (b) for a position involving direct contact with children.

(2) A school entity or independent contractor may hire an applicant on a provisional basis for a period not to exceed ninety (90) days pending the school entity's or independent contractor's review of information and records received under this section, provided that all of the following are satisfied:

(i) The applicant has provided all of the information and supporting documentation required under subsection (b).

(ii) The school administrator has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.

(iii) The applicant swears or affirms that the applicant is not disqualified from employment.

(iv) The applicant is not permitted by the school entity or independent contractor to work alone with children and is required to work in the immediate vicinity of a permanent employe.

(f) On or after the effective date of this section, a school entity or independent contractor may not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement or any other contract or agreement or take any action that:

(1) has the effect of suppressing information relating to an investigation related to a report of suspected abuse or sexual misconduct by a current or former employe;

(2) affects the ability of the school entity or independent contractor to report suspected abuse or sexual misconduct to the appropriate authorities; or

(3) requires the school entity or independent contractor to expunge information about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the school entity or independent contractor, unless after investigation the allegations are found to be false.

(g) Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended or entered into after the effective date of this section and that is contrary to this section shall be void and unenforceable.

(h) (1) For substitute employes, the employment history review required by this section shall be required only prior to the initial hiring of a substitute employe or placement on the school entity's approved substitute list and shall remain valid as long as the substitute employe continues to be employed by the same school entity or remains on the school entity's approved substitute list.

(2) A substitute employe seeking to be added to another school entity's substitute list shall undergo a new employment history review. Except as otherwise provided in paragraph (3), the appearance of a substitute employe on one school entity's substitute list does not relieve another school entity from compliance with this section.

(3) An employment history review conducted upon initial hiring of a substitute employe by an independent contractor, intermediate unit or any other entity that furnishes substitute staffing services to school entities shall satisfy the requirements of this section for all school entities using the services of that independent contractor, intermediate unit or other entity.

(4) An independent contractor, intermediate unit or any other entity furnishing substitute staffing services to school entities shall comply with the provisions of subsection (i)(3) and (4).

(5) For purposes of this subsection, "substitute employe" shall not mean school bus drivers employed by an independent contractor.

(i) (1) For employes of independent contractors, the employment history review required by this section shall be performed, either at the time of the initial hiring of the employe or prior to the assignment of an existing employe to perform work for a school entity in a position involving direct contact with children. The review shall remain valid as long as the employe remains employed by the same independent contractor, even if assigned to perform work for other school entities.

(2) An independent contractor shall maintain records documenting employment history reviews for all employes as required by this section and, upon request, shall provide a school entity for whom an employe is assigned to perform work access to the records pertaining to that employe.

(3) Prior to assigning an employe to perform work for a school entity in a position involving direct contact with children, the independent contractor shall inform the school entity of any instance known to the independent contractor in which the employe:

(i) was the subject of any abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement authority or child protective services agency, unless such investigation resulted in a finding that allegations are false;

(ii) has ever been disciplined, discharged, nonrenewed, removed from a substitute list, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of abuse or sexual misconduct as described in subparagraph (i) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in subparagraph (i); or

(iii) has ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct as described in subparagraph (i) were pending or under investigation, or due to an adjudication or findings of abuse or sexual misconduct as described in subparagraph (i).

(4) The independent contractor may not assign the employe to perform work for the school entity in a position involving direct contact with children where the school entity objects to the assignment after being informed of an instance listed in paragraph (3).

(j) An applicant who has undergone the employment history review required under this section and seeks transfer to or to provide services to another school in the same district, diocese or religious judiciary or to another school established and supervised by the same organization shall not be required to obtain additional reports before making such transfer.

(k) Nothing in this section shall be construed:

(1) To prevent a prospective employer from conducting further investigations of prospective employes or from requiring applicants to provide additional background information or authorizations beyond what is required under this section, nor to prevent a former employer from disclosing more information than what is required under this section.

(2) To relieve a school entity, school administrator or independent contractor of its legal responsibility to report suspected incidents of abuse in accordance with the provisions of 23 Pa.C.S. Ch. 63.

(3) To relieve a school entity, school administrator or independent contractor of its legal responsibility to report suspected incidents of professional misconduct in accordance with the "Educator Discipline Act."

(4) To prohibit the right of the exclusive representative under a collective bargaining agreement to grieve and arbitrate the validity of an employe's termination or discipline for just cause or for the causes set forth in this act.

(l) (1) The Department of Education shall have jurisdiction to determine wilful violations of this section and may, following a hearing, assess a civil penalty not to exceed ten thousand dollars (\$10,000). School entities shall be barred from contracting with an independent contractor who is found to have wilfully violated the provisions of this section.

(2) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the "Educator Discipline Act" against any applicant, employe, independent contractor or school administrator who is subject to the "Educator Discipline Act" for wilful violations of this section.

(m) The Department of Education shall develop the forms for applicants and employers required under subsection (b)(1) and (2), as well as any other forms necessary to carry out the provisions of this

section.

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

"Abuse." Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child or a student, regardless of the age of the child or student.

"Direct contact with children." The possibility of care, supervision, guidance or control of children or routine interaction with children.

"School entity." Any public school, including a charter school or cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school operating within this Commonwealth.

"Sexual misconduct." Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

(1) Sexual or romantic invitation.

(2) Dating or soliciting dates.

(3) Engaging in sexualized or romantic dialog.

(4) Making sexually suggestive comments.

(5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.

(6) Any sexual, indecent, romantic or erotic contact with the child or student.

Section 111.2. Electronic Public Safety and Criminal Justice Information --(a) Subject to subsection (b), the Department of Education shall obtain and monitor public safety and criminal justice information, including, but not limited to, arrest and disposition information, for all educators from any Statewide electronic database to the extent such public safety and criminal justice information is available to the Department of Education and shall use such information for certification and discipline purposes.

(b) For purposes of this section, "educator" shall mean all of the following:

(1) Any person who holds a Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under this act or under the act of January 28, 1988 (P.L.24, No.11), known as the "Private Academic Schools Act," or who has applied for a certificate, commission, letter of eligibility or permit.

(2) Any person who is a charter or cyber charter school staff member or who is a contracted educational provider or contracted educational provider staff member as those terms are defined in the act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act."

(3) Any person over whom the Professional Standards and Practices Commission has disciplinary authority pursuant to the "Educator Discipline Act."

Section 2. Section 1205.1(c.1) of the act, amended July 11, 2006 (P.L.1092, No.114), is amended to read:

Amend Bill, page 3, line 12, by striking out "2" and inserting:

3

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

4

Amend Bill, page 4, line 30, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, briefly, to remind the Members, they voted on this piece of legislation several months ago. Everyone in the Senate supported it. I would appreciate the continued support of this measure, which will protect children in our school systems.

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

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS OVER IN ORDER

HB 1822 and **HB 1837** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1846 (Pr. No. 3904) -- 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, further providing for schedule of compensation.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1907 and **HB 2049** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 2120 (Pr. No. 4257) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in neighborhood blight and reclamation and revitalization, further providing for definitions, for asset attachment, for duty of out-of-State owners of property in this Commonwealth and for duty of association and trust owners.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 2278 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

HB 2354 (Pr. No. 3898) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the Department of Environmental Protection to receive approval from the General Assembly for a State plan to regulate

carbon dioxide emissions for existing stationary sources prior to submitting the State plan to the United States Environmental Protection Agency for approval.

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

BILL ON SECOND CONSIDERATION

HB 2420 (Pr. No. 4243) – The Senate proceeded to consideration of the bill, entitled:

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

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF GOVERNORS
OF THE STATE SYSTEM OF HIGHER EDUCATION**

October 3, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2014, for the appointment of Mark A. Holman, 9208 Belwood Court, Alexandria, Virginia 22309, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2014, and until his successor is appointed and qualified, vice Celestino R. Pennoni, Bryn Mawr, resigned.

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

TOM CORBETT
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

October 3, 2014

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 1, 2014, for the appointment of The Honorable Jane Earll, 1509 Pasadena Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term

of four years and until her successor is appointed and qualified, vice Oliver C. Mitchell, Jr., Sinking Spring, whose term expired.

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

TOM CORBETT
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE STATE CIVIL
SERVICE COMMISSION**

September 15, 2014

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, Gregory M. Lane, 2617 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2020, or until his successor is appointed and qualified, vice James W. Martin, Steelton, resigned.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY**

September 15, 2014

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, K. Scott Baker, 495 Longridge Drive, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2020, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

September 15, 2014

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, Maria F. Coutts, 148 Gumbletown Road, Paupack 18451, Pike County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2019, and until her successor is appointed and qualified, vice Howard Slaughter, Pittsburgh, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

July 18, 2014

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, Jeffrey S. Gerland, D.P.M., 311 Louella Avenue, Wayne 19087, Chester County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

July 18, 2014

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, Michael J. Paris, D.P.M., 133 Stony Brook Lane, New Oxford 17350, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for until *[sic]* a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dr. Mary Loftus, Bethlehem, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

July 18, 2014

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, Robert B. Weber, DPM, 1280 Round Hill Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for until *[sic]* a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard D. DiBacco, DPM, FACFAS, FACAO, Erie, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE ADVISORY
COMMITTEE ON PROBATION

June 24, 2014

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, Mark J. Wilson, 738 Westover Drive, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS*EXECUTIVE SESSION*

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

September 15, 2014

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, K. Scott Baker, 495 Longridge Drive, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2020, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

September 15, 2014

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, Maria F. Coutts, 148 Gumbletown Road, Paupack 18451, Pike County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2019, and until her successor is appointed and qualified, vice Howard Slaughter, Pittsburgh, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

July 18, 2014

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, Jeffrey S. Gerland, D.P.M., 311 Louella Avenue, Wayne 19087, Chester County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

July 18, 2014

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, Michael J. Paris, D.P.M., 133 Stony Brook Lane, New Oxford 17350, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for until *[sic]* a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dr. Mary Loftus, Bethlehem, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

July 18, 2014

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, Robert B. Weber, DPM, 1280 Round Hill Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for until *[sic]* a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard D. DiBacco, DPM, FACFAS, FACAQ, Erie, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE ADVISORY
COMMITTEE ON PROBATION

June 24, 2014

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, Mark J. Wilson, 738 Westover Drive, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

TOM CORBETT
Governor

On the question,
Will the Senate advise and consent to the nominations?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.
The Clerk read the nomination as follows:

MEMBER OF THE STATE CIVIL
SERVICE COMMISSION

September 15, 2014

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, Gregory M. Lane, 2617 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2020, or until his successor is appointed and qualified, vice James W. Martin, Steelton, resigned.

TOM CORBETT
Governor

On the question,
Will the Senate advise and consent to the nomination?

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

Senator STACK. Mr. President, I rise to discuss a point with one of the nominees, Mr. Lane, who from all reports is a qualified person. I have not had the opportunity to talk with him, but I have had, in my office, a number of calls relating to concern about this nominee for a number of reasons. The issue has also been raised that this is for a full 6-year term and we are near, potentially, the end of one administration and the beginning of the next, whether that next administration is with Governor Corbett or with candidate Wolf. It is a long term and the Civil Service Commission is a very responsible position that deals with many areas of employment and many positions in government that are crucial to how the State goes forward. So I think, Mr. President, that it might be worthy of tabling this nomination. I am not making a motion to table but, perhaps, slowing down on this nomination for purposes of giving the next administration a chance to determine what happens in the next 6 years. So, I raise that point only because it is apropos in the sequence of timing and how the State will go forward. That was my only issue of concern, Mr. President. I am not saying even right now whether I intend to vote "no" or in favor, but I just wanted to raise that issue.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.
The motion was agreed to by voice vote.

BILL REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Appropriations, reported the following bill:

SB 1441 (Pr. No. 2334) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, amending provisions relating to professional bondsmen; and providing for authorization to conduct business within each county, for forfeited undertaking and for private cause of action.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1441 (Pr. No. 2334) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, amending provisions relating to professional bondsmen; and providing for authorization to conduct business within each county, for forfeited undertaking and for private cause of action.

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

On the question,
Shall the bill pass finally?

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

Senator ALLOWAY. Mr. President, I rise to ask for support from my colleagues for this bill. This is an excellent bill that is a great start in cleaning up the bail bond industry in Pennsylvania. I would like to thank my friend and colleague, Senator Stack, from Philadelphia, for his work on this bill. We worked on this for almost 2 years and it is great to get it across the finish line here at the Senate, and I ask for a positive vote. Thank you.

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

Senator STACK. Mr. President, I want to also commend my colleague, Senator Alloway, and all the Members who worked on this issue. I think it is good reform. We are finally streamlining and modernizing the way that we deal with the issue of bail bonds. We are making sure that there is that security there that the bond can actually be collected, and that we have a system of order, accountability, and control. So, I really appreciate the great job my friend has done on the bill and we have worked together. I urge all of my colleagues to vote in favor of this and, hopefully, we get swift passage in the House. I also want to thank the Majority Leader for his excellent consideration in helping move the bill forward.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner

Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak
Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	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.

HB 34 AND HB 2178 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 34, Printer's No. 613, and House Bill No. 2178, Printer's No. 3855, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL REREFERRED

Upon motion of Senator PILEGGI, and agreed to by voice vote, the following bill just removed from the table was rereferred to the Committee on Appropriations:

HB 2178.**UNFINISHED BUSINESS****BILLS REPORTED FROM COMMITTEES**

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

HB 1067 (Pr. No. 1294)

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, in senior citizens property tax and rent rebate assistance, further providing for definitions.

Senator McILHINNEY, from the Committee on Law and Justice, reported the following bill:

HB 28 (Pr. No. 2065)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for nonmunicipal police extraterritorial jurisdiction for purposes of municipal police jurisdiction.

Senator MENSCH, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bill:

HB 2377 (Pr. No. 4261)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for definitions and for laws suspended during emergency assignments.

BILLS ON FIRST CONSIDERATION

Senator EICHELBERGER. 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 1302, HB 28, HB 1067 and HB 2377.

And said bills having been considered for the first time,

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

BILL REREFERRED

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

HB 2377.**SENATE RESOLUTIONS ADOPTED**

Senators TEPLITZ, KITCHEN, WASHINGTON, DINNIMAN, FERLO, GREENLEAF, WOZNIAK, ERICKSON, STACK, SCHWANK, KASUNIC, BREWSTER, FONTANA, SOLOBAY, COSTA, SMITH, TARTAGLIONE, ALLOWAY, BOSCOLA, VULAKOVICH and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 468**, entitled:

A Resolution designating the month of October 2014 as "Attention Deficit Hyperactivity Disorder (ADHD) Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, my resolution designates October 2014 as "Attention Deficit Hyperactivity Disorder Awareness Month" in Pennsylvania. ADHD is a neurobehavioral disorder that affects 6 million children across the country. It is one of the most common childhood disorders, and boys are four times more at risk than girls. The primary symptoms include inattention, impulsiveness, and hyperactivity, all of which impacts a child's ability to learn in school, make and keep friends, and function in society. Recognizing ADHD symptoms and seeking help early are keys to improving outcomes in children. Treatments vary for each individual but can include medication and/or therapy.

It is important, Mr. President, that we raise awareness about ADHD to help families, educational professionals, and medical professionals identify the symptoms early in childhood. It is equally important that we as a society insure that individuals with ADHD have access to the right treatments to insure a successful educational experience and an overall better quality of life. Therefore, Mr. President, I ask that my colleagues join me in recognizing the month of October 2014 as Attention Deficit Hyperactivity Disorder Awareness Month in Pennsylvania.

Thank you, Mr. President.

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

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

Senator COSTA on behalf of Senators WASHINGTON, DINNIMAN, STACK, FERLO, GREENLEAF, BAKER, TEPLITZ, WARD, FONTANA, TARTAGLIONE, WILLIAMS, ERICKSON, BREWSTER, VULAKOVICH, KASUNIC, GORDNER, SMITH, SCHWANK, PILEGGI, HUGHES, WOZNIAK, KITCHEN, FARNESE, McILHINNEY, YUDICHAK, RAFFERTY, COSTA, HUTCHINSON and SCARNATI, by unanimous consent, offered **Senate Resolution No. 469**, entitled:

A Resolution designating the month of October 2014 as "Domestic Violence Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I would like to offer remarks for the record on behalf of Senator Washington.

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

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator WASHINGTON:)

Mr. President, I rise today, as I have many years before, to introduce a resolution marking October as "Domestic Violence Awareness Month" in Pennsylvania. This year, it seems, we are all very much aware of the toll that domestic violence takes on our communities. Seeing the wall-to-wall media coverage and the videotapes that have come out in the past few weeks have been painful for so many survivors of domestic violence.

As a 40-year survivor, I know the brutality that can occur at the hands of a partner and the difficult time the victim has in the wake of such pain. The stigma and shame that victims feel is often just as troublesome as the abuse itself. This is why you will often hear me refer to it as "The Big Secret." In all of this, though, one of the most surprising things that I have seen throughout the situation in professional sports has been how many survivors, organizations, and communities have come together to not only say no to the abuse, but offer hope for those who suffer at the hands of their partners.

Pennsylvania has many of these great organizations that work each and every day, offering hope, resources, and care to victims and their families. In my 20 years in the legislature, I have been honored to work with so many of these organizations to help women and men get back on their feet after they escape a dangerous situation at home. These organizations have joined in the fight to end the violence and give victims the hope and strength they need to become survivors. As many of you know, I was humbled to lend my voice to the PA Says No More campaign last year. The campaign was simple: survivors and advocates sharing their stories and raising awareness to put an end to rape and domestic violence.

So, as I stand here for my final Domestic Violence Awareness Month resolution. I hope all of my colleagues will take up the fight to join me and say no to domestic violence, say no to the shame, and help break the cycle of violence.

Thank you, and I urge a unanimous vote.

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

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

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

Senators TARTAGLIONE, KASUNIC, ERICKSON, FERLO, KITCHEN, WASHINGTON, BAKER, TEPLITZ, STACK, ALLOWAY, GREENLEAF, DINNIMAN, SCHWANK, MENSCH, HUGHES, SMITH, FONTANA, SOLOBAY, RAFFERTY, McILHINNEY, BREWSTER, HUTCHINSON, VULAKOVICH, COSTA, FARNESE and PILEGGI, by unanimous consent, offered **Senate Resolution No. 470**, entitled:

A Resolution recognizing the month of October 2014 as "Breast Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, we hear so much about cancer in our daily lives, from fundraising events to breakthrough medical research, but despite these efforts, it continues to touch so many lives, too many lives. Breast cancer, which is the most frequently diagnosed cancer among women, has personally affected both my family and Senator Kasunic's family. So, we stand before you today in an effort to continue raising awareness and working to reduce its prevalence. I find it amazing that so many women know of the risk of breast cancer but they do not get mammograms when they should. This year over 230,000 new cases will be diagnosed in the U.S., and nearly 40,000 women and 400 men will die from it. When it is treated in its earliest stage, the 5-year survival rate is 100 percent.

Mr. President, in honor of the individuals who have lost their battles with breast cancer, for those who are currently living with it, for those who have survived it, and for all of our family members and our friends, Senator Kasunic and I offer this resolution recognizing October as "Breast Cancer Awareness Month." We encourage residents to learn about breast cancer, take precautionary steps now, and to seek medical attention when they first notice symptoms. We ask all of our colleagues for an affirmative vote on this resolution.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I want to thank Senator Tartaglione for joining with me once again this year to help and spread the word about fighting breast cancer here in America. Mr. President, as I have said many times over the years, all of us in some way are connected to someone who has suffered from breast cancer. It could be a wife or a daughter, it could be a husband or perhaps a brother, it could be a best friend or an old friend, it could be somebody near and dear to you, a grandmother, or a grandfather. We have been touched, all of us. Every one of us in this Chamber, all of our families, or us as individuals

have in some way been affected by this dreaded disease, myself included. My fiancée, Janet Michael, is a 24-year survivor of breast cancer. It is a horrible disease. It is devastating and certainly takes its toll not only on the patient but also on the caregivers. As caregivers, many times we can do little more than pray and offer assistance and make sure that they receive the best possible care.

In the end, you understand that while medical science and treatment of breast cancer has come a long way and continues to advance, that we have a long, long way to go. Mr. President, the statistics are sobering. Nearly 300,000 women and 2,000 men will be diagnosed in the United States with breast cancer this year. Someone dies of breast cancer every 14 minutes. I can go on, but none of you are strangers to this disease and its deadly progression. While the statistics seem grim, nearly all breast cancer patients, as Senator Tartaglione has already said, can overcome it if it is found and treated promptly. When diagnosed at its earliest stage, the 5-year survival rate for this disease is 100 percent.

Mr. President, I also want to give credit to those who chose to blanket October with the now familiar color of pink. It is certainly a campaign that has really caught on fast and spread. As I said, the color pink is immediately--as soon as you see it, you know it is about breast cancer, the bells and whistles go on. Even right here in our own Capitol, the majestic Capitol fountain has been turned pink. This theme and the effort to raise awareness grows stronger and more impressive each and every year. We all know that with the public's continued support, vigilance, and determination, we will someday find the complete cure for this disease.

Mr. President, progress is being made. As research dollars pour in, scientists every day are coming up with workable ideas for detecting, treating, and defeating breast cancer. While that may seem a small consolation to those people who are currently afflicted by this disease and their loved ones, it points to the very real need to fight on and to fight hard. We must continue to provide hope for the victims of this dreaded disease. Hope for a cure. Instill a never-give-up attitude. Our vow is that in our lifetime, there will be a cure for this dreaded disease. Again, I appreciate the support for this resolution and all of the State-sponsored efforts to invest in initiatives aimed at detecting, treating, researching, and raising awareness about breast cancer.

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 TARTAGLIONE, ERICKSON, FERLO, KITCHEN, WASHINGTON, BAKER, TEPLITZ, STACK, ALLOWAY, GREENLEAF, DINNIMAN, SCHWANK, HUGHES, SMITH, FONTANA, SOLOBAY, RAFFERTY, KASUNIC, McILHINNEY, BREWSTER, HUTCHINSON, VULAKOVICH, COSTA, FARNESE, GORDNER and PILEGGI, by unanimous consent, offered **Senate Resolution No. 471**, entitled:

A Resolution designating the month of October 2014 as "National Disability Employment Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, today I hosted my annual disability awareness day in the Main Capitol Rotunda. I began hosting this event several years ago to bring attention to the growing disabled population and to demonstrate the important services and technologies that can help individuals with disabilities. While we acknowledge those individuals who have overcome challenges to fulfill their career ambitions, we must recognize the need for better strategies when employing individuals with disabilities. We need to prepare students with disabilities for the workforce. We need to improve our efforts to recruit and hire individuals with disabilities. We need to understand the value and the contributions of disabled persons in the workplace. We need to invest in more technology and training to improve employment opportunities for individuals with disabilities.

For these reasons, I recognize October 2014 as "National Disability Employment Awareness Month" in Pennsylvania. During this month, I encourage all Pennsylvanians to learn about the many barriers facing disabled persons. I ask that we work to accommodate all persons, both disabled and nondisabled, in our communities and workplaces throughout the year. At this time, I ask all of my colleagues for an affirmative vote on this resolution.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators FOLMER, ERICKSON, WASHINGTON, FERLO, STACK, GREENLEAF, TARTAGLIONE, KITCHEN, FONTANA, VULAKOVICH, DINNIMAN, SMITH, FARNESE, COSTA, BREWSTER, WOZNIAK, TEPLITZ, RAFFERTY, WHITE, PILEGGI, ALLOWAY, BAKER, ROBBINS, ARGALL and BLAKE, by unanimous consent, offered **Senate Resolution No. 472**, entitled:

A Resolution designating the month of October 2014 as "Music Therapy Month" in Pennsylvania and recognizing music therapy as a valid therapeutic service.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, I spoke in more detail earlier today on this resolution while introducing a group of Music Therapy Task Force members, therapists, and students here for Music Therapy Legislative Hill Day. I ask for its adoption. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators STACK, WASHINGTON, FERLO, FARNESE, GREENLEAF, TARTAGLIONE, DINNIMAN, ERICKSON, SCHWANK, COSTA, KASUNIC, VULAKOVICH, BAKER, SMITH, PILEGGI, HUGHES, WOZNIAK, KITCHEN, McILHINNEY, RAFFERTY, SOLOBAY and ALLOWAY, by unanimous consent, offered **Senate Resolution No. 473**, entitled:

A Resolution recognizing October 2014 as "The Great Hunger Remembrance Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, it is a great honor and pleasure to once again offer this resolution with my friend and colleague to the right--wait, you are not to the right, you are up there, Mr. President--with you, Senator Rafferty, this very important resolution. This is to remember "The Great Hunger Remembrance Month" in Pennsylvania. As many people know, the Great Famine, as it is popularly known, was a period of mass starvation that plagued Ireland between 1845 and 1852. This period of Great Hunger caused Ireland to lose over 2 million people due to starvation, disease, and forced emigration. It led to the single greatest loss of life in Europe between the Napoleonic Wars and World War I. During the famine, approximately 1 million people died and a million more emigrated from Ireland, causing the island's population to fall by between 20 percent to 25 percent. Although blight ravaged potato crops across Europe during the 1840s, the impact and human cost in Ireland were more severe, where one-third of the population was entirely dependent on the potato for food. This blight on the potato crop is now considered a form of dry rot. The famine was a watershed in the history of Ireland. Its effects permanently changed the island's demographic, political, and cultural landscape.

The potato was originally introduced in Ireland as a garden crop of the gentry in the first two decades of the 18th century; however, it became a base food of the poor, especially in winter. So the crop loss in 1845 has been estimated at anywhere from one-third to as high as one-half of the cultivated acreage. So this is how this horrible, senseless death occurred, but it is also how many Irish emigrated to America and helped us build this great country. It is in that spirit that we ask the Members to support the resolution to make October "The Great Hunger Remembrance Month" in Pennsylvania. Once again, Mr. President, I thank you, Senator Rafferty, for your great work, your friendship on this issue, and I ask the Members to support the resolution. Thank you.

The PRESIDING OFFICER. The Chair thanks the gentleman and appreciates the comments of the gentleman from Philadelphia.

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

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

Senators EICHELBERGER, FERLO, WOZNIAK, DINNIMAN, GREENLEAF, STACK, TARTAGLIONE, KASUNIC, RAFFERTY, FONTANA, ERICKSON,

ALLOWAY, FARNESE, SMITH, WHITE, HUGHES, PILEGGI and COSTA, by unanimous consent, offered **Senate Resolution No. 474**, entitled:

A Resolution designating the week of October 12 through 18, 2014, as "Credit Union Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, I am pleased to introduce this resolution to acknowledge the accomplishments of credit unions throughout the Commonwealth of Pennsylvania. First started as groups of individuals who collectively pooled their funds, credit unions have grown to be full-service financial service providers. With nearly \$40 billion in assets and serving 3.8 million members in Pennsylvania, credit unions are important players in the financial services marketplace. I ask for an affirmative vote to designate October 12 through 18 as "Credit Union Week" in Pennsylvania. Thank you.

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

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

Senators SMITH, KITCHEN, WASHINGTON, TEPLITZ, STACK, GREENLEAF, WOZNIAK, EICHELBERGER, KASUNIC, DINNIMAN, FONTANA, TARTAGLIONE, ERICKSON, SCARNATI, FERLO, SOLOBAY, RAFFERTY, ALLOWAY, WHITE, PILEGGI, HUGHES, BREWSTER, HUTCHINSON, FOLMER, VULAKOVICH, COSTA and FARNESE, by unanimous consent, offered **Senate Resolution No. 475**, entitled:

A Resolution designating the month of November 2014 as "Diabetes Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator SMITH. Mr. President, I rise today to request unanimous support for my resolution designating November as "Diabetes Awareness Month" in Pennsylvania. This disease affects approximately 29 million adults and children nationwide, but tragically over 8 million cases go undiagnosed. The cost of diabetes exceeds \$245 billion in direct and indirect healthcare costs, but the cost and quality of life and productivity for individuals with diabetes is too great to measure. Complications from diabetes can range from disabling to fatal and include blindness, amputation, and stroke, as well as heart, kidney, and nerve diseases. It is only through increased education, research, and prevention that we can combat this epidemic. Individuals with diabetes can improve their quality of life through control of blood glucose and healthy lifestyle choices. My hope is that increased awareness of diabetes in November will lead to healthier Pennsylvanians all year long.

I want to also take this opportunity to applaud all of my colleagues from each side of the aisle for supporting this resolution and for work that they have done and continue to do to fight this disease and improve the quality of life of Pennsylvanians with diabetes. Pennsylvania's leadership on combating diabetes must be a bipartisan effort because that is the only way we can truly reduce the impact of this terrible disease. I respectfully ask my colleagues to join me in supporting this resolution.

Thank you, Mr. President.

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

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

Senators FERLO and McILHINNEY, by unanimous consent, offered **Senate Resolution No. 476**, entitled:

A Resolution designating the month of October 2014 as "Wine, Wineries and Grapes Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator FERLO. Mr. President, I want to note that I am one of the last people standing in the room. I have been here 12 years and I think this is my fourth resolution, so I deserve some credit for that.

Mr. President, I rise, hopefully in a lighter moment than some of our previous, very important resolutions, and ask for support to declare the month of October of this year as "Wine, Wineries and Grapes Month" here in our great State of Pennsylvania. As we all know, the grape-growing and wine-making industry in Pennsylvania has deep roots, literally. It significantly adds to the economic activity of our State and is a part of the cultural and social fabric of many of the communities that we represent. With more than 200 total wineries now across the State, visitors to Pennsylvania, as well as our own constituents, are always within an hour's drive of at least one winery. Represented in the capable hands of the Pennsylvania Wine Association, the Commonwealth is fifth nationally in the amount of grapes grown, that includes grapes utilized for juice; seventh in wine production, producing more than 1 million gallons annually; and seventh in the number of wineries. The grape-growing and wine-making industries contribute over \$2 billion annually to the State's economy and maintain over 10,000 jobs. It also attracts nearly 900,000 tourists per year, adding further to the economic benefit of the industry.

I encourage Pennsylvanians to celebrate Wine, Wineries and Grapes Month responsibly by partaking in Pennsylvania's excellent grapes and wine products, and engaging in the many fall festivals and events that are held throughout the great State. I also think we have all witnessed the tremendous entrepreneurial opportunity that many of these small wineries provide for many individuals, young couples, other entrepreneurs, and investors who want to really become owners of businesses. They have invested a lot of blood, sweat, and tears, and their own financial capital in creating these wineries across the State. Many of them have taken over houses that have some historical characteristics

and quality in order to have a really warm reception winery. Many of them also grow to be bed-and-breakfast operations.

So, I offer this for all of those reasons and many more - the blood, sweat, and tears of all of the people who invest, the great pleasure that people find in the product and the visitation to these wineries, and the contribution that the wineries make to our economy. I also want to thank the PA Preferred program. As you know, our State Store system invests heavily and provides great shelf opportunity for our own Pennsylvania wineries, something that I feel really would not be readily available under privatization. I know that it is a separate and distinct issue, but many of our distilleries around the State, we promote the craft beer industry across the State, and all of the wineries are provided opportunities at the Fine Wine & Good Spirits stores, important shelf life presentation. So, for all of those reasons and more, I ask all of my colleagues to please join and support this month.

I also want to thank my colleague, Senator McIlhinney, who chairs our Committee on Law and Justice. I am not sure if he may have some comments on this important issue. He has been around a long time and he has been a tremendous colleague and certainly, more importantly, a tremendous supporter of this industry. At this time, I ask for a positive vote.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, I rise in support of my friend and colleague and co-chairman of the Committee on Law and Justice in the Senate to support his resolution. In Bucks County, my local vineyards and wineries host numerous tastings, tours, and events throughout the year to introduce customers to their products. Independently owned vineyards and wineries strive to create a product unlike any other in the world, and the quality and craftsmanship that goes into this process is an incredible effort. Based on the more than \$2.3 billion the industry contributes to the State's economy annually, it is safe to say that these efforts are paying off.

Like a fine Bucks County wine, the entire industry only gets better with age. Pennsylvania has seen the number of licensed wineries grow from 27 to 123 in the past 30 years, and more than 10,000 direct jobs have been created by the industry. As many grape growers begin their final harvest of the 2014 growing season, there is no better time to recognize the contributions of the grape and wine industries in our Commonwealth. I raise my glass to the growers and the wineries that have helped build a thriving industry in Pennsylvania, and I urge an affirmative vote on this resolution honoring their contributions.

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 BROWNE, by unanimous consent, offered **Senate Resolution No. 477**, entitled:

A Resolution designating October 2014 as "Pennsylvania's Promise for Children Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Chief Thomas D. Brown by Senator Greenleaf.

Congratulations of the Senate were extended to Tom Joyner by Senator Hughes.

Congratulations of the Senate were extended to Kathryn Leber, Roger Thomas, Ian McGain, Danielle Kreeger, Lynda Bradley, Peter Muir, Allison Hughes, Megan Hughes, Molly Hughes, Sarah Hughes, Living Hope Farm, Business and Professional Women's Club of Upper Perkiomen, Colorcon, Inc., and to the Upper Montgomery Joint Authority by Senator Mensch.

Congratulations of the Senate were extended to McKenzy McAlister by Senator Vance.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Darryl L. Coates by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Yvonne Cynthia Martin by Senator Williams.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS
WEDNESDAY, OCTOBER 8, 2014

10:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (Executive Nominations public hearing to consider the promotions of the following: Brigadier General, PA Air National Guard: Colonel Alan K. Hodgdon and Colonel Edward E. Metzgar; Brigadier General, PA Army National Guard: Colonel William J. Hersh, Colonel Mark D. McCormack, Colonel Scott G. Perry and Colonel David E. Wood; and Major General, PA Army National Guard: Brigadier General Timothy J. Hilty and Brigadier General Walter T. Lord)	Room 8E-B East Wing
Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 1440; and House Bills No. 46, 91, 403, 435, 1567, 1654, 1655, 2178, 2354 and 2377)	Rules Cmte. Conf. Rm.
Off the Floor	INTERGOVERNMENTAL OPERATIONS (to consider Senate Resolutions No. 254, 255, 256, 257, 258 and 430)	Rules Cmte. Conf. Rm.
Off the Floor	JUDICIARY (to consider House Bill No. 1243)	Rules Cmte. Conf. Rm.

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 83, 807 and 1290; and certain executive nominations)	Rules Cmte. Conf. Rm.
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Off the Floor	STATE GOVERNMENT (to consider House Bill No. 2481)	Rules Cmte. Conf. Rm.
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TUESDAY, OCTOBER 14, 2014

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on Declining Ownership on Properties - Population Decline)	Hrg. Rm. 1 North Off.
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MONDAY, OCTOBER 27, 2014

9:00 A.M.	GAME AND FISHERIES (public hearing regarding: Lyme disease update from PA Game Commission, Erie Tick Task Force, DCNR, Presque Isle Park; Act 89 Spending Plan and other updates from PA Fish and Boat Commission; Round Goby; and impacts of microbeads on aquatic ecosystems)	Tom Ridge Envir. Ctr. Erie, PA
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PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, I know the hour is late, but I want to make an important announcement. I want to invite my constituents in the city of Pittsburgh, and certainly the communities that I represent in Highland Park, Morningside, and Lawrenceville, in particular, and also communities across the river from the Highland Park neighborhood. We are having an important bridge ribbon cutting, an opening of a new bridge that was built called the Heth's Run Bridge at the foot of the Highland Park Zoo. During the turn of the century, it was a historic arch bridge that was built roughly in 1912, 1915. Decades later the ravine underneath it was filled in. It became a very, quite frankly, ugly bridge as a result of needed repairs; they pretty much concealed the bridge by just filling it in and it remained a roadbed over an important ravine.

It is important that we celebrate the tremendous effort by PennDOT, all of the contractors, and those who worked on this bridge. For me, it has been a 20-year ordeal, or advocacy effort. I started working on this bridge at least 15 to 20 years ago, continually having the bridge replacement and the new bridge beyond the SPRPC master plan. But finally, the bridge money was appropriated, the important funds over this past year and a half, and construction began around 6 or 7 months ago. So this ribbon cutting is taking place this Thursday morning at 11 a.m. at the foot of the bridge in the Highland Park-Morningside community. It is the Heth's Run Bridge ribbon cutting. I am pleased to indicate that our State Representative Dom Costa will join me with PennDOT officials and other city and local government officials as well.

We extended a warm and kind invitation to my colleague, Senator Vulakovich, who, after the election and with my departure, will be representing, probably for the first time that I can remember and actually probably since the late 1920s or early 1930s, before the Roosevelt administration came into being, that a Republican has represented anybody within the city of Pittsburgh proper. Senator Vulakovich will have the distinction of assuming some jurisdiction over Highland Park and parts of East

Liberty, the 11th and 12th Wards. So, he is a vital player in parts of the city now and into the future and he will be certainly participating in this ribbon cutting. I do want to highlight and thank the district executive of PennDOT, Dan Cessna. You could not find a finer gentleman, a more competent individual, a straight-shooter, someone who works really diligently to put together great staff in the district, and he should be credited with a lot of hard work, he and his staff. The management of this project has been significant. All of the contractors and others will be invited and mentioned at the ribbon cutting.

So, again, I want to thank everybody involved, especially our cooperation with the Pittsburgh Zoo, the City of Pittsburgh Public Works Department, local government, and all involved. I also especially want to note the contributions of various community leaders, preservationists, activists, conservationists, and environmentalists who really worked hard and pressed PennDOT and won approval by PennDOT.

Originally, this was going to be a \$5 million project, and I respectfully suggest a very boring looking bridge, but because of its historic prominence in the historic Highland Park, one of the four great regional parks located in the city of Pittsburgh, also the home of the Pittsburgh Zoo, this project grew to be a \$13.5 million project, not because of any cost overruns, but because there was a willingness to accept the sensitive nature of restoring an actual bridge. This is an important watershed that existed there at the turn of the century, and as a part of the bridge effort, following the opening of the bridge this Thursday, we will continue to embark on a major reclamation of the Heth's Run ravine in order to have stormwater mitigation be dealt with. So, it is kind of a major capital project. It is an environmental game-changer for the Highland Park community and our city with the restoration of a bridge with a 70-foot span underneath that historic bridge. Now that it has been replaced, it provides an opportunity for another project which I initiated, Project 15206, which is a significant stormwater implementation project for the neighborhoods that make up the ZIP Code 15206, a very diverse neighborhood, socioeconomically and collectively because of the installations of rain containers at private homes and residences, because of the construction of bio-swales and because of the construction of restoring some of the natural streams and waterways that flow into the Allegheny River, we are going to take millions and millions of gallons of stormwater out of the ALCOSAN sewer system and we are going to do it, importantly, Mr. President, at a cost significantly less than what ALCOSAN is required to pay with heavy construction and grade construction.

So, I am very proud of this project, and want to thank all of the folks involved, and invite everyone, the public, obviously, to be there this Thursday at 11 a.m. We will also take a historic photo of the ribbon cutting, everybody on the bridge will be a part of the ribbon cutting, so 100 years from now, somebody could say, that was my grandfather or grandmother there, my niece or nephew. We will take a photo in color as well as a photo in black and white. So, please, everybody come out, Thursday, 11 a.m., Heth's Run ravine and Heth's Run Bridge ribbon cutting.

Thank you, Mr. President.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 799**, 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 83** and **SB 1290**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bill was signed by the President (Lieutenant Governor Jim Cawley) in the presence of the Senate:

SB 799.

The PRESIDING OFFICER. The Chair wishes to announce the following bill was signed by the President pro tempore (Senator Joseph B. Scarnati III) in the presence of the Senate:

HB 359.

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 8, 2014, 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 8:16 p.m., Eastern Daylight Saving Time.