

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, SEPTEMBER 29, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 52

SENATE

WEDNESDAY, September 29, 2010

The Senate met at 10 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend Dr. PAUL SANDIN, Interim Pastor of Emmanuel United Church of Christ, Bowmanstown, offered the following prayer:

Eternal God, creator and sustainer of our whole wide world, we are conscious of how often we as humans have violated our trust to care for our world and its inhabitants. It is so easy for us to accept the honor and prestige of our human roles and forget the responsibilities that are ours as good servants.

We pray today for these men and women who have been elected to be the custodians of the resources of this great Commonwealth. Give them the courage to act and vote responsibly as they seek to balance the shrinking resources available with the crying needs of education, healthcare, social responsibility, and the individual agendas of the communities they serve.

Keep their focus on the larger picture, rather than simply on their individual community appeals. During their deliberations today, give them the insight and vision for the tasks set before them. May each one be conscious of Your wisdom and strength. Give them Your direction. We commit ourselves to You, in the name of our God. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Sandin, who is the guest today of Senator Browne.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

CLERK OF COURTS, DAUPHIN COUNTY

September 29, 2010

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, Dale Elise Klein, 7736 Althea Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as Clerk of Courts, in and for the County of Dauphin, to serve until the first Monday of January 2012, vice Lowell Witmer, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE HARNESS
RACING COMMISSION**

September 29, 2010

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, Richard J. Welsh, 281 Wintrop Lane, Wayne 19037, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY**

September 29, 2010

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, Ira M. Lubert, 1160 First Avenue, King of Prussia 19406, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

September 29, 2010

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, Elizabeth A. Catania, P.E., F.NSPE, 934 Catherine Avenue, Woodlyn 19094, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Albert M. Tantala, Newtown, whose term expired.

EDWARD G. RENDELL
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

CLERK OF COURTS, DAUPHIN COUNTY

September 29, 2010

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 9, 2010, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Clerk of Courts, in and for the County of Dauphin, to serve until the first Monday of January 2012, vice Lowell Witmer, resigned.

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

EDWARD G. RENDELL
Governor

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

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

September 29, 2010

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

Please note the nomination dated September 28, 2010, for the appointment of Dan Murphy, 833 Colony Court, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until October 23, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick Lorenzo, Lebanon, forfeiture of seat. Lorenzo, should be corrected to read:

Dan Murphy, 833 Colony Court, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until

October 23, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick Lorenzo, Lebanon, forfeiture of seat.

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

September 29, 2010

HB 2321 -- Committee on Veterans Affairs and Emergency Preparedness.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

HB 1376, HB 1671 and HB 1774.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Farnese, Senator Leach, Senator Mellow, Senator Musto, and Senator Washington.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Vogel.

Senator O'Pake requests legislative leaves for Senator Farnese, Senator Leach, Senator Mellow, Senator Musto, and Senator Washington.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

Senator O'PAKE asked and obtained a leave of absence for Senator STOUT, for today's Session, for personal reasons.

SPECIAL ORDER OF BUSINESS JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of September 20, 2010, and September 21, 2010, are now in print.

The Clerk proceeded to read the Journals of the Sessions of September 20, 2010, and September 21, 2010.

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

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

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT B. MENSCH
PRESENTED TO THE SENATE**

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

Senator MENSCH. Mr. President, this morning I would like to introduce you to Megan Banis. Megan recently graduated from DeSales University with a bachelor's degree in elementary education in January 2008. Since then, she has taught at the fourth-grade and fifth-grade levels in the Upper Perkionmen and Quakertown School Districts. At this time, she is exploring her interests in law and politics, and she will be joining us as an intern in our Quakertown office.

The PRESIDENT. Would the guest of Senator Mensch please rise to be welcomed to the Senate.

RECESS

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

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

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I ask all Democratic Senators to report to our caucus room immediately.

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

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 101 (Pr. No. 4389) -- 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 districts, further providing for reports to Department of Education and providing for value-added assessment system and for drop-out data collection; in intermediate units, further providing for financial reports; providing for payment of fees associated with certification by the National Board for Professional Teaching Standards; in certification of teachers, further providing for disqualifications relating to teacher's certificate; in pupils and attendance, further providing for residence and right to free school privileges and providing for emergency permits at approved private schools and chartered schools for the deaf and blind; in provisions relating to safe schools, further providing for definitions and for the Office for Safe Schools; providing for regulations; and further providing for reporting by school entities; in school health services, further providing for possession and use of asthma inhalers and epinephrine auto-injectors, for medical examinations of teachers and other persons and for duties of Department of Education; in terms and courses of study, providing for economic education and personal financial literacy programs, for State standards for business, computer and information technology courses and for dating violence education; establishing the Science Technology Partnership Program; in high schools, further providing for academic degrees; in charter schools, further providing for facilities; providing for the Older Pennsylvanian Higher Education Program, for course materials at institutions of higher education and for sexual violence education at institutions of higher education; in reimbursements by Commonwealth and between school districts, further providing for effect of failure to file reports; and making editorial changes and related repeals.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator WARD. Mr. President, I am pleased to support House Bill No. 101, as amended by the Senate Committee on Education. This bill contains language encouraging school districts to include in their health curricula information specific to teen dating violence. Information on teen dating violence has become more readily available in recent years. Unfortunately, for someone in my area, that information came too late to save his beloved daughter. Demi Brae Cuccia was stabbed to death by her estranged boyfriend on August 15, 2007, one day after she celebrated her 16th birthday. Demi did not realize the danger signs that were exhibited by her jealous boyfriend that ultimately led to her untimely death.

With this legislation, tools will be available to school districts, if they choose to establish a curriculum, that will provide teens with the information needed to recognize the signs of dating violence. With these tools, teens can be forewarned about the

real dangers they may face and how best to deal with them, whether it is their own situation or that of a sibling or a friend.

Demi's father, Dr. Gary Cuccia, has worked tirelessly to bring more awareness to this teen dating violence issue, and he has made considerable progress in doing so. I know he has visited many of us here in the Senate to push this type of legislation. And while his desire to have a stand-alone bill did not make it to the finish line this Session, this bill is a direct reflection of his hard work and dedication to the memory of his daughter, Demi.

I would like to thank the chairman of the Committee on Education for bringing this issue to the forefront and for finding a mechanism that will allow school districts to immediately raise awareness of teen dating violence. Thank you.

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

Senator DINNIMAN. Mr. President, I simply rise to urge support on behalf of myself and Senator Piccola. This is truly a bipartisan bill. This is truly a bicameral bill, in both parts of the legislature. We took those bills that were passed by the Senate, those bills that were passed by the House, and some bills that were passed by both that are companion bills, and we put them together. We have the consensus of the chairs of the Committee on Education in both the House and the Senate.

I urge adoption of this bill, a very fine bill, and we thank Senator Ward for bringing to our attention her concerns, which we encapsulated into the bill. I believe it is an excellent bill, one which we can all be proud to support, and I urge unanimous adoption.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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.

SB 1272 (Pr. No. 2220) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking, further providing for unlawful acts concerning licenses; and, in special licenses and permits, further providing for authority to issue permits, for permit fees and for falconry permits.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

NAY-0

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

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

SB 1280 (Pr. No. 2231) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for Medical Care Availability and Reduction of Error Fund and for actuarial data; and providing for conflict.

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

AMENDMENT A9312 OFFERED

Senator STACK offered the following amendment No. A9312:

- Amend Bill, page 3, line 3, by striking out "2018" and inserting: 2014
- Amend Bill, page 7, line 2, by striking out "2018" and inserting: 2014
- Amend Bill, page 7, line 11, by striking out "2017" and inserting: 2013
- Amend Bill, page 7, line 18, by striking out "2017" and inserting: 2013

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, my amendment is a very simple amendment. We have been moving in a positive direction in the State of Pennsylvania to get the medical malpractice insurance market to one of private market forces being the ones that primarily write the policies. We have been trying to phase out the Mcare Fund, and we have made a lot of progress in that direction.

My amendment simply does this: The current bill asks to freeze phasing out the Mcare Fund in 7 years. Mr. President, I do not know what we commit 7 years to down the road around here. I have not seen many things. I think a good period of time to freeze the phaseout would be 2 years, but my amendment sets a nice, reasonable 3 years for the phaseout.

As I said, my amendment simply calls for a 3-year phaseout freeze of the Mcare Fund. My amendment is supported by the Hospital and Healthsystem Association of Pennsylvania, and I just want to point out that the hospitals are such an important, huge economic engine in many of our districts. They are a huge job creator. Ninety percent of our hospitals are now self-insured. There is no reason to continue for a long period of time with the Mcare Fund.

We want to draw younger doctors into the State. I think this is a good way to signal to the world that Pennsylvania is not a hostile environment for medical malpractice insurance, particularly for hospitals and new doctors, and 3 years is a reasonable amount of time. For that reason, I ask for the Members' support.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, it is hard for me on this one, because Senator Stack is such a good friend, and I respect his judgment on many matters. However, on this one, we differ, and I ask for a negative vote on the amendment.

Mr. President, I worked very diligently this Session with the specialty docs, in particular the orthopedic surgeons, on the medical malpractice abatement program. They are still feeling the crunch of medical malpractice premiums. The speciality docs, in particular the orthopedic surgeons, we want to keep here in Pennsylvania, we want to attract to Pennsylvania. This bill would help the heart surgeons, the neurosurgeons, the orthopedic surgeons, the general surgeons, the OB/GYNs, as well as other doctors in the Commonwealth of Pennsylvania.

Like any legislation that we work on, there is give-and-take on both sides. I wanted a 10-year abatement program; we came down to a 7-year abatement program. This Chamber, the Senate of Pennsylvania, has stood at the forefront for our doctors and our hospitals in Pennsylvania for the past 8 years. Every time the executive branch slashed the budget for patient care, it was the Senate of Pennsylvania that stood firm and stood up for our hospitals and our doctors to make sure that the funds were available.

In my opinion, Mr. President, 7 years is necessary to make sure that we have funding at the tail end of the Mcare abatement program, and I urge a negative vote on the amendment offered by my friend and colleague from the county of Philadelphia.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I want to commend Senator Rafferty, my good friend and colleague, for the good work he is doing. As he knows, he and I have worked on many issues together, and I agree with him on far more things than I disagree. This issue, I think--and I am someone who is sympathetic to the Mcare Fund and certainly to our specialty docs; I used to work for it years ago when it was known as the CAT Fund, now known as the Mcare Fund.

I think this body has done such a tremendous job with the issue of tort reform, and part of that movement has been the idea of letting the private market forces bring us into a more competitive environment here in Pennsylvania. Lawsuits are down 41 percent. I think they are down even more than that in Philadelphia, and I really do believe that now is the time that we should signal to folks that medical malpractice insurance should be written by private insurance companies. We are drawing more companies into the State.

And then, lastly, my point is simply this: If we do not pass this 3-year alternative plan, Members can still vote for Senator Rafferty's 7-year abatement. But the important thing is I think this is a nice compromise, and for that reason, I encourage Members to support it.

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

Senator RAFFERTY. Mr. President, I have a great deal of respect for my friend and colleague, Senator Stack, but I do totally disagree with him on this issue. I think the 7-year abatement is necessary, again, for the funding, to make sure that we have money there at the tail end of the Mcare abatement program for any of the unfunded claims.

Mr. President, as late as this morning, I received an e-mail from a general surgeon in the Montgomery County area hoping that Senate Bill No. 1280 passes and commending us for our work on that particular piece of legislation. He was recently at a conference of general surgeons, and while many of his colleagues from Texas and Arkansas and States like that are paying \$10,000 to \$20,000 for their medical malpractice insurance, he is paying over \$80,000 a year in medical malpractice insurance. I think it behooves us to cast a negative vote on this amendment and to go for the 7-year plan and work to keep our specialty doctors in Pennsylvania and continue to attract specialty doctors here to Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. Without objection, on the amendment, the Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. I want to add just one last point, Mr. President. Once again, I have such high regard for my colleague, Senator Rafferty, and it is rare, sometimes, that we get a chance to have an honest discussion and discourse and a tenure of respect on a vital issue such as this. So I am really happy and enjoying the opportunity to do it.

From a procedural standpoint, as I said, we have made great progress on this issue, and I think we are slow to give ourselves credit on this issue. Our unfunded liability for medical malpractice cases, a couple of years ago, was \$3.5 billion, with a capital "B." I think it is under \$2 billion now. It is at \$1.9 billion. And the only thing I say is nothing prevents us from coming back.

If after 3 years or 2 years we decide that we need to continue on with the freeze, we need to continue with the Mcare Fund, there is nothing that prevents us from continuing that, if we do a 3-year instead of a 7-year. If we do a 7-year, then we are locked into that period of time. So for that reason, I once again ask for passage of this amendment. I appreciate Members' support on both sides of the aisle.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Mr. President, I rise to support the amendment. I always thought the goal of the legislature was to phase out the Mcare Fund. This is moving us in precisely the wrong direction. I think a 3-year extension of this subsidy is reasonable and appropriate.

As the gentleman pointed out, in 3 years, if we feel the market has not stabilized, we have the opportunity to extend it further. But to tie our hands for 7 years--this was never intended to be a permanent subsidy, and I think the amendment is completely appropriate. Three years is a very reasonable time. Thank you.

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

Senator COSTA. Mr. President, I rise to ask my colleagues to oppose the amendment. While I think the gentleman's intentions are appropriate in some respects, at this point in time, we are faced with an opportunity to provide an amendment which I think does a number of things. Most importantly, Mr. President, it provides for predictability as we move forward. It freezes the phasing out for a number of years, 7 years, and allows the professional medical community to know exactly where the rates are and things that are going to take place along those lines.

In addition, Mr. President, as was stated by a number of my colleagues, this General Assembly, the Senate in particular, Senator Greenleaf and others have worked very hard for a number of years to put into place a series of measures that has helped address what was once a crisis in this Commonwealth. Based upon the actions of the General Assembly as well as the courts, medical malpractice insurance is no longer a crisis. While we need to continue to monitor our activities along those lines, it is no longer a crisis on the level that it was for a number of years prior to the enactment of various pieces of legislation.

That being said, this bill represents the collective wisdom and collective efforts of not only the Senate and Senator Rafferty, who has done an outstanding job of crafting this, but also the House of Representatives as well. This represents a body of work that is sort of a consensus and is agreed upon, something that can be moved in this Chamber in the very last couple of days we will be in Session. And for that, given the work we have done and the proven results we have had in the past, I ask the Members to trust in the collective judgment of the Members who helped craft this legislation, who believe it is most appropriate to move it through this Chamber in the current form without an amendment, and I ask for a negative vote.

Thank you, Mr. President.

The PRESIDENT. Without objection, on the amendment, the Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. I am going to have to promise, Mr. President, that this is the last time I am getting up, because we have a lot of stuff to do on this Calendar. Let us vote on the amend-

ment. But I also think an important thing is, I am happy that we are having this discussion here today, that we are having this debate, that we are talking about this issue which I think is vitally important. The only thing is, I wish we had been talking about it for months and weeks as we were approaching this vote. I think we are saying to folks out there that we want to have a discussion, and we want to have it be out in the public discourse so that people can dissect these issues that are so important.

This is an issue that just sort of came up this week and appeared at the committee level, then went through Appropriations, and now we are voting on it today. I think that is just one more reason to put in a long-term freeze on a major policy that we have all worked toward, to phase out the Mcare Fund, making that 7 years. That is a long way to go for an issue that really sort of just got on the radar this week, and I think it is better to be safe on this issue. It is a moderate thing to say 3 years, and as my esteemed colleague, Senator Mary Jo White, said, we can always come back and fix it. We are going to have stability, and we are going to have predictability if we make the freeze less time than greater time.

Thank you, Mr. President.

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

Senator VANCE. Mr. President, I really was not going to speak, but some of the statements that were made are a little erroneous, I believe. It has been said that by doing this for 7 years, it would keep physicians in Pennsylvania. This perhaps would keep older physicians in Pennsylvania who are at the height of their practice, but it is a strong disincentive for young, new physicians to come to Pennsylvania.

Very simply, by extending this, we extend the burden that young physicians have to pay. I have talked to many medical students, and I am surprised, they all know about the fund, and they all know they are going to have to pay for lawsuits that were perpetrated upon other older physicians. So it is not necessarily a true statement to say it will keep physicians in Pennsylvania. It does prevent new physicians from coming to Pennsylvania.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, I stand by my statements. In fact, the e-mail that I referred to came from a general surgeon who is in his late 30s in Pennsylvania. I am not sure that that is old by anyone's standards, but he is here, and he is very concerned about medical malpractice insurance. So yes, I want to keep all of our physicians here in Pennsylvania and attract new physicians.

Thank you, Mr. President.

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-12

Baker	Earll	Kasunic	Stack
Boscola	Farnese	Piccola	Vance
Dinniman	Ferlo	Robbins	White, Mary Jo

NAY-35

Alloway	Fontana	O'Pake	Vogel
Argall	Gordner	Orie	Ward
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kitchen	Rafferty	White, Donald
Costa	Leach	Scarnati	Williams
Eichelberger	Mellow	Smucker	Wozniak
Erickson	Mensch	Tartaglione	Yaw
Folmer	Musto	Tomlinson	

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

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

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

On the question,
Shall the bill pass finally?

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

Senator WARD. Mr. President, while this legislation has been improved markedly with the inclusion of language to address end-of-year surpluses in the Mcare Fund, a 7-year sunset is a little bit too long for me, but maybe we can revisit that at some point to get ourselves out of the business of insurance here in the State. But I do intend to cast an affirmative vote for the bill.

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

Senator RAFFERTY. Mr. President, I thank my colleagues. I ask for an affirmative vote, and I especially thank Senator Scarnati, Senator Pileggi, and Senator Mellow, Senator O'Pake, and Senator Costa on the other side, for helping us move the bill along through this process. Thank you very much. I ask for an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEA-38

Alloway	Ferlo	Mensch	Vogel
Argall	Folmer	Musto	Ward
Boscola	Fontana	O'Pake	Washington
Browne	Gordner	Orie	Waugh
Brubaker	Greenleaf	Pileggi	White, Donald
Corman	Hughes	Pippy	Williams
Costa	Kasunic	Rafferty	Wozniak
Dinniman	Kitchen	Scarnati	Yaw
Eichelberger	Leach	Tartaglione	
Erickson	Mellow	Tomlinson	

NAY-9

Baker	Piccola	Smucker	Vance
Earll	Robbins	Stack	White, Mary Jo
Farnese			

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

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

SB 1469 (Pr. No. 2238) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, further providing for definitions; providing for Pennsylvania Interscholastic Athletic Association; further providing for requests, for access, for written requests, for exceptions for public records, for general rule, for extension of time for filing of appeal, for appeals officers and for Office of Open Records.

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1926 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2212 (Pr. No. 4391) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for short title and for definitions; providing for written leases; further providing for disclosure of fees; and making editorial changes.

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

On the question,
Shall the bill pass finally?

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

YEA-46

Alloway	Ferlo	O'Pake	Vance
Argall	Folmer	Orie	Vogel
Baker	Fontana	Piccola	Ward
Boscola	Gordner	Pileggi	Washington
Browne	Greenleaf	Pippy	Waugh
Brubaker	Hughes	Rafferty	White, Donald
Corman	Kasunic	Robbins	White, Mary Jo
Costa	Kitchen	Scarnati	Williams
Dinniman	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-1

Earll

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 REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

HB 2368 -- Without objection, the bill was passed over in its
order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 47 (Pr. No. 3776) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act providing for education for parents relating to sudden infant
death syndrome and sudden unexpected death of infants; establishing
the Sudden Infant Death Syndrome Education and Prevention Program;
and providing for duties of the Department of Health.

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-32

Alloway	Fontana	Musto	Stack
Argall	Greenleaf	O'Pake	Tartaglione
Boscola	Hughes	Orie	Tomlinson
Browne	Kasunic	Pileggi	Vogel
Costa	Kitchen	Pippy	Washington
Dinniman	Leach	Rafferty	Waugh
Farnese	Mellow	Robbins	Williams
Ferlo	Mensch	Scarnati	Wozniak

NAY-15

Baker	Eichelberger	Piccola	White, Donald
Brubaker	Erickson	Smucker	White, Mary Jo
Corman	Folmer	Vance	Yaw
Earll	Gordner	Ward	

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.

SB 162 (Pr. No. 2229) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Con-
solidated Statutes, providing for contracting with veteran-owned small
businesses; and imposing duties on the Department of General Services
and other Commonwealth purchasing 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-43

Alloway	Farnese	Mensch	Tartaglione
Argall	Ferlo	Musto	Tomlinson
Baker	Folmer	O'Pake	Vogel
Boscola	Fontana	Orie	Ward
Browne	Gordner	Piccola	Washington
Brubaker	Greenleaf	Pileggi	Waugh
Corman	Hughes	Pippy	White, Donald
Costa	Kasunic	Rafferty	Williams
Dinniman	Kitchen	Robbins	Wozniak
Eichelberger	Leach	Scarnati	Yaw
Erickson	Mellow	Stack	

NAY-4

Earll	Smucker	Vance	White, Mary Jo
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A constitutional majority of all the Senators having voted
"aye," the question was determined in the affirmative.

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

BILL OVER IN ORDER TEMPORARILY

HB 400 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 727 (Pr. No. 3144) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for trademark counterfeiting.

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

On the question, Shall the bill pass finally?

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

YEA-47

Table with 4 columns of names: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Mellow, Mensch, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wozniak, Yaw

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.

SB 976 (Pr. No. 2064) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 2004 (P.L.1270, No.153), referred to as the Pennsylvania Amber Alert System Law, further providing for Pennsylvania Amber Alert System established, for prohibited use, for coordination with other jurisdictions and for immunity; and creating the Missing Endangered Person Advisory 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 PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, very briefly, this is a bill on which I have been working for many months with the Pennsylvania State Police, the Pennsylvania Association of Broadcasters, and others involved in the Amber Alert System. As all of us know, the Amber Alert System has proven its value many times in Pennsylvania since it was enacted by swiftly locating abducted children determined to be in danger of imminent harm.

This bill, Senate Bill No. 976, the Missing Endangered Person Advisory bill, will complement the Amber Alert System to help prevent tragedies like the death of an 88-year-old Alzheimer's sufferer found drowned in a Lehigh Valley canal this past July, or an 82-year-old woman with Alzheimer's found dead after wandering away from her nursing home in Philadelphia in December of 2008, or the 94-year-old who was found dead after he wandered away from his Washington County home in January of that year, and sadly, on and on and on.

This bill would establish a single system to cover the whole universe of non-Amber cases where public health is needed because someone, like the elderly nursing home resident, is missing and could be in danger. What is important about this is that it would do so without creating a confusing range of different alerts for each type of case.

These systems, particularly Amber Alerts, work because of the voluntary interest and participation of the public, including radio and TV broadcasters and other media across the State so essential to their success. I encourage all Members to support this, so we can avoid tragic occurrences of people being found in serious jeopardy or dead because they wandered away from a nursing home or an institution and were not located more quickly.

Thank you, Mr. President.

And the question recurring, Shall the bill pass finally?

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

YEA-47

Table with 4 columns of names: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Mellow, Mensch, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wozniak, Yaw

NAY-0

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

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

SB 1429 (Pr. No. 2204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for consolidations and mergers.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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 1516 (Pr. No. 4284) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for examinations, for applications, for eligibility lists, for vacancies and promotions and for physical examinations.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward

Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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 1517 (Pr. No. 4285) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for physical and psychological medical examinations; further providing for grading for discharged servicemen and for selection of appointee; and providing for promotions of civil service applicants.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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 1518 (Pr. No. 4286) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and

reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period, for promotions and for physical examinations.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER

HB 1609 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1799 (Pr. No. 4384) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the interchange at Exit 48 of Interstate 79 in Washington County as the Purple Heart Interchange; designating a bridge located on that portion of S.R. 3001 over the Chest Creek, Mahaffey, Clearfield County, as the Sergeant Major Morton Shea Landy Memorial Bridge; designating the Donora-Webster Bridge in Donora, Washington County, as the Lieutenant Governor Ernest P. Kline Memorial Bridge; designating the bridge on that portion of S.R. 130 over the Norfolk Southern rail lines, Trafford Borough, Allegheny and Westmoreland Counties, as the Trafford Veterans Memorial Bridge; and designating the interchange of Business Route 60 with

Thorn Run Road in Moon Township, Allegheny County, as the Robert E. Harper Interchange.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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 1990 (Pr. No. 4387) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for other meeting expenses paid by counties and for the office of district attorney in certain counties.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams

Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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 2172 (Pr. No. 4388) -- 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 courts of common pleas judges and for jurisdiction and venue of Philadelphia Municipal Court and of magisterial district judges.

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

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

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 2246 (Pr. No. 4397) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles exempt from registration, for annual hauling permits, for permit for movement during course of manufacture, for general requirement for other vehicles transporting school children, for conditions of permits and security for damages and for permit for movement of bulk refined oil; providing for permit for movement of nonhazardous liquid glue and for permit for movement of waste tires; further providing for duty of driver in emer-

gency response areas, for careless driving, for snow and ice dislodged or falling from moving vehicle and for sentencing for homicide by vehicle; providing for the offense of aggravated assault by vehicle; further providing for aggravated assault by vehicle while driving under the influence, for accident involving death or personal injury while not properly licensed, for accident scene clearance, for weighing and measurement of vehicles and for promulgation of rules and regulations by department; and imposing penalties.

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-44

Alloway	Farnese	Mensch	Tartaglione
Argall	Ferlo	Musto	Tomlinson
Baker	Folmer	O'Pake	Vance
Boscola	Fontana	Orie	Vogel
Browne	Gordner	Piccola	Ward
Brubaker	Greenleaf	Pileggi	Washington
Corman	Hughes	Pippy	Waugh
Costa	Kasunic	Rafferty	White, Donald
Dinniman	Kitchen	Robbins	Williams
Eichelberger	Leach	Scarnati	Wozniak
Erickson	Mellow	Stack	Yaw

NAY-3

Earll	Smucker	White, Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate 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 2291 (Pr. No. 4386) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2010-2011; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, General Fund current revenue projects, State ATV/Snowmobile Fund projects, State transportation enhancement funds projects and State Stores Fund current revenue projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects; making appropriations; and making a repeal.

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman
from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I submit my remarks for the
record.

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

*(The following prepared remarks were made part of the re-
cord at the request of the gentlewoman from Allegheny, Senator
ORIE:)*

Mr. President, in all good conscience, I cannot support the approval
of new capital budget projects when I voted against and passionately
disagree with the additional borrowing that was authorized in connec-
tion with the budget. We are facing a difficult fiscal situation in the next
few years, and to approve more borrowing and spending is not some-
thing I can support. This is why I did not put in any projects or support
the inclusion of any projects in my district or elsewhere.

I was very clear anytime I was approached to support the inclusion
of a project--no, I cannot and will not support the inclusion of the pro-
ject. This was my position even in regard to projects that found their
way into the bill that are in my district. I took this position regardless
of the merits of the projects. However, I do take exception that projects
are not being prioritized toward the needs of the public, as opposed to
funneling money to special projects to honor elected officials. We need
to honor the average person, the taxpayer, and use their money wisely,
if we should be using their money at all.

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-42

Alloway	Erickson	Mensch	Tartaglione
Argall	Farnese	Musto	Tomlinson
Baker	Ferlo	O'Pake	Washington
Boscola	Fontana	Piccola	Waugh
Browne	Gordner	Pileggi	White, Donald
Brubaker	Greenleaf	Pippy	White, Mary Jo
Corman	Hughes	Rafferty	Williams
Costa	Kasunic	Robbins	Wozniak
Dinniman	Kitchen	Scarnati	Yaw
Earll	Leach	Smucker	
Eichelberger	Mellow	Stack	

NAY-5

Folmer	Vance	Vogel	Ward
Orie			

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

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

BILL OVER IN ORDER

HB 2338 -- Without objection, the bill was passed over in its
order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2375 (Pr. No. 3938) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania
Consolidated Statutes, proscribing indemnity agreements in motor car-
rier transportation contracts.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER

HB 2429 -- Without objection, the bill was passed over in its
order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION
REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER

HB 174 -- Without objection, the bill was passed over in its
order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 60 (Pr. No. 3975) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program; and establishing the Housing Affordability and Rehabilitation Enhancement Fund.

Considered the second time and agreed to,

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

HB 196 (Pr. No. 195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and penalties.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 272 (Pr. No. 2203) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for chief deputy, for deputies and clerks, for public list of applicants for deputy sheriff, for penalties and for sheriff's employees and counties of the second class; and repealing provisions relating to appointment and promotion of deputy sheriffs in second class counties.

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

BILL OVER IN ORDER

HB 281 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 428 (Pr. No. 429) -- 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 registration of certain offenders, for registration procedures and applicability, for verification of residence and for information made available on the Internet.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 511, SB 683, SB 1307, HB 1322, SB 1331, SB 1371, SB 1380, SB 1392, SB 1398, SB 1404, SB 1414, SB 1422, SB 1441 and SB 1481 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1482 (Pr. No. 4370) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for photo identification tag regulations.

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 REREFERRED

HB 1498 (Pr. No. 3961) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1987 (P.L.412, No.86), known as the Pennsylvania Fair Dealership Law, further providing for definitions, for termination of dealer agreement, for death or incapacitation of dealer and for repurchase of unused specialized repair tools; repealing provisions relating to coercion; and providing for violations of act, for warranty, for remedies and enforcement and for waiver.

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 1502, HB 1764, HB 2041 and HB 2480 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL RECOMMITTED

HB 2497 (Pr. No. 3928) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, further providing for definitions, for contributions by the Commonwealth, for payments by employers, for actuarial cost method, for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for administrative duties of board, for payments to school entities by Commonwealth, for eligibility points for retention and reinstatement of service credits and for creditable nonschool service; providing for election to become a Class T-F member; further providing for classes of service, for eligibility for annuities, for eligibility for vesting, for member contributions for creditable school service, for contributions for purchase of credit for creditable nonschool service, for maximum single life annuity, for disability annuities, for member's options, for duties of board regarding applications and elections of members and for rights and duties of school employees and members; in Title 71, providing for definitions; further providing for credited State service, for retention and reinstatement of service credits, for creditable nonstate service and for classes of service; providing for election to become a Class A-4 member; further providing for eligibility for annuities, for eligibility for vesting, for waiver of regular member contributions and Social Security integration member contribu-

tions, for member contributions for purchase of credit for previous State service or to become a full coverage member, for contributions for the purchase of credit for creditable nonstate service, for contributions by the Commonwealth and other employers, for actuarial cost method, for maximum single life annuity, for disability annuities and for member's options; providing for payment of accumulated deductions resulting from Class A-3 service; further providing for additional supplemental annuities, for further additional supplemental annuities, for supplemental annuities commencing 1994, for supplemental annuities commencing 1998, for supplemental annuities commencing 2002, for supplemental annuities commencing 2003, for special supplemental postretirement adjustment of 2002, for administrative duties of the board, for duties of board to advise and report to heads of departments and members, for duties of board regarding applications and elections of members, for installment payments of accumulated deductions, for rights and duties of State employees and members, for State accumulation account, for State Police Benefit Account, for Enforcement Officers' Benefit Account, for supplemental annuity account and for construction of part; and providing for recertification to the Secretary of the Budget, for holding certain public officials harmless, for construction of calculation or actuarial method and for certain operational provisions.

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

BILLS OVER IN ORDER

HB 2547 and **HB 2591** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

RECONSIDERATION OF HB 2291

BILL ON FINAL PASSAGE

HB 2291 (Pr. No. 4386) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2291, Printer's No. 4386, passed finally.

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

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-41

Alloway	Erickson	Musto	Tomlinson
Argall	Farnese	O'Pake	Washington
Baker	Ferlo	Piccola	Waugh
Boscola	Fontana	Pileggi	White, Donald
Browne	Gordner	Pippy	White, Mary Jo
Brubaker	Greenleaf	Rafferty	Williams
Corman	Hughes	Robbins	Wozniak
Costa	Kasunic	Scarnati	Yaw
Dinniman	Kitchen	Smucker	
Earll	Leach	Stack	
Eichelberger	Mellow	Tartaglione	

NAY-6

Folmer	Orie	Vogel	Ward
Mensch	Vance		

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

Ordered, That the Secretary of the Senate 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.

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 Veterans Affairs and Emergency Preparedness, followed by a meeting of the Committee on Appropriations, both to be held in the Rules room.

The PRESIDENT. For purposes of a meeting of the Committee on Veterans Affairs and Emergency Preparedness, followed by a meeting of the Committee on Appropriations, both to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 400 CALLED UP

HB 400 (Pr. No. 4289) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 400 (Pr. No. 4289) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the criteria for independent contractors in the construction industry and for the powers and duties of the Department of Labor and Industry and the Secretary of Labor and Industry; and imposing penalties.

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 Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I rise in support of House Bill No. 400. First of all, I would like to thank Senator Tartaglione; my staff, Josh, Todd and others; along with her staff, Kathy, in working through this process over the last 2 years. We have had numerous meetings in dozens of hours with all of the various interest groups to, I believe, produce a good product in this bill.

Let me talk about why we are doing the bill. Along with all of the other issues that face this State and this General Assembly, one that is not talked about quite a whole lot, but will need to be, is the insolvency of the Unemployment Compensation Trust Fund. If you are not aware, our State already has borrowed over \$3 billion in order to pay unemployment compensation benefits. That borrowing continues each day and each month, and it will continue for the foreseeable future until we deal with that problem. If we do nothing by the end of next year, we will have borrowed over \$4 billion from the Federal government.

But something does change come January. As a result of the economic stimulus package, until the end of this year, there has not really been any effect on our employers. But under the law beginning January 1, 2011, that changes. Every employer - small employer, large employer, medium-sized employer - will start to feel the effect as they start to lose what are called "credits" in regard to the Federal fund, and that will just get larger each year after 2011.

We need to deal with that problem, that crisis. Part of that is making sure people who should be paying into the Unemployment Compensation Fund pay into it. It is unfair to those large businesses, small businesses, and medium businesses that pay into the fund, that there are companies out there that do not. So that is the first issue.

The second one, which is where I am leading you, is that right now, especially in the construction industry, there are hundreds if not thousands of companies that are not paying into the unemployment compensation system that should be. And there are businesses that are doing it the right way, that are paying unemployment compensation for their workers, that are paying workers' compensation for their workers, that are paying payroll taxes for their workers, and that are trying to compete in a tough industry against employers and companies that are not. They are putting people on as independent contractors. They are getting rid of them off of their payroll in order to have an advantage in the bidding process. That is not right. It is not fair to those businesses and companies that are doing it the right way.

So, House Bill No. 400 is about making sure that companies that have employees do it the right way, that companies that do not do it the right way start doing it the right way by providing a set criteria and providing penalties to make sure that those companies have folks on the payroll who should be there.

We have made a number of changes to this bill to make it better and more fair. I should say that it deals with construction only. And again, as has been mentioned, the unemployment rate in the construction industry is somewhere around 15, 16, or 17 percent. It is extremely high. Again, this deals only with construction. This does not deal with maintenance work. That was in the House version. We specifically took maintenance work out, so that is not covered here. If you have someone coming to

your house to do some fixes around your house, that is not going to be applicable.

We changed some things with regard to liability insurance. There was a million dollars in the House version, and we changed it to \$50,000, which is consistent with the Home Improvement Consumer Protection Act. There has been controversy in the past with regard to disbarments and how in different areas of the law there is a mandatory 3-year disbarment. That is not in this provision. There is something more fair in regard to the businesses that it may apply to.

Again, I think this is the result of a lot of negotiation, a lot of compromise, in order to make this fair to the worker and fair to the legitimate employer that is out there competing in the construction marketplace. I should also mention that landscaping has been talked about in the past in regard to this issue. Someone who comes to your house and puts in trees, bushes, and flowers is not impacted by this legislation.

Again, I want to thank all of those who have been involved in the process. I want to thank, again, my Democratic chair and staff on my side and on the other side, and I ask for the support of this Senate for House Bill No. 400.

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

Senator COSTA. Mr. President, I will be brief. I want to echo many of the comments that the chairman, Senator Gordner, made reference to with respect to the legislation, and I also ask for an affirmative vote. But I, too, would be remiss--on behalf of our Members, I want to thank Senator Tartaglione for the outstanding work in helping to shepherd this piece of legislation, a very controversial piece of legislation at times, through the process to culmination today and a vote on the Senate floor today. So congratulations to both her and Senator Gordner for their work on this legislation, and I look forward to and ask for an affirmative vote from my colleagues.

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-34

Boscola	Gordner	O'Pake	Tomlinson
Browne	Greenleaf	Piccola	Vogel
Corman	Hughes	Pileggi	Washington
Costa	Kasunic	Pippy	Waugh
Dinniman	Kitchen	Rafferty	Williams
Erickson	Leach	Scarnati	Wozniak
Farnese	Mellow	Smucker	Yaw
Ferlo	Mensch	Stack	
Fontana	Musto	Tartaglione	

NAY-13

Alloway	Earl	Robbins	White, Donald
Argall	Eichelberger	Vance	White, Mary Jo
Baker	Folmer	Ward	
Brubaker	Orie		

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 REPORTED FROM COMMITTEES

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

SB 873 (Pr. No. 1046) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for right to counsel.

SB 1379 (Pr. No. 2244) (Amended) (Rereported)

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

HB 664 (Pr. No. 726) (Rereported)

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "employee."

HB 708 (Pr. No. 4408) (Amended) (Rereported)

An Act establishing a recycling program for certain covered devices; imposing duties on manufacturers and retailers of certain covered devices; providing for the powers and duties of the Department of Environmental Protection and for enforcement; establishing the Electronic Materials Recycling Account in the General Fund; and prescribing penalties.

HB 2066 (Pr. No. 4394) (Rereported)

An Act establishing the Independent Fiscal Office; providing for its powers and duties, including a study and report on sales and use tax; and making a related repeal.

HB 2273 (Pr. No. 3704) (Rereported)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in domestic animals, further providing for application.

HB 2521 (Pr. No. 4290) (Rereported)

An Act providing for anatomic pathology service disclosure.

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

HB 2321 (Pr. No. 4407) (Amended)

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating the Public Safety Emergency Telephone Act; further providing for definitions, for the Wireless E-911 Emergency Services Fund and for funding for support; providing for a legislative study and for termination; consolidating statutory provisions relating to firefighters, the State Fire Commissioner and grants to fire companies and other services; making editorial changes; and making related repeals.

HB 2357 (Pr. No. 3711)

An Act designating March 30 of each year as "Welcome Home Vietnam Veterans Day."

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON SECOND CONSIDERATION

HB 664 (Pr. No. 726) -- 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 defining "employee."

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 708 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators BRUBAKER, ORIE, ROBBINS, FERLO, FONTANA, O'PAKE, RAFFERTY, COSTA, WAUGH, EARLL, GREENLEAF, ALLOWAY, PILEGGI, D. WHITE and ERICKSON, by unanimous consent, offered **Senate Resolution No. 406**, entitled:

A Resolution designating the month of October 2010 as "Pork Producers Month" in Pennsylvania.

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

Senators FONTANA, ORIE, TARTAGLIONE, ERICKSON, STOUT, VOGEL, HUGHES, RAFFERTY, STACK, ALLOWAY, ROBBINS, BRUBAKER, COSTA, WOZNIAK, O'PAKE, M. WHITE, GREENLEAF, PILEGGI, D. WHITE, PIPPY, FARNESE, DINNIMAN, BAKER, WARD and EARLL, by unanimous consent, offered **Senate Resolution No. 407**, entitled:

A Resolution honoring the 100th anniversary of Soldiers and Sailors Memorial Hall and Museum in the City of Pittsburgh, Allegheny County.

On the question,
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, this resolution honors the 100th anniversary of Soldiers and Sailors Memorial Hall and

Museum in the city of Pittsburgh, which opened its doors on the weekend of October 9, 1910. It also recognizes the importance of Soldiers and Sailors to servicemembers, their families, and the community, and the continuing role it plays in preserving our history and honoring our heroes.

Soldiers and Sailors is a beautiful memorial dedicated to the brave men and women who have sacrificed their lives for our freedoms. The building itself is one of Pittsburgh's best known historical landmarks and one of the country's greatest tributes to members of all branches of service. Through a collection containing thousands of artifacts, equipment, uniforms, and personal items, the memorial and museum honors soldiers from the Civil War to modern-day conflicts.

Soldiers and Sailors pays tribute to those who served our country in all branches of the Armed Forces in times of both peace and war. They have a Hall of Valor, which is a spherical memorial that honors Pennsylvania veterans who went above and beyond the call of duty. There are more than 600 honorees in the hall today, including recipients of the Congressional Medal of Honor, the Silver Star, and the Soldier's Medal.

In addition to its educational exhibits, Soldiers and Sailors also has one of the most unique concert halls in the country. Its timeless influence is inspired by President Abraham Lincoln's Gettysburg Address, engraved in giant letters on the wall behind the stage. Soldiers and Sailors also plays an important role in conservation, an undertaking that often goes unnoticed. Family members of those who have served our country have entrusted Soldiers and Sailors with the preservation of personal belongings. Workers safeguard these artifacts and the connection each piece has to a servicemember or a unique moment in time.

Soldiers and Sailors helps us remember our country's past, while looking ahead to its future. In addition to celebrating its 100th anniversary this fall, Soldiers and Sailors has plans to use its beautiful public lawn to create a garden and park displaying artifacts and memorials, bringing the mission of the institution outdoors.

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 BAKER and WAUGH, by unanimous consent, offered **Senate Resolution No. 408**, entitled:

A Resolution designating September 29, 2010, as "First Responder Appreciation Day."

On the question,

Will the Senate adopt the resolution?

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

Senator WAUGH. Mr. President, both this resolution and the other one that I have to offer are on behalf of Senator Baker, chairman of the Committee on Veterans Affairs and Emergency Preparedness. She asked me to offer these because she had to attend to business in her office.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GREENLEAF, RAFFERTY, O'PAKE, FERLO, KASUNIC, WAUGH, PIPPY, ORIE, DINNIMAN, FONTANA, M. WHITE, EARLL, ARGALL, ERICKSON, ALLOWAY and PILEGGI, by unanimous consent, offered **Senate Resolution No. 409**, entitled:

A Resolution designating the month of October 2010 as "Medicine Abuse Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, this resolution designates October 2010 as "Medicine Abuse Awareness Month" in Pennsylvania. Over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly. The abuse and recreational use of over-the-counter prescription medicines can be extremely dangerous and produce serious side effects. Injury, accidental death, and suicide have resulted from the misuse of over-the-counter and prescription medicines.

Reports of pain reliever abuse have tripled from 6.8 percent in 1998 to 26.5 percent in 2008. According to the 2007 National Survey on Drug Use and Health, an estimated 6.9 million Americans, or 2.8 percent of the population, age 12 and older reported using prescription psychotherapeutic medicines for nonmedical purposes in the month prior to being surveyed.

Prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives are second only to marijuana as the most abused drug in the United States. According to the United States Drug Enforcement Administration, nearly 1 in 10 high school seniors admit to using powerful prescription painkillers. The DEA also reports that 25 percent of drug-related emergency department visits are associated with the abuse of prescription drugs.

Research shows that 1 out of 10 teenagers, over 2 million, from across the country and of all backgrounds, have abused cough medicine to get high. In 2008, the National Institute on Drug Abuse estimated that the rates of intentional abuse of cough medicine among 8th-, 10th-, and 12th-graders stood at 3.6 percent, 5.3 percent, and 5.5 percent, respectively.

According to research from the Partnership for a Drug-Free America, more than one-third of teenagers mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs. The lack of understanding by our teenagers and parents of the potential harm of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their abuse. When prescription drugs are abused, they are most often obtained through friends and relatives, but can also be obtained through Internet pharmacies.

Adoption of this resolution will increase public awareness of the rising abuse of prescription medicine and encourage parents

to educate themselves about this problem and talk to their children about all types of substance abuse. I ask for your support on the adoption of this resolution.

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

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

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

Senators FONTANA, COSTA, STOUT, ORIE, PIPPY and FERLO, by unanimous consent, offered **Senate Resolution No. 410**, entitled:

A Resolution honoring the Pittsburgh organization Riverlife for its mission to reclaim, restore and promote Pittsburgh's riverfronts as the environmental, recreational, cultural and economic hub for the people of this region and our visitors.

On the question,
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, in years past, when people thought of Pittsburgh, they thought of a city of soot and smoke, with polluted rivers and industry. The reality is, today is a far different Pittsburgh. It is a breathtaking city of rivers, bridges, and hills that is moving forward and reclaiming its natural assets.

One of the reasons for that transformation is Riverlife. Formed in 1999 by a group of Pittsburgh community leaders, business owners, environmentalists, and urban planners, they saw the need to develop a master plan for Pittsburgh's most valuable asset - its rivers and miles of shorelines. Riverlife is now celebrating 10 years of its mission in grand style. On October 8, the organization will host a party at the pier to highlight all of the positive work that has been done on and near Pittsburgh's rivers. This resolution is just one way to recognize the great work that they have done and will continue to do for the city of Pittsburgh and our region.

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 BROWNE, FERLO, ORIE, TOMLINSON, DINNIMAN, KASUNIC, BOSCOLA, D. WHITE, COSTA, FARNESE, TARTAGLIONE, BAKER, ERICKSON, PIPPY, KITCHEN, FONTANA, ALLOWAY, O'PAKE, EARLL, MELLOW, PILEGGI, BRUBAKER and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 411**, entitled:

A Resolution recognizing the week of October 4 through 8, 2010, as "No Place for Hate Week" in Pennsylvania and commending the Anti-Defamation League for its outstanding efforts to promote peace, brotherhood and goodwill through its "No Place for Hate" program.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I commend the Members of the Senate for consideration of the following resolution, which designates the week of October 4 as "No Place for Hate Week" in Pennsylvania. The No Place for Hate program is an outreach effort designed to empower schools and communities to challenge racism, hatred, anti-Semitism, and bigotry of all forms. By reducing bias and increasing appreciation for diversity, No Place for Hate is an innovative and powerful method for building communities of respect.

The No Place for Hate program is currently working in 160 schools and 11 communities statewide and is continually expanding. I would like to commend the Anti-Defamation League for its efforts in implementing this No Place for Hate program in our schools and for our youth, and I ask for an affirmative vote on this resolution. 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 DINNIMAN, BOSCOLA, COSTA, EARLL, ERICKSON, FERLO, FONTANA, KASUNIC, MELLOW, O'PAKE, ORIE, PILEGGI, PIPPY, RAFFERTY, STACK, TARTAGLIONE, WAUGH, ALLOWAY and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 412**, entitled:

A Resolution designating the week of September 26 through October 2, 2010, as "ConKerr Cancer Miles of Pillowcase Smiles Week" in Pennsylvania.

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

Senators BAKER, SCARNATI, PILEGGI, ROBBINS, FARNESE, ALLOWAY, ARGALL, BOSCOLA, BRUBAKER, COSTA, DINNIMAN, EARLL, EICHELBERGER, ERICKSON, FERLO, FONTANA, GREENLEAF, HUGHES, KASUNIC, McILHINNEY, MELLOW, ORIE, PIPPY, RAFFERTY, STACK, STOUT, TARTAGLIONE, TOMLINSON, WARD, WAUGH, D. WHITE, MENSCH and YAW, by unanimous consent, offered **Senate Resolution No. 413**, entitled:

A Resolution designating the month of September 2010 as "Emergency Preparedness Month" in Pennsylvania.

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

Senators ORIE, PILEGGI, ALLOWAY, ARGALL, BAKER, BOSCOLA, BROWNE, COSTA, DINNIMAN, EARLL, ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, KASUNIC, MENSCH, O'PAKE, PIPPY, RAFFERTY, STACK, TARTAGLIONE, WARD, D. WHITE and M. WHITE, by unanimous consent, offered **Senate Resolution No. 414**, entitled:

A Resolution designating November 18, 2010, as "Prematurity Awareness Day" in Pennsylvania and encouraging efforts to fund research and programs to find causes of prematurity.

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 Constance Farabaugh, Jane E. Bucher and to Robert G. Sellers Funeral Home, Inc., of Chambersburg by Senator Alloway.

Congratulations of the Senate were extended to Mr. and Mrs. Anastasius Urbanowicz, Blanche Balliet, Bridget Cecilia Schwartz, Mary Labert, Lehighon Boys and Girls Band, Schuylkill United Way and to the Joliett Volunteer Fire Company by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Dickson, Mr. and Mrs. John Hohl, Mr. and Mrs. Maurice Lowery, Mr. and Mrs. Joseph Pegarella, Dr. Edmund W. Burdick, Dr. Gregory Rosasco, William E. Whyte, Janice M. Price, Carolyn W. Price, Mary T. Ketterer and to the Wayne County Firemen's Association by Senator Baker.

Congratulations of the Senate were extended to Dr. Jerry M. Skinner by Senator Baker and Yaw.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Spisak and to Commander Heath A. Thomas by Senator Boscola.

Congratulations of the Senate were extended to Tim Herd by Senator Browne.

Congratulations of the Senate were extended to Janine Reppert by Senators Browne and Argall.

Congratulations of the Senate were extended to Dr. and Mrs. Joseph Napolitano, Mr. and Mrs. Jay Ruhle, Mr. and Mrs. Robert Allen, J. Jackson Eaton III and to the Jangle Advertising Marketing Company and Jan Haley-Schwoyer of Nazareth by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Bollinger, Mr. and Mrs. Edward Mozeliak, Mr. and Mrs. Richard Garman, Eric Gerlitzki, Chickies Rock Lodge No. 307, Loyal Order of Moose, of Columbia, and to the citizens of Warwick Township by Senator Brubaker.

Congratulations of the Senate were extended to Ardella Brubaker, Hugh A. Mose, Darle Esh, Lance T. Shaner, Eric J. Mitch, Sherman's Valley Heritage Days, Inc., citizens of the Borough of Lewistown, citizens of Walker Township, Restek Corporation of Bellefonte and to the Penn State Cooperative Extension of University Park by Senator Corman.

Congratulations of the Senate were extended to Dr. Cyril H. Wecht, Charles L. Davis III, Marion Taube, Harold F. Marcus, Meg Cheever, David May-Stein and to the Jewish Community Center of Greater Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to the Honorable Connie Peck, Sister Dr. R. Patricia Fadden, Andrew N. Vaughn, Jerry Parsons, Elizabeth Ranney Moran, Sarah Kelly, Peter Adams, West Chester University, West Chester Troop 6, Boy Scouts of America, Phoenixville Healthcare Access Foundation, citizens of East Pikeland Township, Greater Downingtown Chapter of the Business and Professional Women's Club, DNB First of Downingtown, Unruh, Turner, Burke and Frees of West Chester and to the Chester County Youth Center by Senator Dinniman.

Congratulations of the Senate were extended to Dr. Ivory V. Nelson by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to the Northwestern Pennsylvania Reflex Sympathetic Dystrophy Syndrome Association by Senator Earll.

Congratulations of the Senate were extended to the Reverend Paul Johnson, William F. Harris, Joshua A. Freet and to James W. Nackley by Senator Eichelberger.

Congratulations of the Senate were extended to Justin Swingholm and to the Women Veterans of Berks County by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. Dale Strauser, John B. Fischer, Dalo's Bakery of Berwick and to the Field Habitat Partnership at Nescopeck State Park by Senator Gardner.

Congratulations of the Senate were extended to Dr. Kathleen Roeder, Alvan Outland, Margaret Dolan, Mitch Shapiro, Pat Strenk, John Mahon and to the Ambler Area YMCA by Senator Greenleaf.

Congratulations of the Senate were extended to Linda Morley by Senators Greenleaf and Tomlinson.

Congratulations of the Senate were extended to Wayne O. Leevy, Ahmeenah Young, Barbara L. Oliver and to Steve McKeever by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Larry Leister, Kathryn DiCarlo, Sylvia Whiten and to the Head Start program of the Private Industry Council of Westmoreland/Fayette, Inc., by Senator Kasunic.

Congratulations of the Senate were extended to the Thankful Baptist Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to the Reverend Dr. James A. Pollard, Sr., Ben Levan, Lauren Joseph, Becky Ellis, Frank Ciaccio, Marilyn Steinbright and to Continental Bank by Senator Leach.

Congratulations of the Senate were extended to Dr. Penny Cutler, Kathy M. Manderino and to Risa Vetri Ferman by Senator Leach and others.

Congratulations of the Senate were extended to Gene Smith, Zachary A. Knoble, Florence E. Ohler, Zane Swanger, Thomas Bryson, Robert Mitchell, Gregory Jakubowski, Matthew Overbeck, Sean Andrew McFadden, Susan Morrison, David Kling, Stanley Yavoroski, Amy Barini, Ed Malendra, William C. Donohoe and to David Shapp by Senator McIlhinney.

Congratulations of the Senate were extended to Ryan Koch, Lillian Goldstein, Bridget McGowan, Norma Fagan, Joann Marianelli Finnerty, Megan Calpin Hughes, Janetta York Coleman, volunteers of Serving Seniors, Inc., and to the Retired and Senior Volunteer Program of Monroe County by Senator Mellow.

Congratulations of the Senate were extended to Peter Q. Bohlin by Senators Mellow and Musto.

Congratulations of the Senate were extended to Don Miller by Senators Mellow, Musto, and Boscola.

Congratulations of the Senate were extended to Daniel Josef Slack and to Theodore F. Poatsy III by Senator Mensch.

Congratulations of the Senate were extended to Edmond Viadock and to David S. Maloney by Senator Musto.

Congratulations of the Senate were extended to the Reverend Monsignor Felix A. Losito, Matthew J. Pachuillo and to the partners, associates and support staff of Roland and Schlegel, LLC, of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Dean Renwick, Albert Benaglio, Jean England Collins, John Gallagher, Daniel Obermeier, Frank Christy, Helen Leisie, Amelia Baker Hartner, Brian Woods, Andrew Colvin, Leatha Dudeck Baker, Paul R. Jamison, Sean B. Guesman and to the Village at St. Barnabas of Gibsonia by Senator Orie.

Congratulations of the Senate were extended to Daniel Shapira, Aaron Weil and to Judi Kanal by Senators Orie and Costa.

Congratulations of the Senate were extended to Cadet Second Lieutenant Daniel B. Newton and to Cadet Second Lieutenant Chase D. Zinn by Senators Orie and M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Alex Szeles, Sergeant Ashley Bailor, Master Sergeant Douglas Jon Hoy, Neighborhood Center of the United Methodist Church of Harrisburg and to CONTACT Helpline of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to William C. Payne and to David Ryan Dougherty by Senator Pileggi.

Congratulations of the Senate were extended to Alex Benjamin Nolte and to Ian Donald Smith by Senator Pippy.

Congratulations of the Senate were extended to Casey Megraw, Rachel Martin and to Robert H. Hartman by Senator Rafferty.

Congratulations of the Senate were extended to the Montgomery County Association for the Blind by Senator Rafferty and others.

Congratulations of the Senate were extended to Ivan G. Rose, Thomas F. Crawford and to the Crawford County Dairy Herd Improvement Association by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Lyons, Dolores Buchsen and to Sinnemahoning State Park of Austin by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Bob Fuhrman, Essie Anderson, Wayne Koch, Jennifer Howell, Jesse Charles, Ronald Rambo and to the Bright Side Baptist Church of Lancaster by Senator Smucker.

Congratulations of the Senate were extended to Joseph A. Coccitti and to the Rhawnhurst-Bustleton Ambulance Association of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Robert Dojonovic by Senator Stout.

Congratulations of the Senate were extended to the Honorable Robert P. Casey, Jr., the Honorable Michael A. O'Pake, Reverend Robert Paul, Sister Mary Scullion, Dr. Guy W. Fried, Trina Losinno, Jim Dollard, Anne O'Callaghan, Anthony M. Altomare, Edward F. Mooney, Cathy Brady, Rosalind Spigel, Ivan Chen, Butch Ballard, Catherine Billups, Stephanie Marcel, Ahmeenah Young, Wayne Miller, Harvey Kronfeld, Elaine I. Grobman, Asociacion Puertorriquenos en Marcha, American Federation of State, County and Municipal Employees Local 1510 Health and Safety Committee, Special People in the Northeast, Esperanza Academy, Esperanza College, Brightside Academy, First Judicial District of Pennsylvania, Court Reporter Administration, and to GlaxoSmithKline by Senator Tartaglione.

Congratulations of the Senate were extended to Steve D'Agostino, Richard P. Raab, Amy M. McCallister and to Adam Robert LePine by Senator Tomlinson.

Congratulations of the Senate were extended to the Honorable William I. Gabig, James Wesley Arrasmith, Michael McAndrew,

Mary Martin, citizens of Penn Township and to Georges' Flowers of Carlisle by Senator Vance.

Congratulations of the Senate were extended to the United Way of Beaver County by Senator Vogel.

Congratulations of the Senate were extended to Bob Davis and to Carl J. Kurinko by Senator Ward.

Congratulations of the Senate were extended to First Baptist Church of Huntingdon Valley, St. Joseph's Manor and Holy Redeemer Hospital and Medical Center and to Unison Kids, Inc., of Sharon Hill, by Senator Washington.

Congratulations of the Senate were extended to John Tyler Biuk by Senator Waugh.

Congratulations of the Senate were extended to the Murrysville Women's Club by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin Kaye Doverspike and to the Clarion County Courthouse by Senator M.J. White.

Congratulations of the Senate were extended to Martin Mitchell Schmids, Melvin A. Holmes II, Darby Fire Patrol No. 2 and to the Guardian Civic League Inc., of Philadelphia, by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Francis E. Pagnotto and to the Annie Halenbake Ross Library of Lock Haven by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Con Benninger and to Leonard Dincher by Senator Yaw.

CONDOLENCE RESOLUTIONS

The PRESIDING OFFICER 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 Margaret Louise Turner and to the family of the late Samuel J. Bianco by Senator Baker.

Condolences of the Senate were extended to the family of the late Herbert Hoover Alexander by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Walter Swartz by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Dorothy Elizabeth Wistran Walk, to the family of the late Warren A. Soergel and to the family of the late Edward M. Sambol by Senator Orie.

Condolences of the Senate were extended to the family of the late Patrick C. Vigna by Senator Wozniak.

POSTHUMOUS CITATIONS

The PRESIDING OFFICER laid before the Senate the following citations, which were read, considered, and adopted by voice vote:

Posthumous citations honoring the late Sergeant Timothy Simpson, the late Dr. Benjamin Rush and to the late Robert Purvis were extended to the family by Senator Tartaglione.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

HB 2321 and HB 2357.

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 2321.**PETITIONS AND REMONSTRANCES**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I want to talk today about the dire situation that our Unemployment Compensation Trust Fund is in. To put it simply, our fund is insolvent because it is not generating the necessary revenues to pay the current unemployment claims. By the end of this year, the fund is expected to owe \$3.7 billion to the Federal government. By the end of 2011, that figure is expected to jump to \$5 billion. Federal law provides for a loan to State Unemployment Compensation Funds that are insolvent, so that unemployed individuals can continue to receive their benefits.

So how does the fund return to solvency? Federal law requires an additional tax on employers. Here in Pennsylvania, starting next year, employers' unemployment tax will increase by 0.3 percent of wages, and will increase an additional 0.3 for each year the fund remains insolvent. In addition to this increased Federal tax, an additional State tax of up to 1 percent will be imposed on employers to pay the interest on the loan.

So when we total all of these additional taxes together, Pennsylvania businesses will pay an additional \$400 million annually for the next 4 years due to our Unemployment Compensation Fund's insolvency. Mr. President, how can we expect our businesses to increase job opportunities when they are placed under an even heavier tax burden than they currently are now? How can we expect to emerge from this recession if we cannot provide jobs for our residents due to high taxes?

Why am I talking about this today? Well, several weeks ago--in fact, it was on Labor Day--it came to my attention that some individuals are using their unemployment cards at Pennsylvania's casinos, and it is so tempting because the ATM machines are right there. They are using their unemployment benefits by swiping the card and gambling the money away -- that is your money, our money; it is not their money -- and they are swiping it again and again, because they lose, and then they are going back to the ATM machine, drawing down more unemployment comp benefits, and then gamble more.

The Pennsylvania Gaming Control Board already restricts the use of debit cards for welfare recipients at the casino ATMs, but not unemployment benefit debit cards. Over the last several days, since I announced my proposal to ban the use of unemployment benefits at casinos, many have opposed and even criticized the measure because they believe that it is their money. They paid into it, just a tiny little bit, but it is their money, and they say they can gamble with your money.

Mr. President, there is a misconception across the State about how unemployment compensation benefits are derived. Employers and employees all pay into the Unemployment Compensation Trust Fund. When an unemployed worker accesses those funds, the money is coming from all of us. That is why I believe it is not only our right, but it is our duty, to make sure these moneys are used in an appropriate manner. Senate Bill No. 1483 prohibits unemployed individuals from accessing their unemployment compensation from ATMs in casinos.

Mr. President, this unemployment compensation money is intended to be used to help financially-strapped families put food on their tables and pay their bills. It was never intended to be used for gambling. It is also important to note that while most families today live paycheck to paycheck, unemployment compensation provides only half of one's salary. In such desperate times, how does this possibly leave any disposable dollars to gamble away at a casino? Well, some are doing it.

Mr. President, those receiving unemployment compensation benefits should not be so quick to say that it is their money. It is all of our money. These unemployment benefits are funded by employers. Now, some are going to be quick to say that employees contribute into the system as well. Well, Mr. President, employees only contribute to the fund when it is insolvent. And when they do contribute, it amounts to \$0.80 for every \$1,000 in wages. I think that hardly constitutes "my money" in their minds. The thousands of unemployed collecting unemployment compensation should realize that this is transitional money, money to help them pay their bills and feed their families, not free to gamble away.

I still hold out hope that the Pennsylvania Gaming Control Board will address this issue like it has done with welfare benefits. If not, the legislation that I have introduced is necessary to stop the squandering of these lifeline dollars at some casino.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, it is not normal, at this time in our process, that we usually deal with issues of interrogation, but I feel the need to just get a point of clarification across on a previous piece of legislation that was passed earlier. So I ask if the Majority Leader would stand for a moment of interrogation.

The PRESIDING OFFICER. The gentleman from Philadelphia requests the Majority Leader to stand for interrogation. Does the Majority Leader agree?

Senator PILEGGI. I will, Mr. President.

The PRESIDING OFFICER. The Majority Leader so agrees. The gentleman from Philadelphia may proceed.

Senator HUGHES. Mr. President, on Senate Bill No. 1469, it is my understanding that there has been some concern expressed by the foundations of our colleges and universities here in the Commonwealth that this bill would make the names of donors and their financial information public. Is it the intent of this bill for this information to be part of the public record?

Senator PILEGGI. Mr. President, it is the intent of the legislation to not require the disclosure of donors' names. It is our opinion that the court interpretations of the term "financial record" would not include donor names. However, in addition to that, we are working with the House committee of jurisdiction to consider additional language that would make even more clear that donor names would not be subject to the Open Records Law.

Senator HUGHES. Mr. President, thank you. That concludes my interrogation on this issue.

If I may, on another matter, as we appear to close out our business for what potentially could be this week, I find myself again having the need and feel it necessary to rise to speak and again urge the Members of Congress to continue their stimulus support, Federal support, for the Way to Work program that exists here in Pennsylvania and in all States across the nation.

September 30 is the deadline for that program. What we know specifically is that if this program comes to an end, even though there is funding available for this program--the Federal government has the power and jurisdiction to allow this program to continue as well as to end it. Should this program come to an end, 12,000 people in the Commonwealth of Pennsylvania will be out of work. Their jobs will end, effective September 30. That is 48 hours from now, Mr. President.

We have stood on the floor of this Chamber on numerous occasions. We have introduced resolutions. We have sent letters. We have gotten cosponsorships from a number of Members to continue to try to raise public attention to the fact that in 48 hours, at the close of business on September 30, those 12,000 people in this Commonwealth will be without a job.

So again, I rise to use this forum to raise public conversation, to urge folks who are listening and paying attention as they watch our affairs and watch our work, that they make a phone call, send an e-mail, send a letter, send a telegram, reach out, go visit the offices of their congressional representatives, most specifically their U.S. Senators, and urge them to not walk away, to not leave Washington, D.C., failing to use the opportunity to continue this very important program.

Twelve thousand people, Mr. President, all across the Commonwealth, in every county of this State, who are working right now, making a contribution, making a difference, paying the bills for their family members, paying the bills in their homes, putting food on the table, keeping the lights on, doing everything that responsible people do--these 12,000 individuals will be without work. The money is available from Washington, D.C., to keep them working, but the program will end on September 30.

Their lack of action puts these folks in peril. That is not fair. That is not right. That is not appropriate. We urge the Members of the United States Congress to take action to keep these folks on the payroll, to keep them working, not just here in Pennsylvania, but across the nation.

Thank you very much, Mr. President.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1157**, 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 XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1281**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 260**.

HOUSE BILL 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:

September 29, 2010

HB 2614 -- Committee on Transportation.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President in the presence of the Senate:

SB 260 and **HB 1281**.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Tuesday, October 12, 2010, at 1 p.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 4:08 p.m., Eastern Daylight Saving Time.