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SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 54

SENATE

WEDNESDAY, October 13, 2010

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

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

PRAYER

The Chaplain, Reverend JOHN G. PEARSON, of St. John's Evangelical Lutheran Church, Boyertown, offered the following prayer:

Let us pray.

Loving and gracious God, we pause this day to give You thanks for the many blessings that fill our lives. Today we rejoice with the families of miners in Chile as they one by one are brought to the surface. We give You thanks for the skills of rescuers who have made their escape possible. Their rescue reminds us to give thanks for the many thousands upon thousands of skilled responders in our own State who stand ready to respond in times of fire, flood, accident, or disaster. We give You thanks for their willingness to share their ability and skill for the sake of the life and health of others. And now we pray for the skills and abilities of the Members of the Senate of Pennsylvania and their able staffs, that they may accomplish all that is needed for the people of this Commonwealth. We pray that they may bring justice to all people. We pray Your blessing upon all that we do. Amen.

The PRESIDENT. The Chair thanks Reverend Pearson, who is the guest today of Senator O'Pake.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Piccola and Senator Orie.

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

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Dinniman and Senator Williams, and a legislative leave for Senator Mellow.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Orie.

Senator O'Pake requests temporary Capitol leaves for Senator Dinniman and Senator Williams, and a legislative leave for Senator Mellow.

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of September 27, 2010, is now in print.

The Clerk proceeded to read the Journal of the Session of September 27, 2010.

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

On the question,

Will the Senate agree to the motion?

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

YEA-49

Alloway	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
Earll	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ELIZABETH J. BAKER
AND SENATOR PATRICIA H. VANCE
PRESENTED TO THE SENATE**

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

Senator BAKER. Mr. President, it is an honor and privilege for me to be here today to introduce Mr. Paul Hastings and his family, who are here in the gallery and on the floor. He is also

joined today by Major General Jessica Wright, Major General Stephen Sischo, and Brigadier General Michael Gould of the Bureau of Veterans Affairs, who are here in support of Mr. Hastings.

It is a special irony in life that those most deserving of being honored are often most uncomfortable when it happens, and knowing Paul Hastings, I am sure that is the case for our honoree. He has a remarkable resume, but the mere reading of that does not convey the depth of his character or the admiration we feel for him and his service to the Commonwealth. You quickly notice two things about Paul Hastings: his devotion to our country and his dedication to our veterans. He possesses and practices the values and virtues of tradition. He is the kind of person everyone looks for and few will find. He has been a doer, serving on the Pennsylvania State Veterans Commission since 1984 when Governor Dick Thornburgh appointed him. He has been reappointed by subsequent governors--five governors have asked him to serve--and for 19 years he has served as the Chair of the State Veterans Commission.

I asked him and he will probably tell you he has logged many miles walking the halls of the Capitol and maybe worn out a couple of pairs of shoes along the way. But his devotion and dedication to veterans and their families and to those who have served us is without question the highlight of what he has done. We want to thank Mr. Hastings for his service. Our door will always be open to him. He has done an outstanding job, and for that we pay tribute. At this time I ask my colleague, Senator Vance, to speak on his behalf as well, since he resides in her Senate district.

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

Senator VANCE. Mr. President, I am happy to join with Senator Baker to acknowledge all of the service of Paul Hastings. You really have dedicated your life to public service. You served as a Marine for 22 years and then retired with a medical disability in 1972, and you also served as past commander of the Marine Corps League. Today you are being recognized for 26 years of service on the Pennsylvania State Veterans Commission, the last 20 of those as the chairman.

As Senator Baker mentioned, you were first appointed by Governor Thornburgh, but the fact that you must have done an absolutely fabulous job, because you were reappointed by Governor Casey, Governor Ridge, and Governor Rendell, speaks very highly of your wonderful service. You have walked these halls many times, and now it is time for us to stand and honor you. Thank you very much, sir.

The PRESIDENT. Would our guest please stand to be welcomed.

(Applause.)

GUESTS OF SENATOR PATRICK M. BROWNE PRESENTED TO THE SENATE

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

Senator BROWNE. Mr. President, it is a pleasure for me today to stand and introduce several individuals who are working in my district office who are doing tremendous services for the citizens of the 16th Senatorial District as part of our internship program. We have Ian Levine, a senior at Muhlenberg College

majoring in international studies; Samuel Landman, also a senior at Muhlenberg College, with a major in economics and business administration; John Osborne, who is at Muhlenberg College as well, a senior majoring in finance; Blanche Nichols, a senior from Lehigh Carbon Community College majoring in applied science and business management; and Josh Baskin, a senior at Parkland High School. Please give them a warm welcome.

The PRESIDENT. Would the guests of Senator Browne please rise to be welcomed by the Senate.

(Applause.)

GUEST OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE

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

Senator BOSCOLA. Mr. President, every semester, our local colleges in the Lehigh Valley and Monroe County send interns my way who truly help make a difference in the 18th Senatorial District. I want to introduce one of those interns today who is in the gallery. Lauren Nonnemaker has contributed a great deal to my Bethlehem office since she began her internship in September. Whether she is handling constituent casework or performing research, she is doing an excellent job with her office responsibilities. Lauren currently attends Northampton Community College and is majoring in paralegal services. She will be graduating next spring and ultimately hopes to attend law school and become an attorney.

All of this said, she is also working at a part-time job at a local day care. But most importantly, on top of all of this, Lauren has a full-time job being a mother of a beautiful three-year old daughter, Loreli. Lauren is a single mother who is putting herself through school and working part-time jobs so she can provide her daughter the best life possible. It does not get any better than that. So I am proud she is interning in my office and I wish the her the best of luck as she moves forward in her future endeavors. I ask the Senate to give her our usual warm welcome.

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

(Applause.)

GUESTS OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator ARGALL. Mr. President, we have in the gallery today a number of interns representing the Pennsylvania State System of Higher Education. I would like to begin with the list: Mara Christy, from Slippery Rock University, is interning in the Governor's Policy Office; Pape Cisse, from Kutztown University, is with the Independent Regulatory Review Commission; Megan Hansen, from Lock Haven University, is in the Speaker's Office in the House; Mark Liberto, from Clarion University, is at the Bureau for Historic Preservation; Matthew Miller, from Bloomsburg University, is in the Governor's Budget Office; Monika Mironenko, from Shippensburg University, is at PAR; Parfine Mudacumura, from Cheney University, is in Senator Hughes's office; Breann Reismeier, from West Chester, is at the Department of State; Alyse Schuermann, from Indiana University, is at the Center for Rural Pennsylvania; Elissa Weimer,

from California University, is in the Attorney General's Office; Michael Yatison, from East Stroudsburg University, is with the Legislative Office For Research Liaison; Wesley Stefanick, from Kutztown University, is with the Joint State Government Commission; Michael Candiello, from California University, is at the Department of Community and Economic Development; and Dr. Glenn Geiser-Getz is their Intern Director.

The PRESIDENT. Would the guests of Senator Argall please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR ROBERT TOMLINSON
PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, I would like introduce Dave and Kathy Oettinger, friends of mine from Bensalem. They are actually from the Andalusia section of Bensalem. They have been very, very active in the civic association there, APOCA, which is the Andalusia Property Owners Civic Association. They are dear friends of mine. In fact, I look forward to being with them this Sunday at the Bensalem United Methodist Church 200th anniversary. I was not there when the church opened, but it was close, Mr. President. Please welcome Dave and Kathy Oettinger, constituents and friends of mine from Bensalem.

The PRESIDENT. Would the guests of Senator Tomlinson please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR MICHAEL BRUBAKER
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is a real privilege and honor for me to introduce my father-in-law, my wife's father. His name is Curt Aspril, and he came with three really good, long-time friends - Tom Reese, Bob Long, and Don Heagy. I ask the Senate to offer its usual very warm welcome.

The PRESIDENT. Would the guests of Senator Brubaker please rise to be welcomed by the Senate.

(Applause.)

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, likewise, I ask the Democratic Senators to report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held immediately, 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 1394 (Pr. No. 4467) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for split-off, separation or transfer of land and for penalty for ineligible use; and providing for removal of land from preferential assessment.

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?

LEGISLATIVE LEAVE CANCELLED

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

And the questing recurring,
Shall the bill pass finally?

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

YEA-49

Alloway	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
Earl	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

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 1639 (Pr. No. 4468) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or partial custody order and for child custody; and making conforming amendments.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	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
Earll	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

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 2321 (Pr. No. 4469) -- The Senate proceeded to consideration of the bill, entitled:

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.

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?

LEGISLATIVE LEAVE CANCELLED

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

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-44

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

NAY-5

Earll	Vance	Waugh	White, Mary Jo
Eichelberger			

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

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

BILL AMENDED

HB 174 (Pr. No. 4327) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for organic foods, for maple products, for food employee certification and for farmers' market; providing for penalties; and making related repeals.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BRUBAKER offered the following amendment No. A9724:

Amend Bill, page 6, line 10, by striking out "Which is" and inserting:

Is

Amend Bill, page 6, line 12, by inserting after "1986":
for activities undertaken under this chapter

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-49

Table listing names of senators who voted 'YEA' for HB 196, including Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, McIlhinney, Mellow, Mensch, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wozniak, and 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 without amendments.

BILL OVER IN ORDER TEMPORARILY

HB 664 -- 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 708 (Pr. No. 4465) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question, Shall the bill pass finally?

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

YEA-48

Table listing names of senators who voted 'YEA' for HB 196, including Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, McIlhinney, Mellow, Mensch, Musto, O'Pake, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wozniak, and Yaw.

NAY-1

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.

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

On the question, Shall the bill pass finally?

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

YEA-49

Table listing names of senators who voted 'YEA' for HB 1482, including Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, McIlhinney, Mellow, Mensch, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wozniak, and 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.

BILL OVER IN ORDER TEMPORARILY

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

BILL OVER IN ORDER

HB 2066 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2258 (Pr. No. 3849) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of dependent child.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	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
Earl	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

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 REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1379 (Pr. No. 2244) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL REREFERRED

HB 712 (Pr. No. 4460) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of land banks for the conversion of vacant or tax-delinquent properties into productive use.

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 726 and SB 1129 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1184 (Pr. No. 1595) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for disposition of dependent child.

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

BILLS OVER IN ORDER

SB 1307, HB 1322, SB 1331, SB 1371, SB 1380, SB 1392, SB 1404, SB 1414, SB 1422, SB 1441 and SB 1456 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

SB 1481 (Pr. No. 2219) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, prohibiting private transfer fee obligations; and providing for notice and disclosure of existing private transfer fee obligations.

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

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.

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

BILLS OVER IN ORDER

HB 1502, HB 1764, HB 2041, HB 2357, HB 2480 and HB 2591 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 2614 (Pr. No. 4228) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the State Street (SR4028) Bridge over the Schuylkill River in Hamburg Borough and Tilden Township, Berks County, as the Senator Jim Rhoades Memorial Bridge.

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 664 CALLED UP

HB 664 (Pr. No. 4472) -- Without objection, the bill, which previously went over in its over temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

HB 664 (Pr. No. 4472) -- 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, providing for sole proprietors; and further defining "employee"; and making a repeal.

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

Senator GORDNER offered the following amendment No. A9745:

Amend Bill, page 1, line 7, by inserting after "proprietors";
and
Amend Bill, page 1, line 8, by striking out ""employee"; and making a repeal." and inserting:
"employee."

Amend Bill, page 2, line 11, by inserting after "307.":
Coverage under this section provided by the State Workers' Insurance Fund shall be provided in accordance with Article XV.

Amend Bill, page 3, lines 4 through 22, by striking out all of said lines

Amend Bill, page 3, line 23, by striking out "4" and inserting:
3

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

COMMUNICATION FROM THE 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:

SECRETARY OF EDUCATION

October 13, 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 May 10, 2010, for the appointment of The Honorable *[sic]* Thomas E. Gluck, 1931 Monterey Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as Secretary of Education, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period *[data missing]*.

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

EDWARD G. RENDELL
Governor

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a meeting of the Committee on Appropriations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations in the Rules room, to be followed by a meeting of the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

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

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

SECRETARY OF EDUCATION

October 13, 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 May 10, 2010, for the appointment of The Honorable *[sic]* Thomas E. Gluck, 1931 Monterey Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as Secretary of Education, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period *[data missing]*.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

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

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

MEMBER OF THE STATE BOARD OF EDUCATION

May 19, 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, Wendy Beetlestone, 10 Hathaway Circle, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2014, or until her successor is appointed and qualified, vice Sheila Dow-Ford, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 1, 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, Kirk Hallett, 3009 Harvard Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Esther L. Bush, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 1, 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, Ivory V. Nelson, Ph.D., 26 Maple Drive, Lincoln University 19352, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Corrinne A. Caldwell, Newtown Square, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 1, 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, Jonathan Peri, 214 Sherwood Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Arnold Hillman, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY**

October 1, 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, James M. McMaster, Esquire, 6001 Bensalem Boulevard, Bensalem 19020, Bucks County, Sixth Senatorial District, for appointment as Judge, Court of Common Pleas, Bucks County, to serve until the first Monday of January 2012, vice The Honorable David W. Heckler, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

October 1, 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, Phillippe A. Melograne, Esquire, 201 Trinity Drive, McMurray 15317, Washington County, Thirty-seventh Senatorial District, for appointment as Judge, Court of Common Pleas, Washington County, to serve until the first Monday of January 2012, vice The Honorable Mark E. Mascara, deceased.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MAGISTERIAL DISTRICT JUDGE

August 20, 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, John I. Waltman, 530 Avenue B, Trevese 19053, Bucks County, Sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Bucks, Magisterial District 07-1-06, to serve until the first Monday of January 2012, vice The Honorable Susan E. McEwen, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

October 1, 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 W. Knecht, Esquire, 10 Amber Lane, Berwick 18603, Columbia County, Twenty-seventh Senato-

rial District, for appointment as Magisterial District Judge, in and for the County of Columbia, Magisterial District 26-3-02, to serve until the first Monday of January 2012, vice The Honorable Richard P. Cashman, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

October 1, 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, William E. Benner, Jr., Esquire, 127 Chelsea Loop, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Lancaster, Magisterial District 02-3-03, to serve until the first Monday of January 2012, vice The Honorable Maynard A. Hamilton, Jr., resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-44

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

NAY-5

Alloway	Pippy	Robbins	Vogel
Orie			

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY**

October 1, 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, James M. McMaster, Esquire, 6001 Bensalem Boulevard, Bensalem 19020, Bucks County, Sixth Senatorial District, for appointment as Judge, Court of Common Pleas, Bucks County, to serve until the first Monday of January 2012, vice The Honorable David W. Heckler, resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-44

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

NAY-5

Earl	Pippy	Robbins	White, Mary Jo
Orie			

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

NOMINATION TAKEN FROM THE TABLE

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

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

October 1, 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, Phillippe A. Melograne, Esquire, 201 Trinity Drive, McMurray 15317, Washington County, Thirty-seventh Senatorial District, for appointment as Judge, Court of Common Pleas, Washington County, to serve until the first Monday of January 2012, vice The Honorable Mark E. Mascara, deceased.

EDWARD G. RENDELL
Governor

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

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

YEA-39

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

NAY-10

Baker	Orie	Smucker	White, Mary Jo
Earl	Pippy	Ward	Yaw
Gordner	Robbins		

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

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Dinniman and Senator Williams, and legislative leaves for Senator Musto and Senator Washington.

The PRESIDENT. Senator O'PAKE requests temporary Capitol leaves for Senator Dinniman and Senator Williams, and legislative leaves for Senator Musto and Senator Washington. Without objection, the leaves will be granted.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF EDUCATION

May 19, 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, Wendy Beetlestone, 10 Hathaway Circle, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2014, or until her successor is appointed and qualified, vice Sheila Dow-Ford, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 1, 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, Kirk Hallett, 3009 Harvard Avenue,

Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Esther L. Bush, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 1, 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, Ivory V. Nelson, Ph.D., 26 Maple Drive, Lincoln University 19352, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Corrinne A. Caldwell, Newtown Square, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 1, 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, Jonathan Peri, 214 Sherwood Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Arnold Hillman, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

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

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

YEA-49

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
Earl	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD

May 19, 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, Robert S. Marcus, Esquire, 630 School Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2014, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

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

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

YEA-49

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
Earl	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

BILLS REPORTED FROM COMMITTEES

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

SB 1409 (Pr. No. 2120) (Rereported)

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for industry partnerships.

SB 1490 (Pr. No. 2263) (Rereported)

A Supplement to the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," further providing for composition of commission and for powers; and providing for veto power by the Governor.

HB 1196 (Pr. No. 4475) (Amended) (Rereported)

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

HB 1231 (Pr. No. 4393) (Rereported)

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

HB 2139 (Pr. No. 4267) (Rereported)

An Act providing for the Pennsylvania Agricultural Surplus System, for powers and duties of the Department of Agriculture and for the distribution and utilization of wildlife; and preempting certain municipal ordinances.

HB 2477 (Pr. No. 4471) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for applicability, for enumeration of elected officers and for official records of coroner; adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security, for the subsequent issuance of official commissions; further providing for the governing board of the convention center authority; and making related repeals.

HB 2497 (Pr. No. 4476) (Amended) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in Title 24, further providing for definitions, for mandatory and optional membership, 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

regular member contributions, 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; providing for Independent Fiscal Office study; in Title 71, establishing an independent fiscal office and making a related repeal; further providing for definitions, 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 and for eligibility for vesting; providing for shared risk member contributions for Class A-3 and Class A-4 service; further providing for waiver of regular member contributions and Social Security integration member contributions, 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 members' savings account, 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 Independent Fiscal Office study, for retirement eligibility of Pennsylvania State Police officers or members, for a prohibition on the issuance of pension obligation bonds, for holding certain public officials harmless, for construction of calculation or actuarial method, for applicability and for certain operational provisions.

HB 2547 (Pr. No. 3826) (Rereported)

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions and for exceptions to license requirements.

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

SB 53 (Pr. No. 2228) (Rereported) (Concurrence)

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in intestate succession, further providing for forfeiture; in wills, further providing for modification of wills; providing for formula clauses for Federal tax purposes; in grant of letters, further providing for advertisement of grant of letters; in administration and personal representatives, further providing for duty of personal representative; in apportionment of death taxes, further providing for enforcement of contribution or exoneration of Federal estate tax; in powers of attorney, further providing for implementation of power of attorney; in estates, further providing for applicability of rule against perpetuities and for modification of conveyance by divorce and for effect of divorce on designation of beneficiaries; in trusts, further providing for notice of representation, for creditor's claim against settlor, for actions contesting validity of revocable trusts, for claims and distribution after settlor's death, for removal of trustee, for trustee's duty to inform and report, for illustrative powers of trustee and for limitation of action against trustee; in principal and income, further providing for power to convert to unitrust and for retirement benefits, individual retirement accounts, deferred compensation, annuities and similar payments; and making conforming amendments.

SB 168 (Pr. No. 2179) (Rereported) (*Concurrence*)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts; and providing for additional contracting authority for electric power and energy.

SB 298 (Pr. No. 2255) (Rereported) (*Concurrence*)

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for general responsibilities of county assessors, for split-off, separation or transfer and for roll-back taxes and special circumstances.

SB 441 (Pr. No. 2281) (Amended) (Rereported) (*Concurrence*)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for disqualifications relating to teacher's certificate, for medical examinations of teachers and other persons and for attendance in other districts.

SB 900 (Pr. No. 2259) (Rereported) (*Concurrence*)

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, authorizing housing courts; in Administrative Office of Pennsylvania Courts, providing for deteriorated real property education and training program for judges; and providing for neighborhood blight reclamation and revitalization.

SB 910 (Pr. No. 2242) (Rereported) (*Concurrence*)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, as to civil service for police and firemen, further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period, for physical examination and for promotions.

SB 912 (Pr. No. 2243) (Rereported) (*Concurrence*)

An Act amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; 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 expenses 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.

SB 918 (Pr. No. 2205) (Rereported) (*Concurrence*)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for agreements for fire protection services in cities of the second class; consolidating and amending the Third Class County Assessment Board Law, The Fourth to Eighth Class and Selective County Assessment Law and provisions of The County Code relating to auxiliary board of assessment appeals and assessment of signs and sign structures; providing for municipal pensions in cities of the second class; and making related repeals.

SB 922 (Pr. No. 2261) (Rereported) (*Concurrence*)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for lifetime limit; further defining "general acute care hospital" and "high volume Medicaid hospital"; further providing for authorization, for administration, for no hold harmless, for tax exemption, for cessation and for Statewide Quality Care Assessment implementation; providing for the availability of and access to a comprehensive trauma care system; imposing powers and duties upon the Department of Public Welfare; and making a related repeal.

SB 1157 (Pr. No. 1909) (Rereported) (*Concurrence*)

An Act designating Traffic Route 283 (State Route 300), from the PA Turnpike Interchange in Lower Swatara Township, Dauphin County, to State Route 30 in Manheim Township, Lancaster County, as the 283rd Field Artillery Battalion Highway.

SB 1161 (Pr. No. 2241) (Rereported) (*Concurrence*)

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, further providing for adoption of guidelines for sentencing, for guidelines for State intermediate punishment; providing for adoption of risk assessment instrument; further providing for sentencing generally, for revocation of State intermediate punishment sentence; in general administration, providing for definitions and for powers and duties of department; in county jail oversight board in counties of the second class and second class A, further providing for scope, for definitions and for county jail oversight board; in inmate labor, further providing for disposition of proceeds of labor and providing for State correctional institutions; providing for evaluation in motivational boot camps; in State intermediate punishment, further providing for evaluation; further providing for recidivism reports; providing for confidentiality of victim information; in administration, further providing for board action, providing for offenders in group-based homes and further providing for general powers, parole power, terms of parole, victim participation in hearings and supervision of offenders; in interstate compacts, further providing for administration and providing for a compact application fee; making a related repeal; and making editorial changes.

SB 1169 (Pr. No. 2181) (Rereported) (*Concurrence*)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs, for Commonwealth portion of fines, etc., for place of detention, for sentencing generally and for collection of restitution, reparation, fees, costs, fines and penalties.

SB 1288 (Pr. No. 2258) (Rereported) (*Concurrence*)

An Act designating the replacement bridge for the bridge carrying State Route 2018 over the Monongahela River from the Borough of North Charleroi, Washington County, to the City of Monessen, Westmoreland County, as the Governor John K. Tener Memorial Bridge.

SB 1320 (Pr. No. 2137) (Rereported) (*Concurrence*)

An Act designating Interstate 84, within this Commonwealth, as the Fallen Trooper Memorial Highway; and designating a bridge in Clarks Summit, Lackawanna County, as the John E. Fitzgerald Memorial Bridge.

SB 1429 (Pr. No. 2262) (Rereported) (*Concurrence*)

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

HB 2172 (Pr. No. 4432) (Rereported) (Concurrence)

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.

HB 2275 (Pr. No. 4445) (Rereported) (Concurrence)

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to the Canaan Bible Chapel certain lands situate in South Canaan Township, Wayne County, in exchange for certain property in South Canaan Township, Wayne County, to be conveyed by the Canaan Bible Chapel to the Commonwealth of Pennsylvania; authorizing the Department of General Services, with the approval of the Department of Education and the Governor, to grant and convey to Marywood University approximately ten acres including nine buildings and all improvements thereon, known as the Scranton State School for the Deaf, situate at 1800 N. Washington Avenue in the City of Scranton and Borough of Dunmore, Lackawanna County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the 38th Ward of the City of Philadelphia, Philadelphia County; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey to Frenchcreek Township, Venango County, approximately 1.15-acres and improvements thereon, together with a 50' right-of-way, at Polk Center, situate in Polk Borough, Venango County; authorizing the Pennsylvania Game Commission to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of York, York County, under certain conditions; imposing Project 70 restrictions on certain lands being conveyed to the City of York; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Aloe Brothers LLC, certain lands situate in South Fayette Township, Allegheny County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Indiana University of Pennsylvania certain lands situate in White Township, Indiana County; authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to dedicate, grant and convey to the Frackville Area Municipal Authority, a waste water system and appurtenances, together with easements for public sewer purposes, situate in Ryan Township, Schuylkill County; and authorizing the sale and transfer of title for Project 70 lands owned by Erie County to Harborcreek Township, Erie County.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 379 (Pr. No. 2139)

A Resolution memorializing the United States Department of Defense to award to the Boeing Company a contract to produce and provide the KC-X aerial refueling tanker to the department.

CONSIDERATION OF CALENDAR RESUMED**SENATE RESOLUTION No. 383, AMENDED**

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 383** entitled:

A Resolution directing the Legislative Budget and Finance Committee to complete a comprehensive review of State real property, roadways, bridges and waterways.

On the question,

Will the Senate adopt the resolution?

Senator ORIE offered the following amendment No. A9704:

Amend Resolution, page 1, line 2, by striking out "complete" and inserting:

conduct

Amend Resolution, page 1, line 11, by striking out "complete" and inserting:

conduct

Amend Resolution, page 1, line 19, by inserting after "and" where it occurs the second time:

, if known,

Amend Resolution, page 2, line 5, by inserting after "owner":

, if known,

Amend Resolution, page 2, by inserting between lines 6 and 7:

(6) Recommended improvements in the process of identifying property mineral rights.

(7) A description of the current system for tracking real property in this Commonwealth.

Amend Resolution, page 2, line 7, by striking out "(6)" and inserting:

(8)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators PIPPY, STACK, KASUNIC, STOUT, FONTANA, TARTAGLIONE, ORIE, BAKER, EARLL, ERICKSON, RAFFERTY, PILEGGI, D. WHITE, COSTA, O'PAKE and GREENLEAF presented to the Chair **SR 423**, entitled:

A Resolution recognizing the importance of folic acid in the diets of women of childbearing age.

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

Senators VANCE, BAKER, DINNIMAN, EARLL, ERICKSON, COSTA, FERLO, FONTANA, GREENLEAF, KASUNIC, MELLOW, MENSCH, O'PAKE, ORIE, PILEGGI, RAFFERTY, STACK, TARTAGLIONE, TOMLINSON, D. WHITE, M. WHITE, YAW and McILHINNEY presented to the Chair **SR 424**, entitled:

A Resolution designating the week of November 8 through 14, 2010, as "Perioperative Nurse Week" in Pennsylvania.

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

Senators TARTAGLIONE, STOUT, MUSTO, FONTANA, FARNESE, RAFFERTY, EARLL, BOSCOLA, O'PAKE, STACK, ERICKSON, GREENLEAF, COSTA, KITCHEN, ORIE, PILEGGI, ALLOWAY, BRUBAKER and PIPPY presented to the Chair **SR 425**, entitled:

A Resolution recognizing the month of November 2010 as "Assistive Technology Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, it seems an appropriate time of the year to talk about the spirit of generosity, good will, and mercy. It is the right time to remember Dickens' "A Christmas Carol," a classic tale of redemption and renewal. It was well and good that Mr. Scrooge revealed his own renewal by sending the Cratchits a fine holiday turkey, and it made for a happy ending, but if Tiny Tim were alive today, this precocious, intelligent, disabled young man would need more than a hearty meal to fill his potential.

Last year, we were able to give more than 4,000 disabled Pennsylvanians a more precious and long-lasting gift. In partnership with private organizations, we provided them with devices that allowed them to overcome their limitations to work, play, communicate, and plan a brighter future. Our investment in assistive technology is in recognition of the potential we see in every Pennsylvanian, regardless of physical limitations. It is not simply merciful and generous that we support these programs, but it is in our best interest to bring out the best in every citizen.

Times are difficult, as they were in 1843 when Dickens' story renewed the holiday spirit around the world. I am asking my colleagues to support this resolution designating November as "Assistive Technology Awareness Month" in Pennsylvania so that we are reminded as we go about our business today, tomorrow, and next year, that mankind is our business.

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 GREENLEAF, TARTAGLIONE, FONTANA, ERICKSON, STACK, O'PAKE, BAKER, DINNIMAN, EARLL, MENSCH, ARGALL, RAFFERTY, M. WHITE, D. WHITE, COSTA, PIPPY, McILHINNEY and WAUGH presented to the Chair **SR 426**, entitled:

A Resolution recognizing October 21, 2010, as "Biomedical Research Day" 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, I offer this resolution to recognize "Biomedical Research Day." This is one of a number of areas in our economy that could bring our economy back to its feet. Obviously, adoption of a responsible budget, which we have done in the past, will accomplish that and has helped to accomplish that. The other thing is protecting American businesses from the theft of intellectual property.

It is estimated that intellectual property crimes such as piracy and counterfeiting cost American businesses \$250 billion each year and \$750,000 in lost jobs, as well as losing copyrights and

patents to other countries and other businesses offshore. The prevention of hiring undocumented workers would immediately provide jobs for our economy and provide a stable environment for small businesses as well. Most businesses are created by small businesses, and they employ about 49.98--basically 50--percent of the State's private workforce, and they produce over \$77 billion in annual income and benefits.

But the issue that is most important here today is supporting emerging high-technology industries. We have a tremendous educational system in Pennsylvania that spins off all types of well-paying technological jobs that provide for the future of our State and our workers. We have the top talent in our universities, and they conduct national research and development efforts in areas such as alternative energy and medical technology. And that is the particular issue that we are going to be dealing with here today, a resolution that recognizes October 21, 2010, as Biomedical Research Day in Pennsylvania.

The biomedical research community in the United States, especially in the Commonwealth, is recognized as a world leader in discovering knowledge and promoting health and the treatment of diseases. Biomedical research has helped increase the lifespans of people in the United States with the development of vaccines, antibiotics, and anti-infective drugs. Biomedical research has contributed to the elimination of many epidemic diseases, and in the United States, biomedical research has helped to prevent numerous childhood killers. Researchers are working diligently toward cures for diseases such as Alzheimer's, arthritis, AIDS, cancer, diabetes, epilepsy, heart and lung disease, mental illness, multiple sclerosis, and countless other diseases that affect millions of people throughout the United States. This research has contributed to the health and well being of animals through vaccines and has helped the prospects of endangered species by reducing diseases and promoting reproduction.

Biomedical research offers the best hope for new breakthroughs in detecting and treating diseases in the future. That being said, I believe it is important that the Senate recognize October 21, 2010, as Biomedical Research Day in Pennsylvania, and I ask for support for this resolution.

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

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

Senators FARNESE, TARTAGLIONE, YAW, ALLOWAY, FOLMER, FONTANA, ERICKSON, BOSCOLA, ORIE, EARLL, FERLO, SCARNATI, MUSTO, DINNIMAN, KASUNIC, MELLOW, O'PAKE, GREENLEAF, PIPPY, COSTA, PILEGGI, STACK, BAKER, BRUBAKER, ARGALL, D. WHITE, RAFFERTY, M. WHITE and McILHINNEY presented to the Chair **SR 427**, entitled:

A Resolution designating the month of October 2010 as "Italian-American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator FARNESE. Mr. President, I rise today in support of this resolution recognizing October 2010 as "Italian American Heritage Month" in Pennsylvania. On Monday, as you know, Mr. President, we celebrated Columbus Day, a national holiday observing the anniversary of Christopher Columbus's arrival in America. In 1492, Columbus set sail across the Atlantic Ocean on the first of several voyages. These explorations ultimately led to European awareness of the New World, opening up the Americas to further exploration, colonization, and trade with Europe.

Mr. President, many organizations in Pennsylvania and around the United States will take the opportunity this month to recognize and celebrate not only the accomplishments of Columbus, but also the accomplishments, culture, and history of Italian Americans, our country's fifth-largest ethnic group. Italian Americans have made prolific contributions to the development of our country through government, the arts, athletics, business, and education.

There is a rich Italian heritage entwined in the fabric of our history here in the United States, Mr. President, and also, as you may know, in my legislative district, including south Philadelphia. I am very honored, Mr. President, that within my legislative district, I have two very prominent Italian Americans of whom to be proud. One is my grandfather, Andrew Farnese, who has the distinction of being the first Italian American ever to be president of the Board of Education in Philadelphia. And second, my grandfather, Arthur Deluca, my mother's father, was a pioneer entrepreneur in south Philadelphia, one of the first entrepreneurs and business owners on Passyunk Avenue. He owned a haberdashery on Passyunk Avenue for many, many years and started what is recognized today as a very prominent and strong business improvement district on Passyunk Avenue, located within south Philadelphia.

So for these reasons, Mr. President, and for all the reasons that many, many other Members of this Chamber have throughout our great State of Pennsylvania, I want to join in the celebration of this month by recognizing October 2010 as Italian American Heritage Month in Pennsylvania.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators KITCHEN, KASUNIC, O'PAKE, FONTANA, STOUT, STACK, MELLOW, TARTAGLIONE, ORIE, BAKER, DINNIMAN, EARLL, ARGALL, ERICKSON, PILEGGI, D. WHITE, WILLIAMS, PIPPY, McILHINNEY and WAUGH presented to the Chair **SR 428**, entitled:

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

On the question,

Will the Senate adopt the resolution?

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

Senator KITCHEN. Mr. President, the theme of this year's campaign is "Know Your Medicine, Know Your Pharmacist."

This is a great opportunity to remind everyone that their neighborhood pharmacist is an important source of information. Pharmacists can answer questions about medication and the instructions for taking that medication. They can also point us in the right direction when we are not feeling well and need relief.

We are fortunate to have so many well-trained pharmacists in Pennsylvania who are dedicated to insuring that we all take proper medication. They are an integral part of the healthcare system. "American Pharmacists Month" is also a good reminder that everyone should clean out their medicine cabinets. Whether you have prescriptions or over-the-counter products, old and expired medications should be properly disposed of immediately in order to protect yourself and your family. In addition to asking for my colleagues' support of this resolution, I also urge everyone to get to know your local pharmacist and make sure the medications in your medicine cabinet are still safe to use.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator HUGHES presented to the Chair **SR 429**, entitled:

A Resolution urging proper disposal of expired, unused and unwanted prescription drugs.

On the question,

Will the Senate adopt the resolution?

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

Senator HUGHES. Mr. President, very briefly, consistent with the comments of my good friend and colleague, Senator Kitchen, the speaker on the previous resolution, I have a particular constituent in my district, Bernie Strain and his entire family are suffering from the loss of one of their family members who lost his life as a result of not being aware of and properly addressing the issue of unused and unwanted prescription drugs in our Commonwealth. This lack of a program and plan in this Commonwealth with respect to unused and unwanted prescription drugs needs to be addressed, and this resolution encourages this body to move forward in that area.

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 HUGHES, STOUT, FERLO, FONTANA, PIPPY, ORIE, DINNIMAN, O'PAKE, COSTA, EARLL, ERICKSON, PILEGGI, TARTAGLIONE and STACK presented to the Chair **SR 430**, entitled:

A Resolution honoring the 100th anniversary of Kappa Alpha Psi Fraternity.

On the question,
Will the Senate adopt the resolution?

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

Senator HUGHES. Mr. President, it gives me great honor to have the opportunity to present this resolution, which recognizes the 100th anniversary of the Kappa Alpha Psi Fraternity, Inc. Members of this fraternity, which was founded by the following gentlemen: Elder Watson Diggs, John Milton Lee, Byron K. Armstrong, Guy Levis Grant, Ezra Dee Alexander, Henry Asher, Marcus Blakemore, Paul Caine, Edward Irvin, and George Edmonds, have started a fine tradition of service to the community in which it is located.

There are over 150,000 members of this important organization. Recently deceased members include Arthur Ashe, Johnnie Cochran, and Wilt Chamberlain. Among current members are W. Wilson Goode; Benjamin Jealous, the current president of the National Association for the Advancement of Colored People; and also Bill Russell. These are individuals who have provided great service and made great contributions in all facets of our life and in our community, Mr. President, and I would like to take this opportunity to recognize the 100th anniversary of the Kappa Alpha Psi Fraternity, Inc. 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.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Paul Hastings by Senators Baker, Vance, and Farnese.

Congratulations of the Senate were extended to the Maimonides Society of the Jewish Federation of the Lehigh Valley and to The Wescoe School at Muhlenberg College by Senator Browne.

Congratulations of the Senate were extended to Carmen Twillie Ambar, David Vaida, Daniel C. Bosket, Charles Versaggi, Anthony Swartz, Pride of the Greater Lehigh Valley, Communities in Schools of the Lehigh Valley and to WMUH-FM 91.7 of Allentown by Senators Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Jacob Wise and to Bob Derr by Senator Brubaker.

Congratulations of the Senate were extended to Nicholas Barrett Barger and to Jennifer Shuey by Senator Corman.

Congratulations of the Senate were extended to Sharyn H. Henry and to Marc Cherna by Senator Costa.

Congratulations of the Senate were extended to Eric David Colonie by Senator Fontana.

Congratulations of the Senate were extended to Center Rock, Inc., of Berlin, by Senator Kasunic.

Congratulations of the Senate were extended to Sharonann McDermott by Senator Musto.

Congratulations of the Senate were extended to Thomas M. Muchanic, members of Christ (Mertz) Lutheran Church of Fleetwood and to the members of St. John's Evangelical Lutheran Church of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mark D. Schmitt, Robert A. Glancy, William F. Celik and to Eugene P. Beard by Senator Orie.

Congratulations of the Senate were extended to the Honorable Robert E. Colville by Senators Orie and Fontana.

Congratulations of the Senate were extended to Arthur J. Rooney, Jr., by Senators Orie and Pippy.

Congratulations of the Senate were extended to McKeesport-Pittsburgh Chief Petty Officer Association and the Pittsburgh Council of the Navy League of the United States by Senator Orie and others.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph A. Camut and to Mr. and Mrs. Joseph Marko by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Warren C. Miller, Mr. and Mrs. William Stepp, Jr., Ekko Stimson, Erich Bowes and to Kevin Miller by Senator Yaw.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Harry R. Zearfoss by Senator Baker.

Condolences of the Senate were extended to the family of the late Donald R. Vandergrift by Senator Orie.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS OVER IN ORDER

HB 1196 and **HB 2497** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 1231 (Pr. No. 4393) -- 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 "occupational disease"; and providing for cancer in the occupation of firefighter.

Considered the second time and agreed to,

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

SB 1490 (Pr. No. 2263) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," further providing for composition of commission and for powers; and providing for veto power by the Governor.

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

HB 2477 (Pr. No. 4471) -- 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 applicability, for enumeration of elected officers and for official records of coroner; adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security, for the subsequent issuance of official commissions; further providing for the governing board of the convention center authority; and making related repeals.

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

HB 2547 (Pr. No. 3826) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, further providing for definitions and for exceptions to license requirements.

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

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 brief caucus of the Republican Members at the Majority Leader's desk.

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

Senator O'PAKE. Mr. President, I ask the Democrats to gather around the rostrum for a brief caucus.

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1926 CALLED UP

HB 1926 (Pr. No. 4412) -- Without objection, the bill, which previously went over in its over temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

HB 1926 (Pr. No. 4412) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for registration of sexual offenders and for sentence for failure to comply with registration of sexual offenders.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ALLOWAY offered the following amendment No. A9650:

Amend Bill, page 1, line 3, by inserting after "Statutes," in general principles of justification, further providing for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; providing for civil immunity for use of force; and

Amend Bill, page 1, by inserting between lines 5 and 6:

The General Assembly finds that:

(1) It is proper for law-abiding people to protect themselves, their families and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.

(2) The Castle Doctrine is a common law doctrine of ancient origins which declares that a home is a person's castle.

(3) Section 21 of Article I of the Constitution of Pennsylvania guarantees that the "right of the citizens to bear arms in defense of themselves and the State shall not be questioned."

(4) Persons residing in or visiting this Commonwealth have a right to expect to remain unmolested within their homes or vehicles.

(5) No person should be required to surrender his or her personal safety to a criminal, nor should a person be required to needlessly retreat in the face of intrusion or attack outside the person's home or vehicle.

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting:

Section 1. Section 501 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 501. Definitions.

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

"Believes" or "belief." Means "reasonably believes" or "reasonable belief."

"Correctional institution." Any penal institution, penitentiary, State farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

"Corrections officer." A full-time employee assigned to the Department of Corrections whose principal duty is the care, custody and control of inmates of a penal or correctional institution operated by the Department of Corrections.

"Deadly force." Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

"Dwelling." Any building or structure, including any attached porch, deck or patio, though movable or temporary, or a portion thereof, which is for the time being the home or place of lodging of the actor.

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to [section 311 of the act of May 27, 1949 (P.L.1903, No.568), known as "The Military Code of 1949."] 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

"Residence." A dwelling in which a person resides, either temporarily or permanently, or visits as an invited guest.

"Unlawful force." Force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily injury.

"Vehicle." A conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Section 2. Section 505(b) of Title 18 is amended and the section is amended by adding a subsection to read:

§ 505. Use of force in self-protection.

(b) Limitations on justifying necessity for use of force.--

(1) The use of force is not justifiable under this section:

(I) to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or

(ii) to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(A) the actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(B) the actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 507 of this title (relating to use of force for the protection of property); or

© the actor believes that such force is necessary to protect himself against death or serious bodily injury.

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

(I) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(ii) the actor knows that he can avoid the necessity of using such force with complete safety by retreating [or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take], except [that:

(A)] the actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be]; and

(B) a public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed].

(2.1) Except as otherwise provided in paragraph (2.2), an actor is presumed to have a reasonable belief that deadly force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat if both of the following conditions exist:

(I) The person against whom the force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcefully entered and is present within, a dwelling, residence or occupied vehicle; or the person against whom the force is used is or is attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle.

(ii) The actor knows or has reason to believe that the unlawful and forceful entry or act is occurring or has occurred.

(2.2) The presumption set forth in paragraph (2.1) does not apply if:

(I) the person against whom the force is used has the right to be in or is a lawful resident of the dwelling, residence or vehicle, such as an owner or lessee;

(ii) the person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the protective force is used;

(iii) the actor is engaged in a criminal activity or is using the dwelling, residence or occupied vehicle to further a criminal activity; or

(iv) the person against whom the force is used is a peace officer acting in the performance of his official duties and the actor using force knew or reasonably should have known that the person was a peace officer.

(2.3) An actor who is not engaged in a criminal activity, and who is attacked in any place where the actor would have a duty to retreat under paragraph (2)(ii), has no duty to retreat and has the right to stand his ground and use force, including deadly force, if:

(I) the actor has a right to be in the place where he was attacked;

(ii) the actor believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping or sexual intercourse by force or threat; and

(iii) the person against whom the force is used displays or otherwise uses:

(A) a firearm or replica of a firearm as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms); or

(B) any other weapon readily or apparently capable of lethal use.

(2.4) Unless one of the exceptions under paragraph (2.2) applies, a person who unlawfully and by force enters or attempts to enter an actor's dwelling, residence or occupied vehicle or removes or attempts to remove another against that other's will from the actor's dwelling, residence or occupied vehicle is presumed to be doing so with the intent to commit:

(I) an act resulting in death or serious bodily injury; or

(ii) kidnapping or sexual intercourse by force or threat.

(2.5) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as [required by paragraphs (1) and (2) of this subsection,] otherwise required by this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

(d) Definition.--As used in this section, the term "criminal activity" means conduct which is a misdemeanor or felony, is not justifiable under this chapter and is the proximate cause of the confrontation between an actor and the person against whom force is used.

Section 3. Section 506 of Title 18 is amended to read:

§ 506. Use of force for the protection of other persons.

(a) General rule.--The use of force upon or toward the person of another is justifiable to protect a third person when:

(1) the actor would be justified under section 505 [of this title] (relating to use of force in self-protection) in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;

(2) under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and

(3) the actor believes that his intervention is necessary for the protection of such other person.

(b) [Exceptions] Exception.--Notwithstanding subsection (a) [of this section:

(1) When the actor would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-protection, he is not obliged to do so before using force for the protection of another person, unless he knows that he can thereby secure the complete safety of such other person.

(2) When the person whom the actor seeks to protect would

be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the actor is obliged to try to cause him to do so before using force in his protection if the actor knows that he can obtain complete safety in that way.

(3) Neither the actor nor the person whom he seeks to protect is obliged to retreat when in the dwelling or place of work of the other to any greater extent than in his own.], the actor is not obliged to retreat to any greater extent than the person whom he seeks to protect.

Section 4. Section 3903(a), (a.1) and (b) of Title 18 are amended and the section is amended by adding a subsection to read: § 3903. Grading of theft offenses.

(a) Felony of the second degree.--Theft constitutes a felony of the second degree if:

(1) The offense is committed during a manmade disaster, a natural disaster or a war-caused disaster and constitutes a violation of section 3921 (relating to theft by unlawful taking or disposition), 3925 (relating to receiving stolen property), 3928 (relating to unauthorized use of automobiles and other vehicles) or 3929 (relating to retail theft).

(2) The property stolen is a firearm.
(3) In the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm [and the receiver is in the business of buying or selling stolen property].

(4) The property stolen is any amount of anhydrous ammonia.
(a.1) Felony of the third degree.--Except as provided in subsection (a) or (a.2), theft constitutes a felony of the third degree if the amount involved exceeds \$2,000, or if the property stolen is an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle, or in the case of theft by receiving stolen property, if the receiver is in the business of buying or selling stolen property.

(a.2) Felony of the first degree.--Theft constitutes a felony of the first degree if, in the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property.

(b) Other grades.--Theft not within subsection (a) [or], (a.1) [of this section] or (a.2), constitutes a misdemeanor of the first degree, except that if the property was not taken from the person or by threat, or in breach of fiduciary obligation, and:

(1) the amount involved was \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree; or
(2) the amount involved was less than \$50 the offense constitutes a misdemeanor of the third degree.

Section 5. Section 4501 of Title 18 is amended by adding definitions to read:

Amend Bill, page 2, line 9, by striking out "2" where it occurs the first time and inserting:

6

Amend Bill, page 5, by inserting between lines 3 and 4:

Section 7. The definition of "loaded" in section 6102 of Title 18 is amended to read: § 6102. Definitions.

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

"Loaded." A firearm is loaded if the firing chamber, the nondetachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. In the case of a firearm which utilizes a detachable magazine, the term shall mean a magazine suitable for use in said firearm which magazine contains such ammunition and has been inserted in the firearm or is in the same container or, where the container has multiple compartments, the same compartment thereof as the firearm. If the magazine is inserted into a pouch, holder, holster or other protective device that provides for a complete and secure enclosure of the ammunition, then the pouch, holder, holster or other protective device shall be deemed to be a separate compartment.

Section 8. Section 6109(m.3) of Title 18 is amended to read: § 6109. Licenses.

(m.3) Construction.--Nothing in this section shall be construed to [permit];

(1) Permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by 34 Pa.C.S. (relating to game).

(2) Authorize any Commonwealth agency to regulate the possession of firearms in any manner inconsistent with the provisions of this title.

Section 9. Title 42 is amended by adding a section to read: § 8340.2. Civil immunity for use of force.

(a) General rule.--An actor who uses force:

(1) in self-protection as provided in 18 Pa.C.S. § 505 (relating to use of force in self-protection);

(2) in the protection of other persons as provided in 18 Pa.C.S. § 506 (relating to use of force for the protection of other persons);

(3) for the protection of property as provided in 18 Pa.C.S. § 507 (relating to use of force for the protection of property);

(4) in law enforcement as provided in 18 Pa.C.S. § 508 (relating to use of force in law enforcement); or

(5) consistent with the actor's special responsibility for care, discipline or safety of others as provided in 18 Pa.C.S. § 509 (relating to use of force by persons with special responsibility for care, discipline or safety of others)

is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the actor as a result of the use of force.

(b) Attorney fees and costs.--If the actor who satisfies the requirements of subsection (a) prevails in a civil action initiated by or on behalf of a perpetrator against the actor, the court shall award reasonable expenses to the actor. Reasonable expenses shall include, but not be limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

© Definition.--As used in this section, the term "perpetrator" shall mean a person against whom an actor is justified in using force as provided by 18 Pa.C.S. § 505, 506, 507, 508 or 509.

Amend Bill, page 5, line 4, by striking out "2.1" and inserting:

10

Amend Bill, page 6, line 24, by striking out "3" and inserting:

11

Amend Bill, page 10, line 6, by striking out "4" and inserting:

12

Amend Bill, page 11, line 2, by striking out "5" and inserting:

13

Amend Bill, page 17, line 25, by striking out "6" and inserting:

14

Amend Bill, page 24, line 20, by striking out "6.1" and inserting:

15

Amend Bill, page 26, line 24, by striking out "6.2" and inserting:

16

Amend Bill, page 27, line 2, by striking out "7" and inserting:

17

Amend Bill, page 29, line 24, by striking out "8" and inserting:

18

Amend Bill, page 31, line 1, by striking out "9" and inserting:

19

Amend Bill, page 31, line 9, by striking out "13" and inserting:

20

Amend Bill, page 31, line 10, by inserting after "§§":

501, 505(b) and (d), 506, 3903(a), (a.1), (a.2) and (b),

Amend Bill, page 31, line 10, by striking out "and" and inserting a comma:

Amend Bill, page 31, line 12, by inserting after "(5)":

, 6102 and 6109(m.3) and the addition of 42 Pa.C.S. § 8340.2

On the question,

Will the Senate agree to the amendment?

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

Senator ALLOWAY. Mr. President, I rise to offer this amendment that is commonly called the Castle Doctrine. It has been

around Pennsylvania politics for many years. We fought hard to get this doctrine brought forth to Pennsylvania, and I think tonight we are on the doorstep of doing so.

I just want to highlight a couple of things to explain why I support this doctrine and why I think it is important for this body to support it. The Castle Doctrine does a couple of things. Mainly, it changes the presumption that a criminal who forcibly enters or intrudes into your home, occupied vehicle, or anyplace you have a legal right to be, with intent to cause death or great bodily harm, you then will be allowed to defend yourself with deadly force. The Castle Doctrine also changes the duty to retreat to a modified "stand your ground." If you are attacked in a place that you have the legal right to be, there is no longer the legal duty that you have to try to retreat, at your own peril.

The third major part to the Castle Doctrine is that it protects you against overzealous prosecutors, from self-defense, and provides for civil immunity against frivolous lawsuits. One of the challenges that I think a lot of folks face is if an attacker comes after them and they defend themselves with deadly force, although the person who did the defending may not be charged with anything criminally, they can very easily be brought into civil court and be sued civilly, where the presumption is a lot lower. You are looking at 50 percent plus 1, and basically, the attacker could bankrupt the defender.

So I appreciate the work of a lot of the Members of this body. Thank you for your support on this, and I ask for an affirmative vote.

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

Senator HUGHES. Mr. President, I remember watching a portion of the discussion of this matter in the House of Representatives, and I remember one of my former colleagues with whom I served, I think it was Representative Thomas, who before the debate was cut off, referred to the Castle Doctrine as the vehicle by which you can shoot first and ask questions later. That slogan stayed with me over the last couple of weeks. And now, here we are confronted with the same issue by which you can shoot first and ask questions later.

You know, in a society where things are getting a little bit tougher for the average person to confront - the economy is down, way down; unemployment is way up; tensions are rising in all of our communities, and folks are getting on edge - and sometimes, in this type of environment, reason does not hold. It appears this is the case with this particular amendment, so much so that we have documentation on this amendment that indicates that the Pennsylvania District Attorneys Association is opposed to this, and the State Police of Pennsylvania are opposed to this. Folks around the Commonwealth feel that this is not the direction in which we need to be going with respect to creating smart, safe, and thoughtful gun laws.

The idea, in many respects, almost takes me back to the days of the Wild West, the shootout at the O.K. Corral, and the idea of hanging your guns up when you come into the big city. But that is not the case here. When the State Police, the District Attorneys Association, CeaseFire, and other organizations with that same goal are all saying to the Members of this body, do not pass this legislation, do not make this the law of the Commonwealth, we need to take heed.

We have too many police officers, a growing number of police officers, who are losing their lives in the line of duty because

of the excess weapons and the opportunity for folks to use them at will. They are already using them at will, and now we are creating an environment where they are allowed to do so even more. I urge a negative vote, Mr. President. This is not the direction in which we need to be going.

When our State Police stand up, when our district attorneys stand up across the Commonwealth and say, unilaterally, this is not the way to go, I think we need to take note. I think we need to make sure that we do not put more folks, especially those in our law enforcement community, especially our police officers, who put their lives on the line every day and put themselves in a position defending us and dealing with the worst portions of our society, of our communities, on the line. They have asked for this not to become law. Our district attorneys have asked for this not to become law. I think we need to listen to them. I urge a negative vote, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I rise today in support of Senator Alloway's amendment. This amendment will establish a principle in State law that is at the heart of every civilized society, the fact that we as a people have the basic right to defend our homes and our families against intruders. One of the first things we are taught as we grow up is to respect other people's property. That is a lesson that should start out at home and should be reinforced as we grow up and attend school. As we become older and move out on our own, we take steps to protect our property and our families. We take basic steps to secure our homes, and we are reminded to lock up our cars and our valuables.

Even so, we all know there are too many instances of home invasions and carjackings--the people whom, in fact, the police are concerned about. Those intruders are usually armed, and they often will indiscriminately resort to violence if confronted. The truth is, Mr. President, the Castle Doctrine now before us will not impact how a victim of a home invasion or a carjacking will react. When in that crisis situation, no one is going to stop to think about the ramifications of confronting an intruder. Basic instinct will kick in. The victim will fight back or flee. Rather, what this amendment does is address the potential legal and civil ramifications that can now arise after a citizen stands up to defend himself or herself.

It is almost unbelievable that law-abiding citizens can find themselves charged or sued for simply standing up to protect themselves, their families, and their property. It is a crazy society when an upstanding citizen, who is simply defending his or her premises, is turned into a criminal, and the real criminal, who is stopped while committing a crime, is turned into the victim. Mr. President, we must address that by passing this amendment and sending it to the Governor. I urge a "yes" vote. Thank you.

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

Senator FARNESE. Mr. President, I rise to urge a "no" vote on this amendment, not just because of the positions outlined by my colleague, Senator Hughes - the police do not want it, the district attorneys do not want it - but there are many, many people in this building who fashion themselves as reformers, people who are in support of open and transparent government. I rise today in opposition to this, not just because of those positions that have been outlined, and I am sure that other Members are going to get into them, but because the process by which this bill

has come to us tonight is flawed. It does not represent open, transparent, and reformed government. I am disgusted by the way in which we are taking up a good piece of legislation, House Bill No. 1926, no argument that this is a good, sound piece of legislation, but we are going to amend into it the Castle Doctrine, which we all know has absolutely nothing to do with Megan's Law legislation.

I cannot, in good conscience, tonight or tomorrow, vote against a bill which will protect children across Pennsylvania, the Megan's Law bill, House Bill No. 1926, and I will support it when it comes up for final passage. But the problem I have tonight is that this amendment is terribly egregious and is a dangerous piece of public policy legislation. I believe, Mr. President, that it is being stuck in a bill tonight, and the people of Pennsylvania are being deprived of their right--they sent us to here to vote, and we are depriving them of their right to vote on a Megan's Law rule and on a Castle Doctrine law. No law is more important. I am not trying to say that one is more important than the other. Both should be heard, but they should be heard in separate and distinct pieces of legislation.

Earlier tonight, I made an argument in the meeting of the Committee on Appropriations about separate and distinct pieces of legislation. If you are for reform, if you are for transparency, if those words mean anything to you in this Chamber, then you will recognize what is being done tonight. Let us call it what it is. We are sticking the Castle Doctrine into Megan's Law and putting people in a position to vote against it. That is not open and transparent government. That is not reform government. That is not what we came here to do.

So just let us make sure that we know what we are doing. We are depriving the people of Pennsylvania of two distinct votes tonight. When we vote on this amendment tonight, we are going to then vote on a bill tomorrow on final passage which should be voted on its own, because it is equally important. There is nothing more important in Pennsylvania, Mr. President, than protecting children from predators. But sticking this bill in that legislation, I am sorry, Mr. President, I think it is shameful. I think it is downright shameful.

I will speak quickly on some of the points of why I am in opposition to this amendment. This legislation would strike the duty to retreat from the current doctrine. It would allow for a shoot-first-ask-questions-later approach to self-defense. Let us be very clear about this as well: We are not creating the right to self-defense in Pennsylvania tonight. That right already exists. Let us be clear about that. Let us be open and transparent to the people of Pennsylvania. Let us make those words mean something in this Chamber.

It would also expand the definition of "dwelling" to include areas outside someone's home. And I think it is very, very relevant that the last speaker said, someone's home or a carjacking. Your home, and now your car. That is important, because we took a huge leap, from defending your premises, your domicile, someone breaking into your home, and now, all of a sudden, you are into your car.

I believe the expansion of the Castle Doctrine is attempting to answer a question that has not been asked. It has not been asked. I cannot support legislation that will allow lives to be in further danger. Of course, Mr. President, like I said earlier, I cannot support a piece of legislation or an amendment that our own law enforcement agents do not support.

Now, this is going to go its way, and the legislation is going to run its course, and tomorrow, we are going to come in and we are going to vote on House Bill No. 1926, as amended. But let us be clear about this. If you really believe in open, transparent, and reformed government--and there are people here who believe that, I know you do, because I heard you talk about it, and I agree with you, you are right about it--this is not the way to do it. Every vote should have its day. Every person's voice in Pennsylvania should be heard. This is not the way to do it. I urge a "no" vote on this amendment.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator COSTA. Mr. President, I rise to echo the very eloquent and on-the-mark comments of my colleague from Philadelphia County. While I agree with a number of the things he said--they are consistent with what I stated in the Committee on Appropriations earlier tonight on a similar situation--we believe, and I believe, that this legislation, if we are successful, and ultimately, we will be successful in amending this language into the piece of legislation, will, in my opinion, run afoul of the single source issue with respect to language contained in a statute.

However, I reach a different conclusion relative to the underlying amendment as it was described by my friend and colleague. I do believe that we should not be amending this language into this bill. It should be able to stand on its own. We have a vehicle in this Chamber, House Bill No. 40, that passed the House in an overwhelming fashion, and it should be given the opportunity to be vetted through the Committee on Judiciary, which actually had it posted to run in an off-the-floor committee meeting earlier. For whatever reason, we decided not to do that. Now, we are sticking it into a very important piece of legislation dealing with Megan's Law modifications.

The gentleman is correct when he stated that each of these two bills should stand on their own. At the end of the day, these two bills will ultimately be successful, but what we again jeopardize is a good, solid piece of legislation, the underlying bill, that may be now subject to running afoul of the Constitution and be stricken. And to that end, a good piece of Megan's Law legislation may be stricken as well as the Castle Doctrine.

We need to make the effort and take the time to be consistent, not only with our policies in this building and in this Chamber, to make certain that we review things in a very open and transparent manner when we discuss these types of things. No more should we be in a position where we are shoving various pieces of legislation and good concepts that should stand on their own into bills for the sake of just trying to get them done with an arbitrary deadline of tomorrow. We need to work to correct our habits and to move forward on important pieces of legislation. This is just one example.

I support the underlying concept. I recognize the concerns that were raised by the Pennsylvania District Attorneys Association as well as the police and others. But at the end of the day, it is important that folks in this Commonwealth have the opportunity to defend themselves. No one has been more of a champion for changes to address stiffer penalties for those individuals who commit home invasions. For about four legislative Sessions now, we have tried to implement legislation that would enhance the penalties for those individuals who commit a home burglary or a home invasion, and we have been unsuccessful up to this point in time. Maybe this is the opportunity to address a very serious issue - someone having the opportunity to defend their home. Again, the process by which we are governing ourselves and under which we are operating is something that, I think, needs to be looked at, and I have some very serious concerns about it. I support my colleagues' acknowledgment of that very, very important issue.

However, I reach a different conclusion with respect to the legislation itself. At the end of the day, I intend to vote for this amendment, but I hope that we come to our senses before tomorrow and allow it to move forward as part of House Bill No. 40--the original language of the Castle Doctrine--independent of being stuck with Megan's Law, where folks who want the opportunity to support Megan's Law have to swallow the Castle Doctrine when they do not necessarily agree with it. I recognize that is the political dynamic at play here, but at the end of the day, the Members should be able to put up an independent vote on each of those two measures and not have them joined at the hip in order to make sure that one gets passed along with the other.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, maybe I approach this place a little bit too often with common sense. You know, when I listen to the debate of these issues on the floor, whether it is public education, guns, or the Castle Doctrine, I try to remember the people whom I represent. You know, if you had approached me with this amendment 10 years ago, I probably would have come to a different conclusion. Today, I would like to think that everyone can live in their homes in safety and dignity and can drive around Pennsylvania without fear of intimidation or violence, but that is just not the case. And I do not care where you are in Pennsylvania.

You know, there was a time when it was confined to urban communities or certain devastated communities, but the reality is, that is not the circumstance. There are far too many reports across the Commonwealth of Pennsylvania where someone is confronted with a weapon by someone who is going to do them harm and not ask questions. There are far too many stories littered in the daily news where someone is confronted by a person on the street--they may have 5 cents in their pocket--they shoot first, and then you are confronted with the consequence of either burying a loved one or maiming a body.

These are not theoretical conversations to me anymore. These are people I know. These are not just people I represent and constituents I represent. These are people I know. One of them survived a carjacking, but today, over 2 years later, she has had multiple operations, she suffers in pain, and she has to suffer the indignity of wearing a bag around her body and will probably wear it for a long time. So am I supposed to say to her that the

Castle Doctrine will level the playing field? No. She will tell you right now, if she is confronted with a similar situation and she has a gun, she is going to use it, because she is afraid she will lose her life.

Now, I would like to say, that is not the society in which I would like to live. I do not personally own a gun, and I understand those who have trepidation to give them additional power in crisis situations. I recognize that there is a feverish debate amongst lawyers, law enforcement, and district attorneys about this, but I can only think about my constituents, the people we are sent here to represent.

Times have changed. There are illegal guns on the streets across Pennsylvania, and far too many crimes are committed with them. Would I like to have laws on the books to deal with them? I certainly would. But in the meantime, I have to deal with what is.

People are having their homes broken into, and people are losing their lives as a result. What should I say to a person who is in that situation? You have to think about it before you shoot? No, I am not going to say that. I am not going to say that any longer. I will say, if you decided to have a licensed armament in your house to protect your family--and by the way, if I am here and my wife is at home and she has a legal weapon, God forbid that I have to say to her, honey, think about it before you shoot. I will not. I am saying what I am hearing all too often - Senator, do something about these guns, which I want to do something about, but in addition to that, protect those who are good, righteous, hardworking citizens every day.

So for those reasons, I support the amendment. I am not here to discuss the process. Maybe one day, we will be in the Majority so that we can sneak something into a bill. I do not know. But in the meantime, we have to deal with what the reality is, the circumstances and the challenges that require the Castle Doctrine to be supported. It is no longer a partisan issue. It is a bipartisan consideration. There is no divide or district which has a line around it which says, you should do it and you should not. This is traveling across Pennsylvania. So for those reasons, I support the amendment.

Thank you, Mr. President.

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

LEAVE CHANGED

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

Senator O'PAKE. Mr. President, I request that Senator Dinniman's leave be changed from temporary Capitol leave to legislative leave.

The PRESIDENT. Senator O'Pake requests that Senator Dinniman's leave be changed from temporary Capitol leave to legislative leave. Without objection, the leave will be changed.

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

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, today is a day that we are supporting and working on behalf of the law-abiding citizens of this Commonwealth, allowing them the right to defend themselves and their loved ones.

Mr. President, just 2 weeks ago, not more than a mile from my house, a 74-year-old gentleman by the name of Stanley Tabaj was arriving at his business to open for the morning. While he was opening the doors, he was brutally attacked by two thugs using baseball bats and taser guns. They beat him brutally. He ended up with two broken arms, stitches in his head, contusions, broken ribs, and a broken hand, but he was not going to give in. This 74-year-old man worked too hard and too long for what he earned. He was a working man who stood up to these two thugs, and he was not going to allow them to take advantage of him or take his money. He fought back until he was able to get his hands on the shotgun that he kept in the corner. When he got his hands on that shotgun in the corner, the two thugs turned tail. They wanted to get out of there when they found out that he was going to defend himself. In the process of their leaving the building, he fired a shot, and he hit one of them.

Now, what happened in the ensuing investigation is that the two thugs were apprehended because they had to seek medical attention at the hospital. They were arrested. But what really bothered me the most, what really concerned me was that the district attorney said that he had to investigate. He had to look at this, and he was considering filing charges against a 74-year-old man who defended himself. Now, I do not know about you, but if I was in that man's position and I had the ability to defend myself, I would do it. And instead of talking about filing charges, what we should be doing is honoring this man for defending himself and standing up to these thugs.

What this amendment does today is merely say that a person does not have to retreat in their business or in their home. What am I going to do when, at 3 o'clock in the morning, someone kicks down my door? Am I supposed to run out the back door? I do not think so. I do not think that is what I am supposed to do. I think I am supposed to be there to defend my family, my wife, my children, and my grandchildren. I think it is only right that we have the ability to defend ourselves and our loved ones.

So I stand here today, Mr. President, to say that this amendment that we are considering today is a vote for law-abiding citizens, not thugs, not people who are carrying weapons illegally. This is about law-abiding citizens who do things the right way. So I am going to support this amendment, and I ask my colleagues for an affirmative vote. Thank you.

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

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

NAY-8

- | | | | |
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| Earll | Hughes | Leach | Tartaglione |
| Farnese | Kitchen | Mellow | Washington |

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

On the question,

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

Senator LEACH offered the following amendment No. A9735:

Amend Bill, page 1, line 4, by striking out "and" and inserting:
, for firearms not to be carried without a license and
Amend Bill, page 5, by inserting between lines 3 and 4:
Section 2.1. Section 6106(b)(15) of Title 18 is amended to read:
§ 6106. Firearms not to be carried without a license.
* * *

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

* * *

(15) Any person, except a resident of this Commonwealth who is not eligible for a license to carry a firearm under section 6109, who possesses a valid and lawfully issued license or permit to carry a firearm which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under section 6109(k), provided:

(i) The state provides a reciprocal privilege for individuals licensed to carry firearms under section 6109.

(ii) The Attorney General has determined that the firearm laws of the state are similar to the firearm laws of this Commonwealth.
* * *

Amend Bill, page 5, line 4, by striking out "2.1" and inserting:
2.2

Amend Bill, page 31, line 10, by striking out "and" and inserting a comma:

Amend Bill, page 31, line 12, by inserting after "(5)":
and 6106(b)(15)

On the question,

Will the Senate agree to the amendment?

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

Senator LEACH. Mr. President, the amendment I am offering to this bill would repeal what is known as the Florida loophole. The Florida loophole is a part of current law which states, in effect, that if you do not feel that you qualify to get a gun in Pennsylvania under Pennsylvania's law, you can go to another State, get a license from that State--which does not follow Pennsylvania law, it follows the law of that State--and then bring that license back to Pennsylvania and have a gun here in this State, and that license would be valid. That would give you an incentive if you did not think that you would qualify for a license in Pennsylvania, either because you are a felon, or because you have a criminal record, or because there were mental health issues, or because of a variety of other reasons that the Pennsylvania law prohibits people from having guns. You could just ignore that process, ignore Pennsylvania's law, and go to that other State--Florida is one of those States, there are a couple of them--and get a gun license that would be valid here.

The reason this is bad, Mr. President, is because, first of all, it turns over Pennsylvania's authority to decide who can and

cannot get a gun. And again, we can debate what are the appropriate provisions, but whatever we decide in this body, we are turning that over to another State. We are saying to another State, you decide how people can and cannot get guns in Pennsylvania. Would we do this in any other context? Would we turn over to another State the definition of marriage, for example, what marriage should be in Pennsylvania? I do not think we would. The fact is, the people who could never qualify for a gun in Pennsylvania will be able to get a gun, and because they will not apply, we will not even know who they are. There will never be a vetting process from anyone in the State, and we will have no opportunity to make sure that the people who have firearms in our neighborhoods and near our homes are people who we feel through the legislative process are safe and secure to have those guns.

What this amendment would do, Mr. President, is it would say that, A, if you apply for a gun and you are rejected, you cannot go to another State and get a license anyway. Under current law, you can do that. Even if you are rejected, even if you are turned down for a gun in Pennsylvania, you can then go to another State and get a license from that State that would be valid in Pennsylvania. It would say that if your license was revoked, if you had one in Pennsylvania that was revoked, you could not go to another State and get a license that would be valid in Pennsylvania. And again, it would say that if you are ineligible because you are a criminal, or for some other reason under Pennsylvania's law you are not eligible to own a gun, you would not be able to go to another State, bypass Pennsylvania's law, and get a gun anyway, regardless of what the Pennsylvania legislature says.

Mr. President, this is an issue of public safety. Again, the reason we passed restrictions on who can and cannot have guns is because we consider certain people bad risks to have firearms, perfectly rational decisions that we have made. This bill would make our law the premiere law. It would make our law, the Pennsylvania legislature's decision, the decision that counts and take it out of the hands of other legislatures. It does not affect law-abiding citizens in any way. If you are eligible for a--and again, my amendment is one line. It says that a resident of this Commonwealth who is not eligible for a license to carry a firearm under our laws cannot carry a firearm through a license of another State. So, you know, Mr. President, what that means is that even if you are--it makes Pennsylvania's law the law that counts. It does not affect law-abiding citizens, because if you could qualify in Pennsylvania for a gun, you can get a license from another State. You can still get the license from the other State. You just have to be eligible in Pennsylvania.

Mr. President, if you vote against this amendment, you are voting to allow the rules which our citizens have elected us to enact to be irrelevant to people in terms of whether or not people can get a gun. Again, I do not think that is good public policy in any area of the law, and I ask for a "yes" vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I think some of the points that were brought up have to be discussed. What you are talking about here is not law-abiding citizens who want to avoid Pennsylvania law. The real problem--I am the person who did the legislation for the permit to carry and to standardize that across the State so that sheriffs and other people could not change Penn-

sylvania law. The problem we have today is not people having a problem with Pennsylvania law. They are having a problem with Philadelphia.

Law-abiding citizens are applying for a permit--and I will have to correct the previous speaker a little bit--not to get a gun but to carry, a permit to carry a gun. In Philadelphia, they have changed the rules and the standards that the rest of the State uses, and they are denying, as I have been told, individuals from getting a permit to carry even if they have had a couple of parking tickets. They are putting those types of things down as "character." We have designed our law so that across the State, honest citizens can get a permit to carry--not to get a gun but to carry a gun--and to protect themselves when necessary. What has come to pass in the State, because of Philadelphia, honest citizens have been denied a permit from an area where they have expanded on State law, or in fact reinterpreted State law. They are denying honest citizens permits to carry.

Now, as you look at the Florida law, and if you go there to get a permit to carry, you have to follow the same background checks as anyone in Pennsylvania, if not even a little more difficult because you have to have proof of training. And people have to provide their fingerprints for these background checks. So you have a problem that has been created by Philadelphia, and if it would follow the Pennsylvania law that was passed for the permit to carry, we would not even be in this scenario. And we forget that once a person is denied a permit for whatever reason--and I think we need to have a review of why Philadelphia is denying these permits--they have to then appeal it through the same people. Well, we all know what happens there.

This program where you can apply through Philadelphia, you still cannot get a permit to carry if you are a felon and you meet the other criteria that, in fact, we have in Pennsylvania to prevent criminals from getting permits to carry. The intent was never to prevent honest people from having the ability to protect themselves, and all of the people who have been discussed on the other side have been the criminals. I understand the police in the major cities have problems with criminals carrying illegal guns, but what we are doing today is providing protection and allowing the honest people who want to protect themselves and their families from harm the right to do so.

If, in fact, Philadelphia was following the State law and the intent, as it was designed, to allow the honest citizen to have a permit to carry, we would not even be having this problem with the Florida licenses, and I have not heard that concern anywhere else in the State. So, Mr. President, I encourage the defeat of this amendment. I think it does nothing but to reinforce the criminal element and allow those people who are the criminals - I am here today to allow the honest citizen to protect himself or herself and their property.

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

Senator LEACH. Mr. President, in response to the previous speaker's remarks, number one, if there is a problem in Philadelphia, you have a couple of remedies which I think are legitimate remedies. If Philadelphia is violating current State law, you can sue the city of Philadelphia. You can ask for what is called a writ of mandamus, requiring it to issue permits if it is not following current State law. If it is following current State law and State law is too weak in one area or another and it allows law-abiding citizens to be denied the right to carry a weapon, then you can

change State law in that regard, and depending on what the issue was, I would support that.

What you do not have the right to do, I argue, is ignore Pennsylvania law; say, you know what, we do not like the result of Pennsylvania law as it is now, so we are going to ignore that law and we are going to another State to get a permit, not to carry a weapon in that State, but to have a weapon in this State. I do not think that is a legitimate remedy.

Again, Florida law is not the same. Keep in mind, Florida criteria are very different from Pennsylvania criteria, even on the issue of felonies. Both States prohibit you from getting a weapon if you are a felon in that State, but there are things that are felonies in Florida that are not felonies in Pennsylvania, and there are things in Pennsylvania that are not felonies in Florida. So if you have not committed a disqualifying act in Florida, you will get the Florida license, and it will be valid in Pennsylvania, even if you have committed a disqualifying act in Pennsylvania.

Again, that takes the law out of our hands and turns it over to another State. And keep in mind, it does not say Florida, it just happens to be--it could be any State, eventually, that we have to defer to their judgment about who gets a license to carry. And they could have all kinds of crazy--you know, we see what happens in a whole variety of areas of law in States around the country. Are we going to be at the whim of those States or are we going to make our own decisions?

To say that this is somehow reinforcing the criminal element, I just do not understand that. What we are trying to do is to stop bad people from getting guns. Right now, bad people, criminals, and people with other issues can get guns, even though we have passed laws that say they cannot, because they can go to another State and get a license because they do not like the result under Pennsylvania law.

Now, if there is a problem in Philadelphia, I am all for fixing that problem in Philadelphia. But the remedy is to fix the problem. The remedy is not to say, if you do not like what is happening in Philadelphia, you can ignore the legislature of Pennsylvania, you can find a legislature that you like better and follow its law, and then we in Pennsylvania have to accept that. That is not an appropriate remedy.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I certainly would like to let the gentleman know that I was not aware that Philadelphia had loosened its requirements to the point--because I do not believe Florida denies permits to carry to such violent criminals as parking ticket offenders. I certainly would like to work with him to correct the law in the way it is being interpreted in Philadelphia so that law-abiding citizens who might have a minor dispute with Philadelphia over parking tickets or other things could in fact still get a permit to carry.

I also share in this, for the most part, to the best of my knowledge, it is not the felons who are going out there in any State getting a permit to carry through the legal process, because they will be denied. I was unaware that this problem was occurring in Philly, and I offer my support in addressing it in the next Session.

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

Senator HUGHES. Mr. President, I think Senator Leach said it most correctly, that this whole thing is about trying to prevent bad people from getting guns. If you cannot get a permit in Pennsylvania, you should not be able to go someplace else, get hooked up someplace else, and come to Pennsylvania and get squared away and do whatever it is you want to do. We already said you cannot get a permit in Pennsylvania, how can you go somewhere else, get squared away, and then try to move that into Pennsylvania?

We are trying to make sure that bad people do not get access to guns. And I know bad people can easily get access to guns just by going to the underground market and buying them in Pennsylvania. And this body, this General Assembly, refuses to act on that issue, the illegal trafficking of firearms in Pennsylvania. We do not want to deal with that.

Now, we have a situation where over 200 mayors in the Commonwealth of Pennsylvania, an organization called Mayors Against Illegal Guns, have stood up and said, please close the Florida loophole. Two hundred mayors. Big city mayors, little city mayors. Two hundred of them all across the State. We have the district attorneys all across the Commonwealth. We have the police all across the Commonwealth. We have the State Police all across the Commonwealth of Pennsylvania. We have the majority of the population in this State who want us to close this loophole. They are tired of seeing these guns coming into the community by any way.

And now, we have a simple provision, where we have--The Lancaster Intelligencer Journal editorialized to close the Florida loophole; The Scranton Times-Tribune editorialized to close the Florida loophole; The Philadelphia Inquirer; The Philadelphia Daily News; The Pittsburgh Post-Gazette; on and on and on, more and more people are saying, close the loophole. Stop the madness. If you cannot get a permit in Pennsylvania, how can you get one in Florida or Utah or some other State and just come on in?

Senator Leach stated it most correctly, most simply, and most succinctly: prevent bad people from getting guns. They tried in Pennsylvania. No. Now they want to circumvent that "no" and try to find a way to get squared away somewhere else and then bring that option into Pennsylvania. All we are saying, Mr. President, with probably about at least two-thirds of the people in this State saying, no, do not do this, close the loophole, do not allow it to continue. After reviewing the information, especially in Florida, where 70,000 nonresidential permits have been issued and are not tracked--they do not know where these people are. They do not know what they are doing. They go wherever they need to go. They come into Pennsylvania. We have about 3,000 of these folks in Pennsylvania who have concealed carry permits issued by Florida. They were not allowed to get them in Pennsylvania, so they went to Florida and got them there. We said no, so they went somewhere else. They circumvented the law.

Now, come on, Mr. President. These newspapers--I will read them again: The Lancaster Intelligencer Journal, The Scranton Times-Tribune, The Philadelphia Inquirer, The Philadelphia Daily News, and The Pittsburgh Post-Gazette all said no; close the Florida loophole. Two hundred mayors across the State said close the Florida loophole. District attorneys, police officers, State Police, all looking for safer communities, looking for sensible gun laws that can have an impact on reducing the crime and

violence that exists across the Commonwealth--just a little piece, but a significant piece in and of itself--all have asked us to do this. Please. Please. We encourage everyone to support the Leach amendment. Thank you.

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

Senator KITCHEN. Mr. President, I will be brief. My colleague, Senator Hughes, expressed very well what the problem is. But, in my opinion, it is inappropriate to bring the problems of Philadelphia into the discussion and, possibly, the passage of legislation. If legislators think it is appropriate to expand the use of weapons, if they are blaming Philadelphia for various problems, then Philadelphia can blame the State for not helping when Philadelphia had begged the State time and time again for help with legislation to stop the passage and flow of illegal guns. And each time it is given front page coverage, we get a few dollars, we get different programs, but we never get the legislative change that would really help.

The people of Philadelphia are desperate to take the guns out of the hands of teenagers, out of the hands of adolescents. Young kids are getting killed because guns are in the hands of people who do not even know how to shoot them. But to blame Philadelphia--we want to make changes in the law--I really do not think it is fair, and I think that we should hang our heads in shame that we cannot look at this problem totally, in the manner in which it should be looked, instead of just continuing to expand the use of guns and never looking at what it is doing to poor neighborhoods in Pennsylvania. And there are other counties with problems with guns. We can ignore it and pretend like it does not exist, but I do not think Philadelphia should be brought into this problem.

Thank you, Mr. President.

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

Senator WOZNIAK. Mr. President, I know the time is late, and we are anxious to put the vote up, and even my small talk is not going to change any votes, but although I respect my good friend, I am going to oppose this amendment. We are missing one of the pieces here. One of the reasons that the permit process is askew in Philadelphia is a timeline. It takes sometimes 30 or 40 days for someone to get a permit.

The crux of this issue that I have been reading in the paper, and it has been such a long time that I forget, is that somebody with a criminal past was able to get a license in Florida. Now, in the past few hours, there have been a lot of people talking in the corridors - proponents, opponents, and everybody in between - so I am going to have to trust, but verify. It was explained to me that that individual who went and got the Florida license, his actual criminal record was expunged, so that when Florida did the background check, it did not exist.

We are missing the point here. There are two points I want to make. You get a background check when you buy a handgun anywhere in this nation. You have to prove that you are worthy to hold a handgun. The permits we are talking about deal with legally carrying a concealed weapon.

This entire evening, we have talked about the honest person defending themselves in the Castle Doctrine, taking it from your castle out of your domain to, possibly, a street--on Green Street, as it was 2 weeks ago, with Representative Tim Solobay, who was attacked by four hoodlums, at least one of whom carried an

illegal firearm. We are talking about honest people who want to defend themselves, and we are talking about honest people who want to carry a concealed weapon. The unfortunate reality we have out there, as the gentlewoman from Philadelphia said, is how do we get the guns out of the hands of the bad guys? How do we get rid of the illegal weapons?

Let us not confuse the issue today with the right of the honest individual to protect themselves, their family, and their property wherever they may stand and those people who have no respect for the law. They are not going to get a Florida license to carry a concealed weapon if they are carrying an illegal weapon. They do not care. So let us not get confused with this issue. Let us allow this amendment to fail, let us allow the Castle Doctrine to proceed, and let us pass this over to the House and see what comes of it.

Thank you very much, Mr. President.

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

YEA-20

Browne	Farnese	Leach	Tomlinson
Costa	Fontana	Mellow	Vance
Dinniman	Greenleaf	Pileggi	Washington
Earll	Hughes	Stack	White, Mary Jo
Erickson	Kitchen	Tartaglione	Williams

NAY-29

Alloway	Folmer	Piccola	Ward
Argall	Gordner	Pippy	Waugh
Baker	Kasunic	Rafferty	White, Donald
Boscola	McIlhinney	Robbins	Wozniak
Brubaker	Mensch	Scarnati	Yaw
Corman	Musto	Smucker	
Eichelberger	O'Pake	Stout	
Ferlo	Orie	Vogel	

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

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

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

PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Mr. President, on behalf of Senator Mellow, I offer the following statement for the record.

The PRESIDING OFFICER. The remarks will be spread upon the record.

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

Mr. President, just over a year ago, Pennsylvania lost a true statesman. Some even referred to him as the greatest governor Pennsylvania "never" had. I'm talking about my longtime friend, former Senator and former Lieutenant Governor Ernest P. Kline.

Ernie Kline was born in Allentown in 1929, just months before the stock market crash that started the Great Depression. The second son of a Pennsylvania Dutch father and an Italian immigrant mother, Ernie and his family were forced to move across the state to live with relatives in the small Monongahela River village of Webster, at the point where Westmoreland, Allegheny, and Washington counties meet.

At the tender age of 11, while playing football with his brothers, Ernie received the tragic news that his father died suddenly at home, leaving his mother to care for three sons. Despite adversity, Ernie excelled at sports and became the starting quarterback at Rostraver High School.

Ernie Kline began his career in public service while working at a radio station in Beaver County, earning barely enough money to support his growing family. He accepted an offer to run for Beaver Falls City Council and was successfully elected. A few years later, he took on a much larger campaign to be a State senator and was successful again.

As a testament to his personality and his reputation as a consensus-builder, Ernie Kline was elected Democratic floor leader of the Senate by his colleagues despite his young age and limited experience as a senator. As his star quickly rose, Ernie decided to test the waters for a gubernatorial run in 1970, the year I was first elected senator.

At that time, Democratic party bosses thought Bob Casey would be a stronger candidate for governor. So, they approached Ernie and asked him to run for lieutenant governor on a Casey/Kline ticket. For the sake of party unity, Ernie agreed. Fate once more played a hand, as Bob Casey lost the Democratic nomination to Philadelphia businessman Milton Shapp. But, Ernie won the nomination for lieutenant governor, forming the Shapp/Kline ticket.

Ernie played a key role in my early development as a senator because he taught by example. Governor Shapp often admitted that because he had such a limited knowledge of the workings of state government, he became dependent on Ernie's guidance. That made Ernie arguably the most influential lieutenant governor in Pennsylvania history.

In 1979, Ernie began a government relations firm and was a fixture in the halls of the Capitol. He knew staff by first name and would walk office to office visiting for just a few minutes because he never wanted to wear out his welcome. When he spoke, people listened, partly because of his deep, melodic, radio-announcer voice, but mostly because what he was saying was important. Whether he was explaining a complicated issue or just offering some sage advice, people listened. As I reflect back on 40 years of serving in this Chamber, I remember many individuals who helped me on my journey. There is no doubt that Ernie Kline played a part, and I am grateful for having known him.

After a long illness, Ernie was peacefully laid to rest on May 13, 2009, with his beloved wife, Josephine, and their seven children by his side. Today, I applaud the passage of House Bill No. 1799, which names the bridge in Ernie's hometown of Webster as the Lieutenant Governor Ernest P. Kline Memorial Bridge. This historic bridge constructed in 1908 has a single truss span of 518 feet, making it one of the most unique bridges in North America. I believe Ernie would appreciate the subtle humor of naming such an old bridge in his honor. It is a small but fitting tribute to a man who was the kind of true public servant that we all aspire to be.

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Thursday, October 14, 2010, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 9:07 p.m., Eastern Daylight Saving Time.