

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, DECEMBER 14, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 74

## SENATE

WEDNESDAY, December 14, 2011

The Senate met at 10 a.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend GABRIEL MONTALVO, Pastor of Grace Hispanic Seventh Day Adventist Church, Philadelphia, offered the following prayer:

Let us bow our heads.

Dear Father God, You have called the Pennsylvania State Senate into Session today for a purpose. They must take a stand on issues that will change our daily lives. You know the order of business and You know the issues to be debated and voted upon. I want to thank God for the opportunity to uplift each State Senate Member. This time, I want to ask humbly for Your divine presence and Your glory.

Moses, the one chosen to lead Your people through the wilderness, was promised Your presence and glory. They did not want to move forward without the assurance of Your presence. You know the pressures which these men and women are under. You know their hearts better than what they know themselves. You know the decisions they must make on every floor issue, but again, I want to affirm each Senator not to move any issue without seeking Your presence and glory. As Moses did in the wilderness, he received the assurance from Your heart that You would be with them throughout their lives.

Today, we ask that You also be with each and every person here. Father, thank You for Your assurance, but today our hearts will be set for the meanings and the topics that we are about to take. You said, my presence will go before You and it will give you rest. Let us ask You, God, to see Your glory. Your glory deals with two major virtues that define Your character: goodness and mercy. Israel's psalm writer and King David wrote, "Surely goodness and mercy shall follow me all the days of my life and I will dwell in the House of the Lord forever."

Thank You, God, for Your goodness and mercy, for the assurance of Your presence. We want to thank You as well for our military, and, Lord, thank You for keeping them safe. Forgive our transgressions and thank You for the marvelous gift for which, during this season of sharing, we are most thankful. May God bless the Senate of Pennsylvania. In Jesus' name, amen.

The PRESIDENT. The Chair thanks Pastor Montalvo, who is the guest today of Senator Pileggi.

### PLEDGE OF ALLEGIANCE

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

### SPECIAL ORDER OF BUSINESS FAREWELL TO THE HONORABLE MARK R. CORRIGAN

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

The PRESIDENT pro tempore. Mr. President and Members of the Senate, today marks the "official," and I say "official," in quotation marks, end to the distinguished career of our Secretary of the Senate, Mark Corrigan. With 37 years of service, he will surely be missed by all of us. I think that we can all speak from personal knowledge of this, but any relationship we have in our lives, whether it is business, personal, or political, the value of that relationship, I think, is judged by trust and having a trustworthy friend, spouse, or associate. I think that "trust" is the best word that can characterize the career of Mark Corrigan here with the Senate.

During the past 5 years, I have had the great opportunity to serve this Chamber as the President pro tempore of the Senate, and I can tell each and every one of you that there was never a day I walked on the floor of the Senate and worried about the management of this floor, because I knew that we could trust Mark Corrigan with that. As we look at what he does--and some of us do not know everything that he does--but he oversees the operation of a staff of over 80 people, including those in his office, the Senate Library, the Bill Room, the Page room, and other departments. Although most of us never knew what he does on a daily basis, I think it is only because he did it so well. When somebody does their job so well, they make it look easy. They make it look like it is really not a job. He made it look easy.

Now, I say this is his last official day because this is our last official day of Session for 2011, but we need to commend and recognize him for his service to this body. We are still going to see his face around next year because it is going to be hard to replace him, and he has agreed to stay and help us with that day-to-day management until we find a replacement. But we will miss you, we thank you, we thank you for the trust that you have shared with all of us, and you will not be forgotten. Enjoy retirement, and God bless. Thank you.

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

Senator COSTA. Mr. President, I rise to join my friend and colleague, our President pro tempore, Senator Scarnati, in extending, first and foremost, our best wishes to Secretary Mark Corrigan on his retirement. I am very pleased to know that he will continue to be here to assist us in the transition, a very important transition that must take place to allow for the orderly transition to a new Secretary, to allow us to continue to operate in a fashion to which we have really become accustomed. As Senator Scarnati indicated, trust is probably the most important thing we can have in our Officers, whether it be the relationships we have with each other, but also with our official Officers of this Senate, and that is a trait and a value that Mark has demonstrated consistently.

I came here a little over 15 years ago, and Mark was one of the first folks who I had to meet with to understand the process of this Senate Chamber. Each of us had to go through that process when we first arrived here. There is no question that in his role as the Parliamentarian, he was able to demonstrate and establish with us the way that things needed to be done, and the way that things should be done, in a way that he almost made you feel he was advising you and working with you in the best way that he could to achieve what needed to be achieved, again, to keep the operations of this Senate Chamber orderly.

Senator Scarnati talked about some of the other areas for which he was responsible. The Library, which is an extensive responsibility—and I know that one of the nicest things that I think he did in my tenure here was when he allowed us to have the CDs. Those are a big part of what we do as it relates to the different books. I think we have all been enlightened by some of those little things that have taken place. I know I have been. Whether it relates to the Bill Room or Senate Pages, all of that works flawlessly, flawlessly, and in a Chamber of this significance and of this size, the work that was done by Mark has been outstanding, as I indicated, along those lines.

He has been a dedicated, trustworthy individual who served this Chamber very, very well. I am pleased to call him my friend. I am sorry that he is leaving us, but at the end of the day, I think his legacy here will be one that will be established for a long, long time about the high standards that he has set in terms of, as we move forward, selecting his successor.

My hat is off to you, Mark, for a tremendous job, a job well done. We will miss you. All the best from our Senate Democratic Caucus Members, who I know join me in recognizing your service not only to this Senate, but to this Commonwealth. We truly appreciate it, and we wish you all the best.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, it is my privilege to offer my personal congratulations to Mark after his more than 30 years of service to the Senate and upon this transition, his retirement from that role. When I was first elected Majority Leader 5 years ago, I had absolutely no idea how to do this job, how to run through a Calendar and handle the various motions. Having never done that, and it is not something you can prepare for, Mark, in a very quiet way, coached me through that and helped me prepare for that. Over the years, he has been an unquestioned authority on the operation of this body.

As the previous speakers, my friend, the Minority Leader, and the President pro tempore, have said, he makes it all look easy,

and that is based on his experience, his knowledge, and his integrity. We know that behind the scenes things work smoothly, but setting the tone for this Chamber, with the aura of professionalism and bipartisanship he brings to the job I think helps us work through very difficult issues in a calm, deliberate manner and is exactly what someone in his position should be doing, but it is rarely done, and never done as well. So, he serves as a model for people, and I know that he is active in national organizations, serves as a model for people who serve as parliamentarians for legislative bodies.

Knowing Mark, it will be impossible to fill his shoes. We hope that with his help in the transition, we will be able to keep the traditions that he has set over these years. And I know that it would be easy for him to simply say, I have done my service, thank you very much, I am retiring, good luck, but he has consented to stay on and help us in that transition, and I think that reflects his dedication to the institution of the Senate of Pennsylvania, and we all thank him for that.

One of the other aspects, I think, that is so notable about Mark is his humility. He just is never, as much as he is in the center of things, he is never the focus of attention. He always is the facilitator of the body's movements, and I very much respect him for that. It is a position of great importance and authority, but he never calls attention to himself, and that is evident today. Some of you probably know that the few words that we are saying here to Mark about this transition is something that occurred with much effort and resistance from Mark because he did not want any ceremony and he did not want the videos, the bouquets, and all the trappings of the historical occasion of retirement after 30 years in such an important position. That is just the type of man he is, and it has been a pleasure for me to personally work with him. I know I speak on behalf of the Members of our Caucus that it has been wonderful having you as the Parliamentarian of the Senate. We all wish you well in this new chapter of your life, Mark. Congratulations.

The PRESIDENT. Now it is the Chair's turn. Since 1981, we have had a firm but gentle hand guiding the Pennsylvania State Senate ship of state. Using great skills from a lifetime of experience, the precision of an attorney, and the patience of a teacher, we have had a good friend. Keeping the often tumultuous State Senate debate on point, and keeping the often confused President of the Senate on script, it has been a challenge, but one to which Mark Corrigan has risen.

You know, 1981 was an important year both for Mark and for me. For Mark, it was the year he started this job as the Secretary of the State Senate, and for me, it was the first year I rode a bike without training wheels. I think it was President Teddy Roosevelt, Mark's classmate, who said it best when he dedicated this new State Capitol. He expressed the hope that this Capitol would serve as long and provide as much service to the Commonwealth as Mark had up until that point. I think we can all agree that Mark has offered a great deal more service to the people of Pennsylvania. Hey, I am not saying Mark is old, but the simple fact is, the Historical Commission has asked me to pass this on, that we all refrain from touching Mark without using special gloves, and they wanted to let everyone know that they have already commissioned a special glass case for him.

When I talked to the staff about their best memories of Mark, they said that they hope that similar skills would be found in his successor, someone who loves to arrive early every day, to make

his own coffee, and keep his own schedule. I can tell you that we are all very blessed for having had this very special person in our midst, somebody who is skilled at making it look easy. Mark, thank you for everything that you do. Thank you for everything that you are going to continue to do. Thank you for taking a freshman under your wing. God bless you, sir, and we wish you all the success in the world.

If 30 years of slings and arrows and scars are not enough to remember us by, we have this very special token for you as well. So with that, Mark, if we could present our gift to you, appropriately, a rocking chair for your retirement. Thank you, Mark.

(Applause.)

The PRESIDENT. As a matter of housekeeping, and for those who are watching PCN, the rocking chair was not paid for with taxpayer dollars.

With that, the Senate will be at ease.

(The Senate was at ease while congratulations and a gift were presented by the body to the HON. MARK R. CORRIGAN.)

### HOUSE MESSAGES

#### SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 732** and **SB 1183**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, these bills will be referred to the Committee on Rules and Executive Nominations.

#### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 242**, with the information the House has passed the same without amendments.

#### HOUSE BILLS FOR CONCURRENCE

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

December 14, 2011

**HB 761** and **1864** -- Committee on Finance.

**HB 1977** and **1983** -- Committee on Banking and Insurance.

**HB 2005** -- Committee on Community, Economic and Recreational Development.

#### BILL REPORTED FROM COMMITTEE AND REREFERRED

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

**SB 1249 (Pr. No. 1862) (Amended) (Rereported)**

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

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

#### APPOINTMENT BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. Samuel G. Hopkins as a member of the Board of the Pennsylvania Intergovernmental Cooperation Authority.

#### BILLS SIGNED

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

**SB 242** and **HB 210**.

#### LEGISLATIVE LEAVE

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

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

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

#### LEAVE OF ABSENCE

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

#### JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of November 14, 2011, November 15, 2011, and November 16, 2011, are now in print.

The Clerk proceeded to read the Journals of the Sessions of November 14, 2011, November 15, 2011, and November 16, 2011.

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

On the question,

Will the Senate agree to the motion?

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS  
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 am pleased to announce guests who came here today from a wonderful school in Levittown, Pennsylvania, Conwell-Egan Catholic High School. The students are here to observe the workings of our State government, and they had an opportunity to see the comedy routine of our Lieutenant Governor, who is a proud graduate of Conwell-Egan Catholic High School. However, we have other proud graduates, great citizens and government officials - Congressman Fitzpatrick, and, of course, former Governor Schweiker. The chaperones today are Ms. Kelly O'Connor, assistant principal for student affairs and an Advanced Placement macroeconomics teacher, and Mr. Evan Ortiz, assistant principal for academic affairs and theology III teacher. I ask that the Senate give this group of students from Levittown, Conwell-Egan Catholic High School, a warm welcome.

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

(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 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 Finance, also to be held in the Rules room, to be followed by a meeting of the Committee on Law and Justice, also to be held in the Rules room, all to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator HUGHES. Mr. President, after the committee meetings, Democrats are asked to report to their caucus room.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, followed by a meeting of the Committee on Finance, followed by a meeting of the Committee on Law and Justice, followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

**AFTER RECESS**

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

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

**LEAVE CANCELLED**

The PRESIDENT pro tempore. Senator Smucker has returned, and his personal leave is cancelled.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR LLOYD K. SMUCKER  
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Smucker.

Senator SMUCKER. Mr. President, I have two guest Pages with us here today whom I would be pleased to introduce. They are two girls from my hometown who are juniors at Lampeter-Strasburg High School. One is Jess Dewar, who is almost like a family member in our home. She is there an awful lot, and we are pleased to have her here. The other guest Page is my oldest daughter, Paige Smucker, and this is her second time serving as a guest Page. So I am pleased to welcome both of them, and I would appreciate your warm welcome. Thank you.

The PRESIDENT pro tempore. Would the guests of Senator Smucker please rise and be welcomed by the Senate.

(Applause.)

**BILLS REPORTED FROM COMMITTEES**

Senator VOGEL, from the Committee on Agriculture and Rural Affairs, reported the following bills:

**SB 1169 (Pr. No. 1863) (Amended)**

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 and for death or incapacitation of dealer; repealing provisions relating to coercion; and providing for unlawful acts by supplier, for remedies and enforcement and for waiver.

**SB 1298 (Pr. No. 1864) (Amended)**

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 and for appeals.

**SB 1329 (Pr. No. 1865) (Amended)**

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, adding definitions; further providing for prohibited means of destroying animals, for methods of destruction of animals, for exclusions, for use of carbon monoxide systems and for use of drugs by humane societies and animal shelters; providing for enforcement; further providing for penalties; and making editorial changes.

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

**SB 562 (Pr. No. 1866) (Amended)**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the imposition of the personal income tax and authorizing the offsetting of gains and losses among the various classes of income.

**SB 1354 (Pr. No. 1867) (Amended)**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for carryforward of losses by individual taxpayers; and further providing for limitation of pass-thru of losses to shareholders.

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

**SB 732 (Pr. No. 1851) (Rereported) (Concurrence)**

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions, for licensure, for application for license, for issuance of license and for inspections.

**SB 1183 (Pr. No. 1857) (Rereported) (Concurrence)**

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

**CALENDAR****BILLS ON CONCURRENCE  
IN HOUSE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 638 (Pr. No. 1828)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for definitions; and, in public assistance, providing for mileage reimbursement for individuals receiving methadone treatment.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 638?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 638.

On the question,

Will the Senate agree to the motion?

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

Senator WARD. Mr. President, I rise today to ask my colleagues to concur in House amendments to Senate Bill No. 638, which would enact commonsense limits on taxpayer-funded transportation to methadone clinics. Currently, under the Medical Assistance transportation program, methadone recipients can choose their methadone clinic, no matter how far it is from their home, and that cost goes to the taxpayers.

The transportation costs total \$32.5 million in 2009 and 2010 for methadone, and that was an increase of 26.3 percent from 2007 through 2008. So more than 1 in 3 trips paid for through that program is for methadone maintenance. Under Senate Bill No. 638, the Department of Public Welfare would require indi-

viduals to receive treatment at the clinic closest to their residence if they are using paratransit services, a taxi or a bus, or being reimbursed mileage for their own vehicles. According to the Department of Public Welfare, this legislation will save millions of dollars a year.

Clearly, a program that provides taxpayer-funded transportation without strict guidelines is a program ripe for abuse and overspending. This is just common sense. Today, I would like to thank my colleagues on this side of the aisle, and also Senator Kitchen's staff, for helping us to improve the bill and make it the best we can for everybody. I ask for an affirmative vote on concurrence.

And the question recurring,

Will the Senate agree to the motion?

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

**YEA-50**

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 957 (Pr. No. 1804)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for State Board of Osteopathic Medicine, for athletic trainers and for reasons for refusal, revocation or suspension of license.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 957?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 957.

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

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

## YEA-50

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

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 967 (Pr. No. 1805)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions, for the State Board of Medicine and for athletic trainers.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 967?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 967.

On the question,

Will the Senate agree to the motion?

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

## YEA-50

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

## THIRD CONSIDERATION CALENDAR

## BILL OVER IN ORDER

**HB 170** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 332 (Pr. No. 2874)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

## YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	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 333 (Pr. No. 2875)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

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

**SB 344 (Pr. No. 1847)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

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

On the question,  
Shall the bill pass finally?

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

## YEA-49

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

## NAY-1

Ferlo

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

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

## BILL OVER IN ORDER

**SB 371** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 375 (Pr. No. 1039)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipalities, further providing for money.

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	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 present said bill to the House of Representatives for concurrence.

## BILL OVER IN ORDER

**HB 398** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 707 (Pr. No. 694)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	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 present said bill to the House of Representatives for concurrence.

**HB 1052 (Pr. No. 2822)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing an independent informal dispute resolution process for long-term care nursing facilities to dispute Department of Health survey deficiencies; and providing for the powers and duties of the Department of Health.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

#### YEA-50

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

#### BILLS OVER IN ORDER

**SB 1252 and SB 1301** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1399 (Pr. No. 2891)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle"; and further providing for automated red light enforcement systems in first class cities.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

#### YEA-36

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

#### NAY-14

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

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

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

#### BILL OVER IN ORDER

**HB 1630** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.



## BILL OVER IN ORDER TEMPORARILY

**HB 1950** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**HB 98** and **HB 149** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**HB 169 (Pr. No. 2819)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), entitled, as amended, "An act providing for the licensing of eligible organizations to conduct games of chance, for the licensing of persons to distribute games of chance, for the registration of manufacturers of games of chance, and for suspensions and revocations of licenses and permits; requiring records; providing for local referendum by electorate; and prescribing penalties," further providing for legislative intent, for definitions, for games of chance permitted, for prize limits, for limits on sales, for distributor licenses, for regulations, for licensing of eligible organizations and for special permits; providing for club licensees; further providing for revocation of licenses, for enforcement, for local option, for advertising and for prohibited persons; providing for civil penalties; further providing for penalties; and making editorial changes.

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

## BILLS REREFERRED

**SB 201 (Pr. No. 163)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for access to community pharmacy services.

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

**SB 382 (Pr. No. 1801)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in consolidated collection of local income taxes, further providing for definitions.

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

## BILL OVER IN ORDER

**HB 584** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILL REREFERRED

**SB 866 (Pr. No. 910)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to volunteer fire companies and volunteer services, further providing for expiration of authority.

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 884** and **SB 903** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## LEGISLATIVE LEAVE CANCELLED

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

## CONSIDERATION OF CALENDAR RESUMED

## SECOND CONSIDERATION CALENDAR RESUMED

## BILLS REREFERRED

**HB 934 (Pr. No. 2873)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in preliminary provisions, defining "proof of identification"; in the Secretary of the Commonwealth, providing for requirements relating to voter identification; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for delivering or mailing ballots, for canvassing of official absentee ballots and for public records; and providing for enforcement and for a special procedure at certain elections.

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

**SB 939 (Pr. No. 1787)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

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 968, SB 1067, SB 1089** and **SB 1092** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 1133 (Pr. No. 1788)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in State System of Higher Education, further providing for purposes and general powers.

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

## BILLS REREFERRED

**HB 1164 (Pr. No. 1845)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 2006 (P.L.292, No.65), known as the Organ and Bone Marrow Donor Act, further providing for applicability of act.

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

**SB 1201 (Pr. No. 1802)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "child with a disability"; and providing for inheritance tax.

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

## BILL OVER IN ORDER

**SB 1254** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILL REREFERRED

**SB 1302 (Pr. No. 1831)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1953 (P.L.1476, No.433), referred to as the Philadelphia City-County Consolidation Act, further providing for powers of the council.

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

## BILLS ON SECOND CONSIDERATION

**SB 1308 (Pr. No. 1732)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the State System of Higher Education and its employees to enter into certain economic development agreements; providing for approval and notice, for reports and for limitations; and making an inconsistent repeal.

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

**SB 1322 (Pr. No. 1743)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in State System of Higher Education, further providing for purposes and general powers.

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

## BILL LAID ON THE TABLE

**HB 1355 (Pr. No. 1584)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the westbound bridge carrying Interstate 90 over Six Mile Creek in Harborcreek Township, Erie County, as the Jarrid L. King Memorial Bridge.

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

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**SB 1358 (Pr. No. 1845)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for definitions and for rates and contracts.

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

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

## BILLS REREFERRED

**HB 1500 (Pr. No. 2108)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, consolidating the Long-Term Care Patient Access to Pharmaceuticals Act; further providing for declaration of policy, for definitions and for third-party drugs in long-term care facilities; and making a related repeal.

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

**HB 1582 (Pr. No. 2440)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

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

#### BILL OVER IN ORDER

**HB 1827** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL LAID ON THE TABLE

**HB 1862 (Pr. No. 2400)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge carrying State Route 607 over Freeman Run in the Borough of Austin, Potter County, as the Captain Edgar E. Nuschke Memorial Bridge; and designating a bridge carrying State Route 872 at Section 110 Offset 0960 over the East Fork of Sinnemahoning Creek in Wharton Township, Potter County, as the Private First Class Edward Ritsick Memorial Bridge.

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

#### BILL OVER IN ORDER

**HB 1886** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### SENATE RESOLUTION No. 6, ADOPTED

Senator PILEGGI, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 6**, entitled:

A Resolution directing the Joint State Government Commission to establish a bipartisan task force and an advisory committee to conduct a study of capital punishment in this Commonwealth and to report their findings and recommendations.

On the question,  
Will the Senate adopt the resolution?

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

#### YEA-38

Alloway	Earl	Kitchen	Vance
Argall	Eichelberger	Leach	Ward
Baker	Erickson	McIlhinney	Washington
Blake	Farnese	Mensch	White Mary Jo
Brewster	Ferlo	Pileggi	Williams
Browne	Folmer	Pippy	Wozniak
Brubaker	Fontana	Schwank	Yaw
Corman	Greenleaf	Stack	Yudichak
Costa	Hughes	Tartaglione	
Dinniman	Kasunic	Tomlinson	

#### NAY-12

Boscola	Piccola	Scarnati	Vogel
Gordner	Rafferty	Smucker	Waugh
Orie	Robbins	Solobay	White Donald

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

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

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

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

#### MEMBER OF THE BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT CENTERS

December 13, 2011

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 September 21, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2017, and until her successor is appointed and qualified, vice Thomas Fee, New Castle, resigned.

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

**TOM CORBETT**  
Governor

#### MAGISTERIAL DISTRICT JUDGE

December 13, 2011

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 September 27, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Magisterial District Judge, in and for the County of Tioga, Magisterial District 04-3-02, to serve until the first Monday of January 2012, vice The Honorable Phillip L. Sweet, resigned.

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

**TOM CORBETT**  
Governor

#### NOMINATIONS RETURNED TO THE GOVERNOR

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

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

The PRESIDING OFFICER. The nominations will be returned to the Governor.

## REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

### MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis Frampton, 246 DeVore Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT  
Governor

### MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald A. Steele, 610 West Third Street, Erie 16507, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice The Honorable John R. Evans, Edinboro, resigned.

TOM CORBETT  
Governor

## NOMINATIONS LAID ON THE TABLE

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

The PRESIDING OFFICER. The nominations will be laid on the table.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

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

Which was agreed to by voice vote.

## NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

### MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis Frampton, 246 DeVore Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT  
Governor

### MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald A. Steele, 610 West Third Street, Erie 16507, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice The Honorable John R. Evans, Edinboro, resigned.

TOM CORBETT  
Governor

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

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

### YEA-50

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

### **EXECUTIVE SESSION RISES**

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

The motion was agreed to by voice vote.

### **SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2**

### **BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

#### **SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1183 (Pr. No. 1857)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1183?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1183.

On the question,

Will the Senate agree to the motion?

### **LEGISLATIVE LEAVE**

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

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

The PRESIDING OFFICER. Senator Pileggi requests a temporary Capitol leave for Senator Scarnati. Without objection, the leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

Senator ORIE. Mr. President, I rise in regard to the passage of the Adam Walsh Act here in the State legislature. I want to thank the Chair and Senator Greenleaf, as well as Senator Leach and Senator Stack, for their role in helping and assisting this through the Chamber. I want to thank the chair of the House Republican Committee on Judiciary, the Minority chair, as well as the House leadership for assisting.

As I said when this was first brought up in the Senate, sometimes we lose track because there are so many pressing issues in

Pennsylvania, and we forget these issues, and the Adam Walsh Act will do so much to close loopholes in Megan's Law and insure the protection of our most vulnerable victims all across Pennsylvania.

I think this is a strong bipartisan bill that is strongly supported in this Chamber, and as I stated, will certainly go a long way toward insuring the safety and welfare of children as well as victims across Pennsylvania. I cannot thank the Governor and the leadership in the House and the Senate enough for moving forward on this most important issue here in this Chamber.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair would like to express his appreciation for the opportunity to work with the gentlewoman on this piece of legislation.

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

Senator M.J. WHITE. Mr. President, I, too, agree that this is a very important bill, and I thank Senator Orie and all the persons who were involved in this negotiation. I have some concerns, however. It does some wonderful things - we need to get transients and people who are homeless registered to protect the public safety - but for the first time, this bill affects juveniles, and I know when the bill left this Chamber, I was satisfied and happy with the provisions as they related to juveniles. My problem is that I have not had an opportunity to review the extensive changes that were made in the House, and I was not part of the negotiations, so I am just not familiar with it. My comfort level on a bill this size is not quite achieved. I also note that there are mandatory minimum sentences in here for failure to register, which may very well be appropriate in certain cases, certainly cases with adult offenders, but I question how that really should apply to juveniles. I would prefer to have judges do that sentencing. So for that reason, I will cast a "no" vote, but I certainly do not mean to impugn the efforts or sincerity of the people who are offering this bill. Thank you.

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

Senator FERLO. Mr. President, likewise, I will be casting a "no" vote, but I want to make it clear that I wholeheartedly support the intent of the legislation and probably 80 percent of this legislation. But I do think it is a little bit of a rush to judgment. I do think that we should have had a little more deliberation and opportunity for public comment and public hearing on the actual wording on which we are about to vote.

I have a concern about criminalizing immoral and inappropriate conduct, if not illegal conduct, on the part of juveniles, and what this bill purports to do through the judiciary process and through the criminal justice process. So I just want to make it clear that my "no" vote is in relation to some specificity of this bill as it relates to, I think, not harsh treatment, but inappropriate activity as it relates to juveniles who engage in inappropriate activities. There is a lengthy discussion in here about how juveniles are reformed. I will not get into a lengthy debate, but the fact of the matter is, I think we have rushed to judgment on this bill and need to be a little bit more reflective.

I do not know if it is true that both New York State and the State of Texas alone have decided not to implement this language either because of the cost of the bureaucracy or they are incapable of setting up and establishing the appropriate recordkeeping under this act, or if they have also raised legiti-

mate concerns as it relates to juvenile justice matters, matters that I believe the high court, both at the Supreme Court level as well as in various State courts, have begun to explicitly distinguish and differentiate between the actions of juveniles versus those who have reached the age of 18 and are considered adults.

Thank you, Mr. President.

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

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

#### YEA-48

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

#### NAY-2

Ferlo                      White Mary Jo

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

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

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 732 (Pr. No. 1851)** -- 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, further providing for definitions, for licensure, for application for license, for issuance of license and for inspections.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 732?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 732.

On the question,

Will the Senate agree to the motion?

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

Senator KITCHEN. Mr. President, I rise to go on record as opposing this bill. We have a capable chairwoman of the Committee on Public Health and Welfare, Senator Vance, who is versed in most medical procedures. Hearings were conducted, the committee spent extensive time looking at this issue, and a compromise was reached. No, everyone was not happy, but at least it was reasonable. Then, it went over to the House, and now it is back.

Mr. President, we cannot use one law to deter another law. When women do not have access to safe abortions, then the law might as well not exist. I would like to see the day in this Chamber when we as women can take the lead on issues. I am not saying every woman in this Caucus agrees with me, but when we have good leadership and we do good work, then that work should be honored. As women, we should be allowed to have our word and legislation move forward, too. And with all the issues facing us at this time, we have fiscal problems, we are predicting another deficit, we are still fighting hunger, there are so many issues, and here we are today focusing on what really should be decided by women. I think that it is not good public policy. I think that when we spend valuable time and money looking at an issue, I think we should take the recommendations of that committee with our research to move forward and come up with solutions that the people of Pennsylvania want, not just some of us because we are in leadership.

Thank you, Mr. President.

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

Senator ORIE. Mr. President, I would just like to speak briefly in regard to my colleague from Philadelphia, whom I certainly respect and with whom I enjoy my relationship. I do believe that some women in this Chamber are taking this from a different perspective, and that is of the safety and welfare of women. This legislation, in essence, puts these facilities under ambulatory surgical facilities, so they are treated the same way as other facilities that conduct this type of procedure. I think what has happened with Dr. Gosnell is enough. It is one death too many. And from that perspective, this is opportunistic for some of us who belong to the Pro-Life Caucus. This issue came upon us, and we have a duty and an obligation to insure, whether you are the poorest of poor or whether you are a woman of means, that all of you have the same safety and welfare in any medical procedure that you get, especially one of this nature.

So, Mr. President, I just want to clarify that I truly believe that this is the right thing to do for women in Pennsylvania, and that we do have a duty and obligation to insure that women are protected when they do have these types of procedures.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, first of all, let me say how proud I am to have the Senator from Philadelphia as our delegation head, who so eloquently articulated the reasons why I will not be concurring on this, and I urge the Governor to veto Senate Bill No. 732. The way she put it is exactly the way it is, and that is how she always puts it, and I am proud to have her as our delegation head.

It really is sad that the very first bill that we voted on in that room back there in January was Senate Bill No. 732. With unemployment, people out of work, 40,000 people off of adultBasic,

people striving to get jobs, to get back into the workforce, this is the bill that this administration said will be the very first bill that runs. He had to have this bill.

Please, do not kid yourselves anymore. This is not about Dr. Gosnell, and it is certainly, certainly not about helping women or helping women gain access to reproductive services. Quite frankly, it is completely contrary to that motivation, because as we all know in this Chamber, the additional elevator in a care facility, a facility that provides reproductive services to women, adding the expense and cost of an elevator is not going to help women be any safer. Closing centers down because they cannot afford to meet the obligations that this bill, because of an amendment which was put in on June 14 of this Session, creates a burden on those centers which has the intentional effect of limiting women's access to healthcare, specifically access to abortions.

Now, I do not agree with the Majority Leader of the House very often, but I give him credit, because at least when he argued this last night, when I was watching the debate on this, he had the guts to say what this is about. It is about abortions. It is not about Dr. Gosnell. It is not about elevators. It is not about more regulations. It is about how you feel about abortions. So let us talk about what it is about and the effect it is going to have. It is going to hurt people. We were not sent here to hurt people. We were not sent here to take away rights that the Supreme Court has said they have.

So I do agree with the previous speaker, for whom I have the utmost respect. I have worked with her on previous legislation. This is about being opportunistic. She is correct, there is an opportunity here. There is a great opportunity here to limit women's right to healthcare, to limit their access to reproductive services. This was a good bill, Mr. President. The original author of this bill, I commended her in June and I commend her again today, because she saw exactly what needed to be done. Her original legislation did that until, unfortunately, the process in this building took over and made something good truly, truly horrible.

So, we know what is going to happen. We are going to concur, and it is going to pass. But as we leave here today and we go home and spend time with our families and our friends, think about one of the last things we did here today. Think about this. Did you make women's lives better today by concurring on this? Are you really, truly helping people? I submit that we are not.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, look, one of the things that makes this bill so offensive is that the language in this bill is very inflammatory. It keeps talking about abortion facilities, abortion clinics, and things like that. These facilities do more than offer abortion services to women. This is a healthcare issue. There are so many other services that these facilities do, yet in this bill it keeps intentionally saying abortion, abortion, abortion. Do you realize that these clinics have saved the lives of hundreds and hundreds of women across this State? Oh, let us forget about that, though.

We had a bill here that Senator Vance put forward that was a great bill because it dealt specifically with Dr. Gosnell and what fell apart back then. This went over to the House, the language was changed, here it was changed, too, through the amendment process. These amendments were intentionally added to pander to the special interest groups out there. So, now we are going to

put women's health in jeopardy. I am in total disbelief that this Chamber would ever do something like that, because I know a lot of the women and men in this Chamber. I do not know if I know what they are like anymore.

I think we are turning the clock back on women's health, and here is what I am saying to anyone watching this today, especially women: Wake up, because if you do not start advocating for yourselves, this is what is going to happen in the legislature in the future. If you are watching and you want to run for office and you are a woman, I encourage you to call my office, and I will help you. Because we need more women here. I guarantee one thing, if this bill, supposedly a healthcare bill, had anything to do with men's health, it would not pass this Chamber today. I think it is arrogant to be done here this way, it is a clear rush to judgment, pandering to special interests, and if you guys do not think stuff is going to happen, let us cite the American Journal of Public Health. In Texas, a bill that had similar language, the legislature passed it in 2004. In 2003, there were 20 clinics. In 2004, after the legislation, 0 clinics.

So, you cannot tell me that you know what you are doing in this legislation. You do not know for sure that these clinics will remain open. We should have made sure of that before we passed this irresponsible legislation. The construction cost of the facilities went up, the costs of services went up for these women, and a lot of times, the women could not even get service, let alone afford it. Wake up, women, because this is what happens when you do not engage and do not run for office. Thank you.

#### LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator HUGHES. Mr. President, I want to commend almost all of the previous speakers for their comments earlier. It is clear that this piece of legislation that is in front of us now, at the very best, is an overreach in terms of trying to address an issue that really is not connected in a substantive way to this legislation.

When there are references to Dr. Gosnell--and I happen to know the situation with Dr. Gosnell pretty decently for a number of factors, one of them, at the very least, being the fact that the incident occurred in my senatorial district. Dr. Gosnell would have committed his atrocities no matter what language, no matter what legislation was passed. He is, and remains, an insane, barbaric individual who was committed to whatever insanity with which he was dealing, and he was committed to whatever profit he was able to make from the money he charged these individuals who utilized his facility. He would have done what he did no matter what. This is an overreach because of the nature of his mind, because of whatever issue was going on with him, he would have done it because of who he is and his lack of values.

What this legislation does, as I think I heard it said earlier, is a creep, if you will, an overreach, or an attack on the access for women, especially low-income women, to quality healthcare services. They may be abortion or reproductive healthcare ser-



vices, which are approved by the United States Constitution, to which I believe my colleague, Senator Farnese, alluded, but what we must be clear on, Mr. President, is that the healthcare services that are provided in these facilities are much more than services that deal with just reproductive healthcare. The threat is that these facilities will close down because the bar and the standards are set so high that they cannot financially achieve them. They just cannot achieve them. In many cases, these facilities have been accredited by national crediting organizations all across the country. In fact, some of our facilities in Pennsylvania are viewed as some of the best in the nation. But what we have here is a piece of legislation that will force these facilities to shut down. Senator Boscola referred to the situation in Texas, where there were 20 facilities. Legislation similar to this went into effect, and every one of those facilities shut down. This is the big State of Texas. Twenty facilities across the State of Texas were shut down. There was no opportunity for women to access these services because those facilities were shut down.

That is the problem here, Mr. President. It is an overreach. It is a disguise to try to address the Gosnell situation when it really is trying to address a broader issue of limiting the access of women to abortion and reproductive healthcare services, but what it then does, by shutting down these facilities, is it limits the access to a broader range of healthcare services that are provided at these facilities and similarly situated facilities. It is an overreach. It is beyond what is necessary. Senator Vance and I worked on and investigated this issue a few years ago. It has moved through the process. The State addressed many of these issues. The city has addressed many of these issues, and now we have a situation where legislation is in front of us that will go far beyond trying to address these issues here and will go right to the heart of the issue of making sure that quality healthcare services are denied to women, especially low-income women.

Mr. President, this is a wrong piece of legislation. Governor, if this gets to your desk, I urge you not to sign it, to veto it, and get it out of the system. You have already indicated that is probably not what you are going to do, but I urge you once again, as more people become more closely attuned to what is happening here in the direction that this Commonwealth is going with this policy and others similarly situated, that this is not a friendly Commonwealth to women, especially when it comes to healthcare services, and definitely when it comes to this particular area. I urge a "no" vote, Mr. President, on Senate Bill No. 732.

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

Senator FERLO. Mr. President, I wish I could come to the podium and know that this is one of those issues that is clearly a D versus R, or R versus D, and that it is a partisan issue where there are clear distinctions. Unfortunately, it is not the case because we are talking about a controversial issue. It is not really the legislation. The legislation is really false legislation. The pretext is a horrific incident involving inner-city Philadelphia, none of which is addressed by this legislation. It was a horrific incident that is a matter for the criminal justice system, and that has rightfully been pursued. If there is any expose' or exposure of that case in particular, it should be addressed to various departments of State government and/or city governments. So let us just separate that issue out. I think it is completely disingenuous to draw any distinction or causal situation for that incident to

the meaning, support, or need for this particular legislation that is now so fast-advancing.

The fundamental issue, as many of my colleagues have said, is the abortion issue. We should talk about it very frankly. The country is divided, but I believe very strongly, and I am very proud that not only legislation, but certainly various actions of the Supreme Court of our nation, have made it very clear that a woman has a right to a safe, legal abortion. I do not know if that is going to change over the next few decades. I do not think it will, despite a lot of rhetoric and puffery on each side of the aisle on this sensitive issue. I hope it does not, because I think it is important that individuals have a right to choose, and in this case, women in particular.

This bill is not a healthcare safety issue. It is really a bill that describes or defines whether or not a particular elected official is either for or against abortion. I am very proud of those individuals, many of whom are Republicans, who are personally opposed to abortion. I can call out a few past governors in particular who are Republicans who made it very clear that they personally and morally were opposed to abortion, but they believed in *Roe v. Wade*, they supported the law of the land, and they were not going to impede, in any manner, an individual woman's right to proceed with a safe, legal abortion or other types of contraceptive, family planning, and primary healthcare needs.

This legislation really challenges and impedes an individual's right to go to a safe, legal clinic. You know, we have numerous family planning and other types of clinics, and one of the services that they offer across the State is an abortion, and that has been limited to some extent based on congressional action. But the fact of the matter is, and other colleagues have spoken about it, many other primary care types of services are provided at those clinics, at least I can speak for the clinics that I am familiar with in the greater Pittsburgh area. Those are important primary, reasonably-priced services that women and men seek out. I can recall many incidents where married couples or partners go to these facilities to seek out various types of counseling and/or services separate and distinct from the actual act of an abortion. This bill is fundamentally designed by those who find every avenue to thwart a woman's right to a safe, legal abortion. This is just one of a series of actions that are taken each and every year.

I had an interesting discussion with my mother, who was Roman Catholic, and died at age 87. She had 10 children, and I was lucky enough to be the 9th born. Beside her 10 kids, whom she raised in a very low-income household, she raised another 23 nieces and nephews of my siblings in that same household. I had a discussion with her around Christmastime years ago, before her passing, because it was the advent of the typical and annual trek to Washington by the so-called pro-life, right-to-life movement. She was very expressive about her views. She felt very strongly that it was wrong for me to, in any way, deny what was going to happen to a woman and the tough decision that she was going to have to make should she decide to have an abortion. I was a little taken aback, because here was an older Italian woman, Roman Catholic, 10 kids, but she looked at it just in terms of what basic human rights were and the safety of that woman. She also looked at it as a realist, having raised a lot of kids during tough, hard times, about what would happen to that child, that unwanted child, or the child who would have to go through a tough life. I do not want to get off into a lot of moral issues, but this issue is



not really about healthcare facility safety, it is fundamentally about this ideological and moral divide that we have in this country. So, I just want to clarify that I am obviously very much upset and opposed to this legislation.

In closing, the interesting contradiction I find is that if we close clinics that right now are safe, comfortable, and provide great opportunities for individuals, women seeking abortions, married couples, partners seeking a variety of services, if they close, we are going to force individuals into unsafe opportunities. God forbid there should ever be another situation like the Gosnell case that was brought up in Philadelphia. So there is an inherent contradiction in this bill by limiting and closing potentially safe, clean places where there have been no incidents recorded by the Department of Health, the Department of Welfare, or by the media. So I think there is going to be a causal reaction that actually will have the reverse effect.

I will close with this, because I have said it on this floor before, and it has to do with sexism, regardless of how you feel about this issue. If men got pregnant, abortions would be free, they would be legal, they would be comprehensive, they would be available on demand, and that has a lot to do with this issue as well. Thank you.

#### LEGISLATIVE LEAVE

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

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

The PRESIDING OFFICER. Senator Pileggi requests a temporary Capitol leave for Senator Ward. Without objection, the leave will be granted.

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

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

#### YEA-32

Alloway	Erickson	Pileggi	Tomlinson
Argall	Folmer	Pippy	Vogel
Baker	Gordner	Rafferty	Ward
Blake	Greenleaf	Robbins	Waugh
Browne	Kasunic	Scarnati	White Donald
Brubaker	Mensch	Smucker	Wozniak
Corman	Orie	Solobay	Yaw
Eichelberger	Piccola	Stack	Yudichak

#### NAY-18

Boscola	Farnese	Leach	Washington
Brewster	Ferlo	McIlhinney	White Mary Jo
Costa	Fontana	Schwank	Williams
Dinniman	Hughes	Tartaglione	
Earl	Kitchen	Vance	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

#### RECESS

The PRESIDING OFFICER. 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 short Republican caucus to be held in the Rules room immediately.

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

Senator COSTA. Mr. President, I suppose they are caucusing on the Marcellus Shale amendments. The Senate Democrats have already caucused on those. If the gentleman could let us know how long he anticipates being in the caucus room, that would be helpful.

The PRESIDING OFFICER. Senator Pileggi, the question from the Minority Leader was, do you know approximately how much time you will spend in caucus in the Rules room?

Senator PILEGGI. Mr. President, I would expect 15 to 30 minutes.

The PRESIDING OFFICER. For the purpose of a Republican caucus to be held in the Rules room immediately, without objection, the Senate stands in recess.

#### AFTER RECESS

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

#### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### HB 1950 CALLED UP

**HB 1950 (Pr. No. 2837)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1950 (Pr. No. 2837)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, consolidating the Oil and Gas Act with modifications relating to definitions, well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, enforcement orders, penalties, civil penalties and local ordinances; providing for containment, for transportation regulations, for emergency response information, for notification to public drinking water systems, for corrosion control requirements, for gathering lines and for model ordinance; providing for local ordinances relating to oil and gas operations; and making a related repeal.

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

#### YUDICHAK AMENDMENT A7695 OFFERED

Senator YUDICHAK offered the following amendment No. A7695:

Amend Bill, page 150, lines 8 through 17, by striking out all of said lines and inserting:

- (1) For the first year of production, the fee shall be \$75,000.
- (2) For the second year of production, the fee shall be \$70,000.
- (3) For the third year of production, the fee shall be \$65,000.
- (4) For the fourth year of production, the fee shall be \$60,000.
- (5) For the fifth year of production, the fee shall be \$55,000.
- (6) For the sixth year of production, the fee shall be \$50,000.
- (7) For the seventh year of production, the fee shall be \$45,000.
- (8) For the eighth year of production, the fee shall be \$40,000.
- (9) For the ninth year of production, the fee shall be \$35,000.
- (10) For the tenth year of production, the fee shall be \$30,000.
- (11) For the eleventh year of production, the fee shall be \$25,000.
- (12) For the twelfth year of production, the fee shall be \$20,000.
- (13) For the thirteenth year of production, the fee shall be \$15,000.
- (14) For the fourteenth year of production and each year thereafter, the fee shall be \$10,000.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, very briefly, my amendment is very straightforward. After great work by both Republicans and Democrats to improve House Bill No. 1950 with the work of Senate Bill No. 1100, we want to make sure that we have adequate and responsible revenue streams from this impact fee to assist our local governments in addressing the needs and the impacts of the Marcellus Shale industry in their communities, whether it is housing issues or road and bridge issues. We need to make sure that those local communities have adequate funding to address what is going on in the Marcellus Shale play.

Furthermore, in terms of our State agencies that are going to need to address statewide impacts in terms of investing in bridge projects, in investing in water and sewer projects, in investing in Growing Greener programs that have improved the lives in all 67 counties of Pennsylvania, we need to have an adequate revenue stream. Currently, the revenue stream in House Bill No. 1950 falls short. My amendment would increase the fee by \$25,000 per well, to a flat fee of \$75,000. That fee will generate \$150 million in the first year, and by the fourth year, nearly \$600 million.

For all of those reasons I listed - the local impact, the statewide impact, but I also have to underscore what I think is a very important piece of this debate. It is about creating jobs, creating jobs beyond the well pad, creating jobs in counties in the southeast of Pennsylvania, in the northeast of Pennsylvania, central Pennsylvania, southwest, and the northern tier. We need to create jobs beyond the well pad, beyond those counties that are producing Marcellus Shale, and the only way to do that is to invest it in use, to drive those dollars out so we take full advantage and the full potential of the Marcellus Shale play. I encourage my colleagues to support this amendment to increase the impact fee to \$75,000 per well.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, I rise in opposition to the gentleman's amendment. We have worked very dili-

gently through the process of finding a reasonable fee, a fee that meets the needs of local counties, municipalities where drilling takes place, and to meet the needs of statewide remediation programs and issues that are associated with Marcellus Shale.

I believe that a \$50,000 wellhead fee is reasonable, it will continue to promote the industry in the State, and yet meet those needs of local impacts that we need so desperately. When we begin increasing these fees beyond a certain point, we have a diminishing return, a diminishing return in what the State actually collects in the fee. So we must be careful that we do not raise these fees too high. The golden goose will not lay all the eggs and, therefore, we will not have the jobs, we will not have the development that we need. So I believe we have a reasonable fee, and I urge a negative vote.

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

Senator HUGHES. Mr. President, my good friend and colleague, Senator Solobay, was standing in front of my podium. He is a big guy. You did not see me.

The PRESIDING OFFICER. No comment.

Senator HUGHES. Mr. President, he is a strong man. He is a good man.

Mr. President, I rise to speak in support of this amendment. If there is nothing that has been done that has not addressed or spoken to the significance of this issue, it is the fee scale that we are confronting right now. The fact is, Mr. President, if we adopt the proposal that is in the current version of this legislation, we will not have the lowest rate of any State in the nation, we will not have the second-lowest rate, we will not have the third-lowest rate, we will have, Mr. President, the fifth-lowest rate of any State in the nation. We are not even in the middle of the pack of the 31 States that do drilling in the nation.

This measure that Senator Yudichak has introduced, who has worked very well with our good friend and colleague, Senator Scarnati, to craft a piece of legislation that has many good points to it, but fails miserably, fails dramatically, and fails embarrassingly on the issue of the rate of return that we get here in the Commonwealth. This rate, as I said, will have us at the fifth-lowest rate in the nation, and that, Mr. President, is unacceptable, and as was said in committee, it is embarrassing. Imagine, if you will, if you take the CEO salary of just one company, the CFO salary of that same company, the chief operating officer's salary of that same company, that company--I believe the company that we have looked at and examined is the company called Chesapeake--if you examine the salary structure of the top 5, maybe of the top 10 officers of that company, their total salary package will be larger than what the rate of return is for this measure that is in front of us.

However, if we accept Senator Yudichak's proposal and we look closely at what it is that we get from that proposal which the good Senator has introduced, we will not be embarrassingly low. We will be fair in terms of the returns that we need to get from this measure. The salary structure of the senior executives of these companies that drill in Pennsylvania and around the world, and I said around the world, Mr. President, because these are worldwide companies that are drilling in Pennsylvania. But their salary structure dramatically eclipses the return that the entire Commonwealth of Pennsylvania gets from this structure.

Mr. President, all we are asking for is a fair and reasonable rate of return. I am looking at a report, a report from Chesapeake

Energy "2010: A Year of Transition and Achievement." I want to read to you what they say in their own report about Pennsylvania and Marcellus Shale, and I quote from their report, "The Marcellus is located in the highest gas consuming region of the U.S. and therefore receives the best natural gas prices in the nation." Now, this is their own report, Mr. President. "We estimate we could drill up to 21,000 net wells on our Marcellus acreage...." Now, this is just one company. They estimate that they could drill up to 21,000 wells on just the land that they own, and this is just one company. (*Reading:*)

We estimate we could drill up to 21,000 net wells on our Marcellus acreage in the future and plan to utilize an average of approximately 32 operated rigs in 2011 to further develop our 1.7 million net acres of Marcellus Shale leasehold. During 2010 approximately \$600 million of Chesapeake's drilling costs in the Marcellus were paid by its joint venture partner...During 2011 and 2012, 75% of Chesapeake's drilling and completion costs in the Marcellus, up to \$1.4 billion, will be paid....We expect that over time, the Marcellus Shale will become...."—and I want to emphasize this, this is in their own documents, this is in their own report, this is not something that we made up, you can see it right here, "Chesapeake Energy 2010: A Year of Transition and Achievement." Most certainly, they achieved a lot in 2010, but the last line in this report says, quite simply, Mr. President, "We expect that over time, the Marcellus Shale will become the largest natural gas field in the U.S. and the second-largest in the world."

The largest in the United States, the second-largest in the world. That is the kind of money that we are talking about here. And all Senator Yudichak's proposal does is get us to a rate of being the eighth-lowest in the nation. That is all it does. A reasonable rate of return to be utilized to invest in all types of industry across the Commonwealth, to invest in our infrastructure, to invest in energy-related projects, to take the bottom third of Pennsylvania on the southeastern corner, the largest economy in the Commonwealth, and invest where there is no drilling, I might add, invest in their transition to natural gas, fleet vehicles, and things of that nature, take the proceeds from this wonderful resource that exists in the Commonwealth and utilize that to make Pennsylvania the best that it can be. But the proposal that is on the table in the original bill, as I said, ranks us down at the bottom, and does not secure the necessary resources to do the appropriate investment.

So, Mr. President, I rise to ask for support for the good Senator's proposal. It is fair, it is more than reasonable, it is extremely conservative in the terms of its return, and it is very progressive with respect to its investments across the Commonwealth of Pennsylvania. We need to make this resource work for all of us in the Commonwealth. We need to make this resource be meaningful and not, quite frankly, become a laughingstock of the rest of the States in the nation.

I can tell you right now, Mr. President, and I said this on numerous occasions, that the heads of all of these companies that do drilling in Pennsylvania have been laughing all the way to their corporate banks because they have not had to pay any significant tax or fee here in the Commonwealth to do their business while they do the same in other States. Quite frankly, Mr. President, they pay more in North Dakota than they will be paying in this original version of the bill. They pay more in New Mexico—they are paying in North Dakota and New Mexico about \$900 million a year. This proposal only takes about \$94 million a year, and when it ramps up, maybe \$150 million.

How can we compare ourselves, how can we say we will be the great State of Pennsylvania when we fall far behind States like North Dakota, New Mexico, Oklahoma, Texas, and Louisiana with respect to what we get out of this industry? Mr. President, Senator Yudichak's proposal is fair, it is an appropriate investment in the resources, it deserves all of our support, and I urge a "yes" vote on his amendment.

Thank you, Mr. President.

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

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

Senator COSTA. Mr. President, I just want to take a few moments to rise and echo the very eloquent comments of my colleagues, Senator Hughes and Senator Yudichak. I, too, rise to ask for support of this amendment. My colleague on the other side of the aisle used a phrase, a reasonable amount, a reasonable return. Mr. President, in the scheme of this Marcellus Shale industry, the amendment proposed by Senator Yudichak is, in fact, very reasonable, particularly demonstrated by my colleague, Senator Hughes, when he talked about where it places us in the rankings of all the States that have a similar type of a natural gas extraction tax. We on this side of the aisle, Mr. President, have been consistent about the points that we think are important that need to be part of the final solution.

First and foremost, we believe that the amount of revenue generated needs to be around where Senator Yudichak has pinpointed, roughly in the \$150 million range, which is generated with the \$75,000 wellhead cost. But beyond that, and as you will hear from other amendments as we go forward the rest of the afternoon, Senate Democrats also believe that in addition to the appropriate fee that provides for appropriate distribution across this Commonwealth, and let us be clear, distribution of whatever proceeds are generated will be distributed across this Commonwealth to programs and organizations, and provide resources to local communities to be able to do what needs to be done along those lines. That is very consistent with what the public expects us to do, relative to this natural resource that belongs to all of us in this Commonwealth.

Senate Bill No. 1100 is much different than House Bill No. 1950. The current version of House Bill No. 1950 mirrors Senate Bill No. 1100, but what it does do is different than what has been provided for by the House as it relates to the county-by-county situation where they would impose the tax and primarily keep the resources locally in those communities. We believe the local impact should be something that is part and parcel to this. The way that Senate Bill No. 1100 is constructed, and now House Bill No. 1950, we agree with that concept, but at the end of the day, the amount of revenue simply falls short.

The second major area of contention deals with the issue of setbacks. We have talked a lot about making certain that we have the appropriate setbacks in place, not from the borehead, but rather from the perimeter or the edge of the well pad. We continue to believe that is something important and essential in a comprehensive piece of legislation.

Mr. President, one of the final pieces that I think is essential for our Caucus is the conversation about local land use and zoning. We think it is concerning that the language in the bill cur-

rently does not meet the needs of our local communities to allow them to govern themselves. When we talk about local control, that is something we think is very important. Our Members will be offering amendments on a number of those things, including the issue of bonding. But when you look at all these in total, when you look at the whole picture, that is something we believe needs to be part of the process, and it needs to be part of the comprehensive bill that we move forward to the levels that we are talking about.

Our ultimate hope is that, at some point in time, we recognize that this bill is going to move back over to the House. Our hope is that it will be nonconcurring in, and that we have another opportunity to participate in the conference conversation when the time comes. But for the moment, Mr. President, we believe that the people of Pennsylvania are expecting and wanting us to be able to extract the resources that we can in an appropriate and reasonable way from the Marcellus Shale industry to allow us to make investments back into our Commonwealth, all across our Commonwealth, for local impact, for environmental concerns, as well as making sure that we maintain the integrity of the industry as well. So, Mr. President, for all those reasons, I stand here and offer my support for Senator Yudichak's amendment, but also for the number of amendments that we will be hearing about later from our colleagues.

Thank you, Mr. President.

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

#### LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Orie and Senator Earll.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Orie and Senator Earll. Without objection, the leaves will be granted.

#### LEGISLATIVE LEAVE CANCELLED

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

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

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

#### YEA-25

Blake	Ferlo	McIlhinney	Tomlinson
Boscola	Fontana	Pileggi	Washington
Brewster	Greenleaf	Rafferty	Williams
Costa	Hughes	Schwank	Yudichak
Dinniman	Kasunic	Solobay	
Erickson	Kitchen	Stack	
Farnese	Leach	Tartaglione	

#### NAY-25

Alloway	Eichelberger	Robbins	White Donald
Argall	Folmer	Scarnati	White Mary Jo
Baker	Gordner	Smucker	Wozniak
Browne	Mensch	Vance	Yaw
Brubaker	Orie	Vogel	
Corman	Piccola	Ward	
Earll	Pippy	Waugh	

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

The PRESIDENT. For what purpose does the gentleman from Allegheny, Senator Costa, rise?

Senator COSTA. Mr. President, before the vote is announced, may we be at ease?

The PRESIDENT. Too late, Senator, the vote has already been announced.

Senator COSTA. Mr. President, we have a Member who would like to change his vote.

The PRESIDENT. The roll call has been closed.

#### RECONSIDERATION OF AMENDMENT A7695

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

Senator COSTA. Mr. President, I move to reconsider the vote by which amendment No. A7695 just failed.

The PRESIDENT. Senator Costa moves to reconsider the roll-call vote on amendment No. A7695.

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

The PRESIDENT. For what purpose does the gentleman from Allegheny, Senator Costa, rise?

Senator COSTA. Mr. President, a roll-call vote, please, on that motion. Thank you.

The PRESIDENT. A roll-call vote is in order. The Clerk will call the roll on the motion to reconsider.

Senator COSTA. Mr. President, just for clarity with respect to the ability to speak on the motion, can the Chair provide latitude along those lines?

The PRESIDENT. The motion to reconsider is debatable, if the gentleman would wish to.

Senator COSTA. Mr. President, yes.

The PRESIDENT. Very well, then the gentleman is in order.

Senator COSTA. Mr. President, I rise to ask for an affirmative vote on the motion to reconsider. This is a very, very important issue to the people of Pennsylvania. The issue of the fees that are generated from the Marcellus Shale industry is something that is extremely important, and the people have spoken loud and clear to us. It is very, very clear in this Chamber that there are a lot of folks who are not sure where they want to be on that issue. It is now abundantly clear to us that the most important thing to do is to have a discussion about the level of revenue that we are to raise. House Bill No. 1950 has a rate and an amount of money that it will generate. Our colleagues on this side of the aisle have proposed an amendment, a thoughtful amendment, that has been consistent with the amendments that we have offered throughout this process.

## POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. For what purpose does the gentleman rise?

Senator PILEGGI. Mr. President, I believe the motion is a motion to reconsider the vote and not on the merits of the amendment that was voted upon.

The PRESIDENT. The gentleman's point is well taken.

Senator, please reserve your comments to the motion to reconsider.

Senator COSTA. Thank you very much, Mr. President. I will do that.

Mr. President, it is clear that the merits of the amendment are what we need to talk about as it relates to this motion that is on the floor today. An affirmative vote for this motion is a vote that says you, in fact, want to have more dialogue and are seeking more revenue from the Marcellus Shale industry as it relates to what we do as a Commonwealth and how we set policies as a Commonwealth.

## POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

Senator COSTA. Mr. President, let me finish, please, because I am discussing the merits of the motion. I am able to describe the nature of a particular vote on the motion.

The PRESIDENT. If the gentleman reserves his comments specifically to the motion to reconsider, that would be appropriate and in order. The gentleman may continue.

Senator COSTA. Mr. President, a negative vote on this motion implies that you are satisfied with the low level of money generated from this bill and will allow for that level of revenue generated from the Marcellus Shale industry. An affirmative vote says that you are telling the people of Pennsylvania that you believe it needs to be more, and that is why we ask for an affirmative vote.

## POINT OF ORDER

Senator WILLIAMS. Point of order, Mr. President.

The PRESIDENT. The gentleman will state his point.

Senator WILLIAMS. Mr. President, I want to revert back to the previous question regarding the process which just occurred. There is a discrepancy between the perspective of the President, the Parliamentarian, and some Members of the Senate with what the facts are as it relates to when the process was closed for the vote. How does one confirm the actual facts?

The PRESIDENT. Senator, as I indicated to you here at the rostrum, I made a ruling as the Chair. If you wish to appeal the ruling of the Chair, you are in order to do so, and that is the way in which that would be reached.

Senator WILLIAMS. Mr. President, so the Chair is suggesting, and I take great exception to that, because with technology and a stenographer being present here, this is a totally subjective process which is totally partisan in nature, and we can already predict what the vote is going to be. There are a number of Members who reflected their vote and were in the process, on both sides of the aisle, and who were yelling at the Chair in the process, from which the Chair somehow, miraculously, was able to determine who was yelling and process the information. That is not my understanding of what actually happened during that

period of time. The Chair was actually speaking, and the Chair was interrupted in that process. Maybe the Chair did not hear it, but that does not deny that--

## POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. For what purpose does the gentleman rise?

Senator PILEGGI. Mr. President, I thought we were debating a motion to reconsider a vote, not the ruling of the Chair on whether the vote had closed.

Senator WILLIAMS. Mr. President, actually, we were discussing that until I asked for my point of order and for clarity about the process.

The PRESIDENT. Senator--

Senator WILLIAMS. So, Mr. President, I am totally in order and, frankly, those who are challenging that are not in order to interrupt the facts as they stand. The question is, for those who are watching us, with technology on television, understanding that we have the ability to factually check what occurred and not subjectively leave it to a random vote on partisan lines, I want to challenge our process here. If that is not the case, then the rules should reflect, by those of us who run this body--the rules should change.

I am just trying to get an understanding, if the rule is totally capricious and arbitrary, that those of us who reside in the Senate make those rules up as we go along, or can we in fact depend upon, if you will, replay and the technology which is available for us in terms of looking at the transcript?

The PRESIDENT. Senator, you have been given the answers to the process through which we could reconsider or appeal the ruling of the Chair. That is the only mechanism through which your goal can be achieved at this point and, candidly, the issue before the Senate is the motion to reconsider the vote.

Senator WILLIAMS. Mr. President, so, if upon reflection, if upon after we are done, and the transcript reveals something contrary to what we discussed today and is our debate, what does one do at that point in time?

The PRESIDENT. If you are asking, Senator, whether we allow instant replay to overrule a ruling on the field, then the answer is no.

Senator WILLIAMS. Mr. President, so if we get the transcript and the transcript reflects something different, or if we look at it on television and the facts are inconsistent with that, there is no remedy for that situation?

The PRESIDENT. That is correct.

Senator WILLIAMS. Thank you, Mr. President.

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

The PRESIDENT. On the motion to reconsider, the Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, just to clarify to the listening public, and I am only speaking on the motion to reconsider, not on the substance of any amendment. Just to understand the parliamentary jiu-jitsu that is going on here right now, I have been here 9 years, and I have never seen a time, even in more contentious issues, with more high-profile, more verbose colleagues than who are presently at the podium, I have never seen a roll

call shut off abruptly when individuals were continuing to vote or were in the process of switching or changing a vote, either at the rail or through leadership. I just want that noted. I have never seen that before. That is a very upsetting process, and I can see why folks are occupying outside. They probably should be occupying inside, given the gross violation of democratic principles, and not necessarily verbatim the Rules of the Senate, but certainly the sensibilities and the track record of the Senate. So I obviously urge support for reconsideration.

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

Senator FARNESE. Mr. President, this motion is clearly and distinctly about the process. If you walk around this place and you talk about transparency and openness and doing the people's business, this is one of those moments when you get your Constitution out. Get your Constitution out, because this is an opportunity, if you really believe in an open and transparent -- if you came here to be a reformer, if you came here to be a true reformer and you meet people who you consider are not reformers, and you are going to support this motion, then let this be done. If you came here and you worked hard and you believed that you would do better than the people you replaced, that shut people down. When we walk around with our Constitutions, and we talk about a process, and we talk about transparency and openness, and coming here to do something better than the people we replaced, then this is the time you do it.

This is what separates you from the people you replaced. This is why. It is votes like this. Think about that. Before you call yourself a reformer, because you are not a reformer if you do not let this vote go through, if you do not support this motion for reconsideration and let the people be heard. If you do not support this, you are no better than the people you replaced, and you have to live with that. So do what you know is right, let this happen, believe in the process in which you say you believe, because this is the moment. This is the moment that you can separate yourself and really, really carve out something of which you can be proud.

Mr. President, I encourage a "yes" vote. Thank you.

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

Senator STACK. Mr. President, just on the process, there are some people at home who may be paying attention to this; we call them the citizens of the Commonwealth of Pennsylvania. I have always thought that this Chamber, on both sides of the aisle, is big enough to handle any kind of discussion or debate, to put the cards on the table, Mr. President. Not to go back to the athletic analogy, but in the future, and on this issue, I would hope we would get some definitive indication from the Chair when this vote closes. I hate to say raise your hands as though a touch-down was scored. I would also hope that whatever the indication is when the vote is closed, that it is the same for this side of the aisle as it is for that side of the aisle because this is no time to be unfair or afraid of letting the people of this State who have sent us here to hear all the facts, to let everybody cast their vote as they want to. We have nothing to be afraid of, and we should face the people of Pennsylvania with whatever decisions we make.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I think Senator Stack is on point with respect to communicating to the audience, who needs to pay attention to exactly what happened. We asked for a motion to reconsider the vote on the amendment, because at the moment when the vote was tied--everyone needs to pay attention to this, Mr. President, especially those listening at home so that we can be really clear about what was going on. The vote on the board that was tied at 25 was a vote to allow for a fairer, more equitable tax/fee on the Marcellus Shale industry so it can pay its fair share.

It was tied at 25. One of the Members on our side of the aisle, the Democratic side of the aisle, intended to switch their vote to the affirmative, to support the amendment to allow for an increase in a fair share to be paid by the Marcellus Shale industry for the privilege of drilling in Pennsylvania. At the moment when they raised their hand and were about to change their vote, the President, the administrator of this body, attempted to declare that the vote was closed. I daresay that he did not finish his statement, and probably, if we review it later on this evening, or if we review the notes of the stenographer, we will see that she did not finish typing out the sentence in her stenography that the vote was closed. But at that moment, be that as it may, be very clear, the President of the body decided that the vote was closed, therefore disallowing one of our Members to cast the vote that he wanted to cast, in the affirmative, so that the industry could pay its fair share.

Consequently, we had a voice vote on the issue of a motion to reconsider the previous vote. It was clear to anybody listening that the cry for a "yes" by a voice vote was much louder than the cry for "no." But the President decided that he heard a larger cry from the "no" vote, again disallowing one of our Members to change the vote that they previously wanted to cast.

So now we are at a motion for reconsideration. What this motion for reconsideration would allow for is another vote on the issue of whether we can get all of our Members voting in the appropriate fashion. It is about democracy. It is about fairness. A motion to reconsider is an indication that we were not satisfied with the process that went on earlier and that we need to have a recount, a re-vote so that we could allow for an accurate count of the intentions of this body and the Members who sit here. The process was shut down abruptly. The process was discontinued abruptly. The process to allow democracy to occur was cut short, was put to a halt abruptly. The real intent here appears to be to limit democracy to allow for a fair and accurate vote on the substantive issue, which is a fair tax and a fair increase and a fair-share payment by the Marcellus Shale industry to the rest of the citizens of the Commonwealth.

A "no" vote on reconsideration is a protection of the Marcellus Shale drilling industry, and that is what it is. Be very clear. A "no" vote protects the financial interests of the Marcellus Shale industry and does not allow for true democracy to occur, to allow for Members to cast their votes as they would like to, as opposed to being shut off. It is important to note that the vote was tied at 25. To get an accurate perspective, we should allow for the re-vote to occur through the motion to reconsider so that we can get an accurate vote to occur on this floor so we can know the true intentions of every Member. I would daresay that if we lose on the motion to reconsider, we understand the true intentions of too many Members of this body, which is to protect the financial interests of the Marcellus Shale industry.



## POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. For what purpose does the gentleman rise?

Senator PILEGGI. Mr. President, I believe the gentleman is violating Senate Rule X, section 2, regarding questions as to motive regarding the vote.

The PRESIDENT. The Chair thanks the gentleman.

The gentleman will please refine his remarks to the issue at hand.

Senator HUGHES. Mr. President, I will refine my remarks just to say that the intent of, the effect of a "no" vote here on the issue of a motion for reconsideration is, number one, to shut down democracy. There was a tie here. It is to shut down democracy and to allow for a re-vote so we can get an accurate picture. In this process, there was discontent that existed on the issue when the vote was called to a close.

When the vote was called to a close, there was serious discontent on this floor. So if there is discontent on this floor about whether the vote was closed accurately or not, especially if there was a tie vote on the previous issue, then it seems to me that democracy should prevail. We should be allowed to reconsider the previous vote, go about our business again, and then have our way. This is not that complicated. We have a tie. Let us see if we can break the tie. We were intending to change one of our votes on this side to allow for the true intent to occur. The vote was shut down abruptly to stop the process to allow for democracy to prevail. A motion to reconsider is in order. The intent of a "no" vote stops democracy and stops a fair assessment and understanding of what should be the appropriate level of fees paid by the Marcellus Shale industry.

It is clear with a "no" vote that you are stopping democracy and intending to support an industry paying the fourth-lowest rate of any State in the nation. It is an embarrassment. North Dakota gets more than we get, New Mexico gets more than we get. Why can we not have democracy here?

Senator PILEGGI. Mr. President, point of order.

Senator HUGHES. Thank you very much, Mr. President, I am done. There is no need to interrupt.

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

Senator KASUNIC. Mr. President, I rise to support the reconsideration motion before us on the Yudichak amendment. Mr. President, we have acted in this Chamber over and over again when other Members have asked for the courtesy to be extended to them to reconsider the motion. We, in this Session, have never failed to grant that. We have always extended that courtesy, and I ask that we extend that same courtesy today. It is a matter of fairness.

What do we fear, Mr. President? What are we so fearful of about this vote? We are sent here by our constituents to vote, and sometimes those votes are tough votes. Sometimes they are controversial votes, but the fact of the matter is, we have to vote and we should not fear to vote on this. We should not fear to vote for reconsideration, to take the roll-call again in order to allow everybody in this Chamber to recast their vote. Allow those who, in a sense, obviously have made a mistake and want to have a second chance to vote again on this issue. We should allow them to do that. We should allow them to change their vote.

Once again, Mr. President, I ask, what do we fear? What is so fearful about voting "yes" on the reconsideration motion before us? Mr. President, I ask for an affirmative vote on this reconsideration motion. Thank you very much.

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

Senator DINNIMAN. Mr. President, listen, this is simply a matter of fairness. If the Majority Leader can change his vote, and one of our Members can change their vote, then the other Member should be able to. The people who are in the Majority should give the same rights that they value, the ability to change your vote, to every Member of this Senate. This ability to change votes is something that has been respected in the 5 years I have been in this Senate. This ability to vote for reconsideration has been respected all this time. Now, all of a sudden, on one vote, a vote that deals with the taxation of Marcellus Shale, it is not respected.

So I think that the argument is--remember, if the Majority votes to uphold the decision that the Chair has made and not allow reconsideration, then every time this comes up in the future, the Minority could argue the same against the Majority Member who wants to change it. If something is good enough for the Majority Leader or for the President of the Senate, it should be good enough for every single Member of the Senate. That is what fairness is about, that is what justice is about, that is how a democratic organization should work, and that is how we should operate.

So this is beyond--part of it is the question with the issue of the Marcellus Shale. Part of it involves the very integrity of the process of the Senate, part of it involves the very integrity of fairness in government, and I suggest that whether you are on one side of the aisle or not, whether you are a Democrat or a Republican, we all love this body called the Senate. We all respect the process and the procedure of this body called the Senate, and what is at stake in this vote is the very integrity of this institution to which we are all devoted.

Thank you, Mr. President.

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

Senator BLAKE. Mr. President, I cannot speak with the same passion or eloquence, perhaps, of my fellow colleagues on this side of the aisle, but as a freshman sitting in the back row for the past year, I have witnessed your stewardship of this Chamber and have been extraordinarily proud of how capable you have been in managing it. In every circumstance, you have often shown an evenhandedness in the ability of Members to switch votes. So, sitting in the back row as a freshman, I get to see the entire Chamber, and I will accept the distinguished Parliamentarian's assessment of what happened. I will tell you that it appeared to me that our Members were trying to change their votes and did not have the opportunity to do so.

Again, I respect your description of the parliamentary process that went forward here. I ask the Members of this Chamber who represent the voices of the people of Pennsylvania to consider the motion and the weight of the motion that they are considering. I ask for an affirmative vote, Mr. President. Thank you.

And the question recurring,

Will the Senate agree to the motion?

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

## YEA-22

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

## NAY-28

Alloway	Eichelberger	Pileggi	Vance
Argall	Erickson	Pippy	Vogel
Baker	Folmer	Rafferty	Ward
Browne	Gordner	Robbins	Waugh
Brubaker	Mensch	Scarnati	White Donald
Corman	Orie	Smucker	White Mary Jo
Earl	Piccola	Tomlinson	Yaw

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

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

## FERLO AMENDMENT A7675 OFFERED

Senator FERLO offered the following amendment No. A7675:

Amend Bill, page 272, line 24, by inserting after "PART.":  
However, nothing in this part shall affect the traditional power of local government to regulate zoning and land development of oil and gas activities as well as other aspects, such as the time and the place of the operation to protect the health, safety and welfare of the general public through local ordinances and enactments.

Amend Bill, page 274, lines 22 through 30; pages 275 through 283, lines 1 through 30; page 284, line 1, by striking out all of said lines on said pages

Amend Bill, page 287, lines 12 and 13, by striking out "THE ADDITION OF 58 PA.C.S. § 3301." in line 12 and "(II)" in line 13

Amend Bill, page 287, line 14, by striking out "(III)" and inserting:  
(ii)

Amend Bill, page 287, line 15, by striking out "(IV)" and inserting:  
(iii)

Amend Bill, page 287, lines 16 through 18, by striking out "EXCEPT FOR THE ADDITION OF 58 PA.C.S. § 3301, THE " in line 16, all of line 17 and "(2.1)" in line 18

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

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

Senator FERLO. Mr. President, if I may, just to clarify a point of procedure, could the President please convey what his ruling is and what his procedure will be for the remaining amendments in terms of when people vote, and when he will unceremoniously shut off the vote? Please make it clear so it is consistent.

The PRESIDENT. Overlooking the editorial comment, Senator, I will be happy to. It has been, as it was throughout, when the Clerk of the Senate turns and announces the result of the roll call to me, I announce it, which is what he did in the previous case, and no one had sought recognition or to be at ease.

Senator FERLO. Mr. President, obviously, that is just not the reality of what actually transpired, but I respect the fact that you are up there and I am down here.

Mr. President, in regard to this amendment, it is pretty clear that Senate Democrats are about to offer a series of amendments, beginning with my colleague, Senator Yudichak's important amendment on the substantive issue of what is the appropriate level of revenue to collect, given the tremendous impact the Marcellus Shale industry will have on our Commonwealth and its communities, not only the good side but certainly the negative side as well, and the need for revenue to address those significant issues, environmental and otherwise. There will be a series of other amendments.

The amendment right now, though, to speak explicitly on this amendment--Senator Scarnati, to his credit, I know, has probably worked hard to try to fashion what he feels is not only just a compromise bill, but something with which he could probably proceed to the House and hopefully garner some Majority support. I think, despite his best efforts, that is not the reality of what is going to happen, either today or as we proceed pending a final vote. There is still much contentious discussion across our Commonwealth because we are talking about a significant, high-impact policy in relation to the Marcellus Shale industry - how it came to town, how it has been developed over the last few years, and how it will develop over the next couple of decades in our Commonwealth.

One of the things that House Bill No. 1950 does, however, as I have indicated in past discussions, is what I characterize as running roughshod over the rights of all municipalities across the Commonwealth, constitutionally provided rights here in our Commonwealth, as well as long-standing tradition, procedure, and practice. That is the fundamental right of local host communities, regardless of their size, prominence, or resources in the Commonwealth, to decide on local land use policy and what has been sacrosanct as the zoning powers that local municipal government officials have, including residents. You know, for a lot of residents--I think everybody in this room knows, I was an elected official for 14 years prior to arriving here at the Senate, and I probably dealt with many profound, controversial issues that arose out of the zoning code and the land use policy, in the case of the city of Pittsburgh. I represent a three-county community now, and I am privileged to serve and represent an awful lot of very diverse communities, big and small.

For some people who are in the midst of a zoning battle, reading or understanding the zoning code is about as exciting as watching paint dry, but for others, it is the lifeblood of what makes a sustainable and viable community. You often see the most active members of any community, whether they are elected, publicly appointed, residential, or even commercial business class of individuals, become very involved in the zoning process. I can enumerate hundreds of examples of what are contentious zoning issues, but somehow, through that democratic process of dialogue and debate, there are protected legal rights on each side of the equation. It all seems to work out in the end to be a better product.

What we have here, however, in this legislation is the elimination of the rights of local municipalities and local elected officials to continue to decide what the community needs to look like. What are the nuances in order to build a sustainable community? What are the appropriate levels to protect individual



property rights? This amendment would make it emphatically clear, no questions asked, that we want to restore the right of the local elected official, local communities big and small across this Commonwealth, to continue to have their powers that are enumerated under the Zoning and Planning Act here in our Commonwealth. We know that there is an Oil and Gas Act, and we know certain provisions of that act take precedence, and we know that certain communities have to abide by that precedence. I have spoken about this issue in the past. We may have some communities that would not want to have a prison in their community, but we know that based on State law and rulings of the court, that a community cannot zone out completely, whether or not they would want to have a prison or a correctional facility in that community.

The point is, local zoning and planning codes and land use policies are not cast in concrete. They are ever-changing. They reflect the values, the changing demographics and the land use policy of that city. We have millions of acres of land, including State game lands, forests, private property, in probably more than 45 counties across the State that have hundreds of thousands of acres eligible for drilling in Marcellus Shale fields. Those rights have been established either by license, contract, or law, whether I like it or not. It is not what I would have done, but that is the harsh reality of what we have right now. We know that over the next decade in particular, there will be hundreds, if not several thousand, new well pads and drilling in these leased properties that the State has already granted, or have individually been bought up by whatever means. I will not get into that debate.

So again, this amendment fundamentally strips House Bill No. 1950 and restores back to local elected officials, local communities, their right to decide what the built environment should be. We know that in many instances, and I will pick an example, I have a large community, a township, where there are some properties that are residential in nature, but they are in fact several hundred acres, and that community is struggling with their zoning code. They want to limit Marcellus Shale drilling in certain zones. You know, if this were a manufacturing steel plant, which, in effect, these Marcellus Shale well heads are, we would not expect the manufacturing plant to be built in a residential neighborhood. Again, these are local issues that are debatable, that should be honed in on, argued, and passed at the local level.

So again, my amendment is very explicit. It removes the language and restores the rights of our municipalities across our Commonwealth to decide their own destiny, and I ask my colleagues to please vote in the affirmative on this amendment and restore constitutional provisions and the rights of the individual residents and constituents we have been elected to serve here today. I take seriously the Declaration of Rights. Everybody can interpret the language of the Declaration of Rights on individuals' and communities' rights to clean air and water and to the aesthetic values of our Commonwealth, but it should be, and continue to be, a local jurisdictional matter.

So please, please support this amendment, and vote one way or the other so there is no confusion about what the vote will be before the President calls for any final interpretation of what the vote was. Thank you.

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

Senator DINNIMAN. Mr. President, I come from a Republican county. During my years in that county as a minority com-

missioner, I have heard a number of Republican principles that have been articulated with them. These principles have contributed to my own political growth, and some of these principles are ones that have been told to me from the other side of the aisle, which they believe in and are vital for our nation and for our Commonwealth.

For all the years I have been involved in politics, my Republican brothers and sisters in Chester County, as well as the Commonwealth, have told me they believe in local government. In fact, even in our Constitution, we recognize local government. So I guess what I am having trouble understanding is why anyone would oppose this amendment. The purpose of this amendment is to say that we respect local governments, local jurisdiction. Is that not what each of you, when you ran for election, said? It is certainly something I believe in, and I thank you for helping me evolve my own political philosophy. But I find it so ironic that we are arguing a Republican principle, we sit here as Democrats arguing for local control, that government is best when it is done at the local level. Government is best when the people who are most affected by it have a say. Is it not what my colleagues have said again and again?

Hey man, I believe it, and I hope when we come to this vote, you will believe it, too. You have also said, I heard in the most articulate manner, some of my colleagues have said that they believe in the Constitution of Pennsylvania. What is most important, but that it is a shame, they say that when we go to vote on the issues, we do not go back to the Constitution of Pennsylvania. Well, I think the Constitution should rule everything. It should be where we start, and if we start with the Constitution, we find out two things. One is that there is a whole section on local government, so we know that local government is very important.

Second of all, it makes it quite clear in terms of Article I, Section 27, as part of the fundamental rights of the citizens of this Commonwealth--and if you look at that, it goes back to the Revolution, it goes back to when we said, you do not have to quarter troops. We are protected against habeas corpus. Well, in the 1960s, we added Section 27 and 28, and the citizens voted on it and that was the protection of the environment.

I have three points, Mr. President. One of the very fundamental principles that I have heard from my Republican colleagues in Chester County and here in the Senate is this: we do not like eminent domain, and it should never, never be used, unless it is in the most drastic of situations. But, you see, when you take local government away and allow the companies to come in and rule the roost, what you are voting for today is eminent domain. So do not tell me and go back to your districts and say, I believe in local control; I believe in the Constitution; I am opposed to eminent domain, and then vote "no" for this amendment which says that control should be where it is best, next to the people of Pennsylvania. Do not vote one way and then change your vote, so then you go back and say, well, I did not really say that because at the end, I know that I want to say this.

Finally, let me say this. I have been an historian by training, and I never thought I would see the day in Pennsylvania when the company town is returned, when the company town is a new reality in this Commonwealth. We saw that in coal town after coal town, and we even see the influence today. I thought we had long passed that. But you know and I know, when you end local control in terms of zoning, when you allow, in essence, eminent

domain, when you take control away from the people, the company town has returned to Pennsylvania. When you vote for this amendment, you say, no, it has not. If you vote against it, then you see the return of corporate control at its worst. We do not need the company town, that is part of our past history. So listen, I can understand the arguments for and against Marcellus Shale. Marcellus Shale has the ability to bring us great prosperity and wealth, but if we protect the environment and local control, we can have our cake and eat it, too.

I urge my colleagues on both sides of the aisle to understand that there are some fundamental principles at stake here. Either you believe them or you do not believe them, but do not say, I stand for local control. I opposed eminent domain. I value the Constitution of Pennsylvania, and do not say, I think it is fine that these companies control the towns of this State, because this is a test, in my judgment. This is a test of the principles on both sides of the aisle. We have said in election after election, either you believe or you do not believe. Either you walk the talk or you do not walk the talk, but when we vote, the citizens will know who walks the talk and who does not walk the talk. I am telling you, this is a crucial vote, and this vote will be reflected in the election in November. So come on, if you say something, believe it, and return and defend the local control to our communities.

Finally, Mr. President, there will be people who will answer me, but finally, we are a Commonwealth. Why do we use the term "commonwealth" and not the State of Pennsylvania? Because the implication of a commonwealth is contained in our Constitution. A commonwealth is one where decisions are made on the local level. A commonwealth is supposed to express that and be that. Additionally, a commonwealth is what Article I, Section 27, is all about in the fundamental rights of the people. It recognizes that the resources belong to all of us, and it is our responsibility to preserve those resources in perpetuity. Let us uphold the Constitution of Pennsylvania. Let us uphold local control. Let us stand up against eminent domain and, ultimately, let us return the power to where it should be, return the power to the people and the citizens of this Commonwealth.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I respect and appreciate the emotion and the zeal of the debate that is going on here. This is clearly a reason why a comprehensive Marcellus Shale bill has been 2-plus years in the coming. But the issue on zoning is one with which I am very familiar, and the issue has been very well vetted. We have a compromise. We have found a compromise with the Township Supervisors Association, county commissioners, and boroughs that recognize in the language of this bill that we keep some autonomy in this Marcellus Shale zoning issue. And with that autonomy, we give some uniformity across the State.

When we talk about why we do things, the underlying reasons, I cannot help but always hear about jobs, jobs, jobs, jobs, and it is important. I think that is probably the most important aspect of every piece of legislation I look at. Is this going to help create jobs, or will this hurt the job climate in Pennsylvania? Without any type of a compromise like this, we severely hurt the job climate and the prospect for jobs in Pennsylvania.

I have watched my little town of 2,100 people see a glass factory cut half their jobs. I have watched 500 jobs from the corporate office of the glass company leave my area. I have watched Pressed Metals' plants close down because of the economy, and I have watched many, many people have to take minimum wage jobs, if they can get those, to feed their families. But do you know what? This industry is creating jobs in my area now. People are able to have a home, have a car. And if we take zoning out of this, if we remove zoning and have a fair playing ground, we are not going to have those jobs.

You know, this bill--and I want to read from a summary that I have prepared. (*Reading:*)

Local governments will be permitted to seek pre-enactment review of ordinances by the attorney general. Private parties will also be permitted to request that the attorney general review local ordinances to determine whether they permit reasonable development of oil and gas, and such review should have the effect of lessening the burdens associated with costly and lengthy court challenges. The language in this bill also establishes broad parameters that enable local governments to enact ordinances that insure that oil and gas operators satisfy the same local zoning requirements that other companies must satisfy. The bill also establishes reasonable, statewide safety setbacks and designate zoning districts in which oil and gas operations are a permitted or conditional use.

This bill has setbacks, it has huge amounts of regulation in it to make sure that we are protecting our local communities, and this bill contains a reasonable framework for local governments to retain zoning authority over many aspects of oil and gas operations and protect their communities and citizens. At the same time, it establishes appropriate statewide guidelines that will permit the development of oil and gas which, in turn, will generate revenue, impact fees, and jobs.

Everybody here wants impact fees. I have not heard anybody stand up and say they are opposed to impact fees. Well, I do not know where you think you are going to get the money from for all your wonderful projects and all these wonderful items that are in this bill for impacts if we do not settle this zoning issue.

Finally, it is not only myself who thinks we should have some uniformity. PennFuture believes that. In an article from the Post-Gazette, December 8, 2011, I will read from the article. (*Reading:*)

"It turns out clouds aren't the biggest thing holding back solar power development in Western Pennsylvania. A mish-mash of fragmented, confusing and costly municipal regulations and a lack of funding options to mitigate installation costs has hurt solar power installation more than a lack of sunshine," said Sharon Pillar, program manager for PennFuture's solar programs in western Pennsylvania....In the coming year, the coalition will work to produce and have municipalities adopt streamlined model ordinances and zoning rules, and also reasonable and uniform municipal permit fees, codes and inspections.

I did not know PennFuture supported this, and I am glad that this article came to my attention. We have worked diligently to move a bill from the Senate to the House. I respect my colleague from Allegheny County for his interest in this, and certainly I respect everybody's opinion, but, respectfully, I will have to ask for a negative vote on the amendment.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I am looking at an e-mail from PennFuture that says specifically, "We urge a 'yes' vote on behalf of the following amendments," and listed under those amendments was Senator Yudichak's amendment, of course, which we just had the great controversy on, but specifically amendment No. A7675, Senator Ferlo's amendment.

So it says it right here, "We urge a 'yes' vote on behalf of the following amendments," and A7675, Senator Ferlo's amendment, the one in question right now, they urge a "yes" vote on this particular amendment. So, the e-mail is dated 12-14, and it was sent at 3:50 p.m. Today is December 14, and it is now 5:35 p.m. This e-mail came out at 3:50 p.m., and it looks like it was an e-blast from Steve Stroman at PennFuture, [sstroman@PennFuture.org](mailto:sstroman@PennFuture.org), that is what it says right here.

So, utilizing PennFuture's support, and again, the issue about jobs and opportunity that exists in the Commonwealth of Pennsylvania, I can only go back to their own words in their own report from the Marcellus Shale industry, "A Year of Transition and Achievement 2010" - "We expect that over time, the Marcellus Shale will become the largest natural gas field in the U.S. and the second-largest in the world. The Marcellus is located in the highest gas-consuming region of the U.S. and therefore receives the best natural gas prices in the nation. We estimate we could drill up to 21,000 net wells on our Marcellus Shale acreage...."

What I am saying is this, Mr. President, the appetite and the abundance that exists so much here in Pennsylvania, one of the great things that we are blessed with so much of is shale, that this industry will just have to work a little bit harder, just a little bit harder, to achieve the goals that they clearly set out that they believe are achievable here in this report, especially supported and encourage a "yes" vote by PennFuture.

So, Mr. President, we can continue to create jobs. I think there is no threat at all with respect to this amendment preventing job and job growth from occurring in the Commonwealth. No threat at all. It encourages the industry to work a little bit harder with respect to trying to achieve the positive net effect of local communities. It is clear that we have so much shale, the second largest in the world, that the industry has the opportunity to thrive and thrive for generations to come because of this great wealth that we have here in the Commonwealth of Pennsylvania. I, along with the folks at PennFuture, urge a "yes" vote on this amendment.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, I just want to respond to the previous speaker, because he brought up an outside organization by the name of PennFuture. I do not know if anyone reads the Pittsburgh Post-Gazette, but it is a statewide paper that comes out of the Pittsburgh area. There was an article on Thursday, December 8, which was just a few days ago--let me quote from this article in the Pittsburgh Post-Gazette. Oh, okay, so he did just say it? Very good. Just again indicating that -- I was not paying attention to all that I should have been paying attention to, but I did just hear the previous speaker. But obviously, the point is that PennFuture apparently wants to support the solar industry and harm this industry that we are talking about right now that has created tens of thousands of jobs in Pennsylvania.

As chair of the Senate Committee on Labor and Industry, I am aware of what the two largest job producing counties were in the State in 2010, and they are in the northern tier of our Commonwealth, not in the amount of percentage of jobs but in the actual number of jobs, and it is strictly because of this Marcellus Shale industry.

So, this organization that you just mentioned cannot, on one hand, say that it supports this amendment and, on the other hand, say that we have a mish-mash of fragmented, confusing, and costly municipal regulations and that we need to make an effort in order to have municipalities adopt streamlined model ordinances and zoning rules and also reasonable and uniform municipal permit fees, codes, and inspections. You cannot say one thing about one thing and another about the other unless you are pushing one industry to the harm of a game-changer here in Pennsylvania. I ask for a "no" vote on this amendment.

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

Senator FERLO. Mr. President, it is always difficult to come back to the podium and have to dispute our President pro tempore, Senator Scarnati, because he is such a likeable, reasonable guy who always comes to the podium fairly levelheaded, speaks softly, always comes off very reasonable, and I am sure he has worn out a pair of tennis shoes trying to run between the Governor's Office and the House and various parts of the Senate trying to come up with some kind of bill that he would consider passable or a model ordinance. Unfortunately, despite his yeoperson's efforts, he has failed as far as the majority of Democrats are concerned, and possibly some on the aisle opposite as well, and certainly many folks across the State.

It is a controversial issue, a controversial bill, and if we have to spend more time to get it right, obviously, that is the intent that we have today. But I have heard some obfuscations and gobbledygook just now by a couple of my colleagues, but let us just clarify this ridiculous PennFuture example that is trying to be explained as somehow defensible of their bill and is running roughshod over local zoning. The operative situation or phraseology in the PennFuture memo is that it seeks to educate and involve local government officials - zoning boards, planning commissions, and citizenry - in educating them and being advocates for solar power and the solar industry. There is nothing in the memo that suggests it wants to strip local zoning communities of their rights to develop -- and I would be the first, I know in the city of Pittsburgh and in other communities I represent, they are laboring, over the last year, to amend their zoning code to reflect the nuances and all the particulars that go into this emerging solar industry.

But the operative point and principle here is that it is a local, indigenous effort particular and peculiar to every individual need of that respective community. If you live in an R-1 residential neighborhood with \$600,000 homes, there may be a sensitivity about cable satellites on their front lawns or how large and in what manner these solar energy panels sit. That is a debate that should happen locally. Obviously, I am an advocate of solar energy, but I do not want to run roughshod over the fact that local government officials, local planning commissions, and the citizenry have a right as property owners to debate all of those issues. But it is not an equivalency to talk about local zoning relative to getting some uniformity or what the nuances should

be on placement of solar panels versus what we are talking about here. It is completely an apples-and-oranges debate and dialogue. So please, let us at least be sincere about the examples we are showing.

Again, on the issue of jobs, there is no doubt that we already have hundreds of thousands of acres of property that are already leased for Marcellus Shale. We have hundreds of thousands of acres that are already going through, at various levels, the permitting process. Does each and every square inch of the land of our Commonwealth have to allow Marcellus Shale drilling? We hear about jobs repeatedly, and again, this is just another thing that is very upsetting. Every time we talk about jobs in the Marcellus Shale industry, emerging as it is, and there is no dispute from anybody on this side that wealth is being created by private property owners, that jobs are being created, that small contractors are getting work, whether they are from Ohio, West Virginia, Alabama, or Texas, whatever, there is a growing indigent population benefitting.

There are a lot of impact issues - water, streams, treatment plants, people moved out of residential homes, inflationary increases in Bradford and Washington Counties. There are a lot of impact issues. But let us at least always be fair to other jobs currently in place in our Commonwealth that are billion-dollar industries, most notably agriculture, as well as tourism. When we continue to just open the flood gates to this gold rush of Marcellus Shale with the potential contamination of rivers, streams, valleys, and our highways and byways, we are threatening other sectors of billion-dollar industries in this State.

So, I think what we on this side of the aisle want to have is an appropriate, balanced approach to this industry in the manner in which it develops. I think we need to slow down the spigot, be a little more deliberative. The gas is not going away. The industry is here to stay. But I do not think we should run roughshod--again, I ask, please, for support of this amendment to restore the prerogatives and powers of local jurisdictions to deal appropriately with their land use, zoning, and planning codes. Thank you.

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

Senator CORMAN. Mr. President, just a little perspective. This has been an entertaining couple of hours. It is almost 6 p.m. and we could be here until 7 p.m., 8 p.m., 9 p.m., whichever you like, but let us understand the process in which we are engaging here. This bill, once we pass it, whether there are higher fees or lower fees or zoning or nonzoning, is going to leave the Senate, go over to the House, and it is going to die. They are going to nonconcur, and then they are going to send it to a conference committee, hopefully, and then we can negotiate a final product. Now, understand, when we are negotiating the final product, there are people over there who do not want any fees, or lower than what is proposed in this bill; there are people who want preemption, let alone a model ordinance. The gentleman from Jefferson County mentioned earlier that this is why we have not had a final bill in 2 years. All of the editorial boards are screaming, why do we not have a bill on shale? Well, we have people way out here (*indicating*), we have people way out here (*indicating*), and quite frankly, I think this bill which is being proposed, certainly not loved by all, is somewhere in here (*indicating*).

But I enjoy the remarks, and the old line is, the majority will have its way and the minority will have its say, and they are hav-

ing their say. My good friend over there from Philadelphia, I wish I could turn a phrase like him. The way he gets the emotions going, people are jumping in the aisles over here. And my good friend from Chester, he must have been a great professor. If I were a lawyer, I think I would get some CLE credits listening to the lecture he went through. That is great, and we can stay here for a few more hours, but at the end of the day when this bill is done, it is going to go over to the House, they will nonconcur, and then we can get to a final product and have our final say. This is not going to be the final say. I wish it were. Lord knows, I am not looking forward to going through this drill for the third time, but we are just trying to get this product out of here, Mr. President, so that we can get it to a conference committee, and then we can get a final product that no one is going to like, no one is going to love, but maybe it is something we can all live with and we can get something done. If we keep sticking to the two ends of the spectrum on this, we are not going to get anything done and the industry will go year 3, year 4, year 5, year 6 without any impact fee, without any of the important things that we are still trying to get into this bill.

So, I just thank the Members for the education and the entertainment. Again, my friend from Philadelphia, I have known him for a long time, and I have to get lessons, because he is really good. At the end of the day, we just want to get this out of here, no matter what it looks like, so we can get it to the House so they can nonconcur, get it to a conference committee, and we can finally get a product that will put some sort of fee, zoning, or environmental regulation in place so that we can begin to move forward with this industry.

Thank you very much, Mr. President.

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

Senator WILLIAMS. Mr. President, while I appreciate that there are those of us who are energized to move the process forward, I am quite clear that when you get married to someone, you want to make sure that you are getting married to the right party, because there are very rarely do-overs. While I am sure people want to expedite it and are tired of hearing all the verbiage and dialogue, that is what we are sent here to do. That is our job. That is the legislative process. That is called democracy. That is why we are a republic. That is why we are a Commonwealth. That is why we do not move quickly or irrationally, because if we do, some people will get hurt.

So, while I certainly respect the gentleman's comment, I do believe that we are moving at the appropriate pace. I do believe that the comments, for the benefit of the record, regardless of a final vote, mean something for those people whom we represent and have greater passions than we may have with regard to the perspectives that you are hearing on the Senate floor tonight.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I also want to rise to thank Senator Scarnati and Senator Pileggi. They really tried their best to work something out that would be stronger than what the House wanted. I thank Senator Corman as well. But there are moments in time that are historic moments, that are special moments. There are moments in time when we have to stand up for principles in which we believe. We have to make sure that the House understands some of these principles as well,

that you cannot run for office, whether you are running for the Senate or the House, and say you believe in local government and local control, and then turn around and vote for this for pragmatic reasons.

If we send something to the House -- I understand that there is a conference committee, and I actually have great faith in our leadership, on both sides of the aisle, that they are going to do their best in that conference committee, but when you send something there, especially on this particular issue of local control, we have to stand on some principle. It is not just that we vote on something pragmatically. Pragmatism and the legislative process always has to be balanced off by principle and what we believe in. We cannot continue to say that we believe in local control, we believe in the Constitution, we oppose eminent domain, and then go about our legislative process doing the opposite. It is just the wrong way to do it.

Finally, Mr. President, it is important that we realize, as I said in the very beginning, that there are moments in the history of this Senate, there are moments in the history of this Commonwealth, that we deal with crucial issues, and this is such a moment with the Marcellus Shale. This is the moment when our Constitution should be our guide, and this is the moment when our belief in local government and local control should be in the forefront. So I urge everyone to support this amendment, and I thank you, Mr. President, for your patience as we all give our message. Thank you.

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

#### LEGISLATIVE LEAVES

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

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

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Kasunic and Senator Leach.

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

Senator Costa requests temporary Capitol leaves for Senator Kasunic and Senator Leach.

Without objection, the leaves will be granted.

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

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

#### YEA-23

Baker	Farnese	Kasunic	Stack
Blake	Ferlo	Kitchen	Tartaglione
Boscola	Folmer	Leach	Washington
Brewster	Fontana	Orie	Williams
Costa	Greenleaf	Rafferty	Yudichak
Dinniman	Hughes	Schwank	

#### NAY-27

Alloway	Erickson	Robbins	Ward
Argall	Gordner	Scarnati	Waugh
Browne	McIlhinney	Smucker	White Donald
Brubaker	Mensch	Solobay	White Mary Jo
Corman	Piccola	Tomlinson	Wozniak
Earll	Pileggi	Vance	Yaw
Fichelberger	Pippy	Vogel	

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

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

#### FERLO AMENDMENT A7679 OFFERED

Senator FERLO offered the following amendment No. A7679:

Amend Bill, page 199, line 2, by inserting after "FEET":

from the edge of the well pad

Amend Bill, page 199, line 18, by striking out "FROM THE VERTICAL WELL BORE OR 100 FEET"

Amend Bill, page 199, line 19, by striking out "WHICHEVER IS GREATER."

Amend Bill, page 199, line 25, by striking out "VERTICAL WELL BORE" and inserting:

edge of the well pad

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

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

Senator FERLO. Mr. President, my colleagues Senator Yudichak and Senator Costa talked earlier about several amendments that we felt very strongly about on this side of the aisle. I will be very quick. This amendment would increase the setback required for structures, waterways, and drinking water by requiring that the distances currently in House Bill No. 1950 be imposed from the edge of the well pad rather than the wellbore. This will have the effect of increasing each setback by around 500 feet, but will also better reflect the area impacted by well construction activities.

I could debate this at length. I could spend about an hour talking about the horrific environmental tragedies that have happened around the State already, even with the emerging industry as it stands presently. In the interest of time, and I believe most people are pretty clear on how they feel and how they will be voting on this issue, so I will leave it at that. I respectfully ask for a positive vote. Thank you.

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

The PRESIDENT pro tempore. Mr. President, I rise in opposition to this amendment. We put together here a Marcellus Shale Advisory Commission which put out a very detailed report that took into consideration environmental interests, townships and local interests, and industry. We have adopted, within the bill that is in front of us, very stringent setback requirements as proposed by that commission. To impose more setbacks will only, once again, decimate the ability for jobs.

We are protecting water in this bill. As somebody who comes from the Marcellus Shale region, I actually have wells near my home, I actually have wells in my county, and I know where they are. I have concerns about water, and I have concerns about the fact if we are drilling too close. But I am very much comforted by what is in the current bill, and I am comforted by the fact that we are protecting water.

So look at what is in this bill, take a look at what is in Senate Bill No. 1100. They are the recommendations that came through the commission. They are more than adequate and in some cases go over the commission's recommendation, so I urge a negative vote on the amendment.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, with regard to this so-called commission, look, the commission was a joke. It was an industry body. There may have been a couple of showcase so-called environmentalists on it, but the commission was a laughingstock and not given any credibility. It was more like a central committee that the presidium appointed, and to goose-step to the marching orders of that commission is just laughable on its face. There was no democratic participation or public hearings. I could go on and spend an hour talking about Dimock, Pennsylvania, and hundreds of other examples where we have had such violations of air and water quality. Time does not permit that now. I guess, taking from Senator Corman's comments earlier, we will live to fight another day obviously, and maybe at that point we will have a lengthy debate about the environment.

As an individual who has been a public official and on an economic development board for quite some time, probably the biggest expenditure that we have had over the years in the city of Pittsburgh, speaking as an authority board member, has been the remediation of the industrial legacy and waste that has been left by all types of industry over the last hundred years. To this day, we still see hundreds of pools of water from environmental hazards associated with mining in this State. Again, I could go on and on and spend about an hour on this, including the fact that so much of what is being impacted by the industry is not being seriously monitored, especially air quality. Again, I could go on and on. This is a much more reasonable compromise relative to any setbacks.

Next to the one most precious thing we have, it is what we are made up of, more than probably 80 percent of our body, and that is water. Water has been, is presently, and will continue to be threatened by the gold rush mentality and the inappropriate expansion of this industry in wildlife and forests, near streams, water wells, and drinking water. It is not a closed-loop system. Again, it is offered as a stronger, more reasonable environmental safeguard. Thank you.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Kasunic and Senator Leach have returned, and their temporary Capitol leaves are cancelled.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-19

Blake	Ferlo	Kitchen	Tartaglione
Boscola	Fontana	Leach	Washington
Costa	Greenleaf	McIlhinney	Williams
Dinniman	Hughes	Schwank	Yudichak
Farnese	Kasunic	Stack	

#### NAY-31

Alloway	Eichelberger	Pippy	Vogel
Argall	Erickson	Rafferty	Ward
Baker	Folmer	Robbins	Waugh
Brewster	Gordner	Scarnati	White Donald
Browne	Mensch	Smucker	White Mary Jo
Brubaker	Orie	Solobay	Wozniak
Corman	Piccola	Tomlinson	Yaw
Earl	Pileggi	Vance	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### BOSCOLA AMENDMENT A7421 OFFERED

Senator BOSCOLA offered the following amendment No. A7421:

Amend Bill, page 287, by inserting between lines 8 and 9:

Section 4.3. (a) Notwithstanding any other provision of law, there is hereby established a moratorium on the new leasing and the issuance of new well permits under this act for any State forest lands not under lease agreements by January 1, 2012, for the natural gas drilling on State forest lands in the Marcellus Shale formation in this Commonwealth. The purpose of the moratorium shall be to provide additional time to review the permitting process and guidelines and regulations to protect the public land, health and safety.

(b) The moratorium shall expire two years after the effective date of this section.

On the question,

Will the Senate agree to the amendment?

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

Senator BOSCOLA. Mr. President, I think that we have, as elected State officials, representatives of the people, that added responsibility of protecting our State's natural resources, particularly when it comes to our State forest land. Currently, there are 700,000 acres of State forest land that are already being leased for drilling; 800,000 of the 1.5 million acres of State forest land, so we are talking about a little bit more than half, on the Marcellus Shale fairway are not yet under lease.

So there have been concerns brought up by many groups and also many individuals because there is a reason why these lands are not being leased. These are areas that include protected primitive plant life and ecosystems, areas that are home to endangered species of animals. There are already drilling sites operating throughout our State's invaluable environmental areas.



So what I am asking for is to hold off a tiny bit, let us hold off and not allow more wells on our State lands. Specifically, this amendment would establish a 2-year moratorium on the leasing of the new State forest land, the half that is left, and provide time to review the permitting process and safety guidelines so that we know we are getting it right. I would appreciate an affirmative vote.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I think Senator Boscola made a very reasonable plea on this amendment. We have a significant amount of State land that is leased out for drilling. These State lands are some of the most valuable natural resources, not only in our State, but in the nation. This amendment simply says, before we allow more than 700,000 acres and the rest of the State lands to be leased out, let us hold off for awhile. Let us have a 2-year moratorium. Let us see if there is any negative impact that comes from the Marcellus Shale on the ecological system, on the diversity of species, and, you know, this is something that is very important.

This amendment can get through the House and be sent back. This is not a make-or-break issue, because I understood Senator Scarnati when he talked about some of the other issues being crucial or the fee being too high or maybe on local control and the response of the House, but this is really an issue that is more of concern to the industry. It is not going to make a significant difference in terms of the number of jobs because we still have so much of the Marcellus Shale in the rest of the Commonwealth that could be developed and utilized.

I know that often, and I should not say often, I know that usually, unfortunately, the Constitution of Pennsylvania tends to be ignored by what we do in this legislative body, whether it is on this issue or later when we get to redistricting. But I really support Senator Boscola's amendment, because here is what the Constitution tells all of us is our obligation: "Pennsylvania's public resources are the common property of all the people, including generations yet to come." What a beautiful sentiment that the citizens of this Commonwealth voted--it was not just done by the legislature--the citizens voted to put it in the Constitution. And it goes on to talk about the responsibilities of you and me, each of us sitting here, when it says: "As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." In all the arguments that go on about the level of the fee or local zoning and other arguments today, can we not at least come to one agreement - that our natural resources, these forests, are of the utmost value not only for us, but for generations yet to come?

What harm is it to put on a 2-year moratorium? Those resources will be there if we see that no damage is done. We will have access to them in the future, if it is appropriate. But to do so now--you know, many of our neighboring States, such as New York, for example, have a moratorium. Period. But what this allows us to do is to protect our natural resources based on the Constitution of this Commonwealth, and at the same time provide jobs by going forward with the significant areas that are already open for Marcellus Shale. So I hope this is one on which we can all vote "yes."

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I rise in opposition to the amendment. You know, many of us in our Senate districts carry little facts, numbers, and interesting information about our Senate district. Well, one about mine is that my Senate district is the largest geographic area in the State. The second one is that I have the most State parks and forest land in my district than anywhere in the State. Take Potter County, for instance. Almost 50 percent of all the land in Potter County is owned either by the State or Federal government. Now, we look at that land, and we may look at it here saying, well, we should not be doing anything on that land. Well, to those residents in Potter or Cameron Counties, where large tracts are owned by the government, it is really the only source of economic impact in the whole area.

I stood at this podium when I first came here and thought about the fact that we were never going to allow more timbering in State forests and parks. No timbering. If you really understand the issue, select-cut timbering actually helps the forest, because it is a crop.

We had the debate about mining, you cannot mine on this land. Now we are having a debate that you cannot drill on this land. Well, I do not know what to go back and tell all these fine people who live in these counties and areas with all this State-owned land. If we want to take credit for owning it, folks, then we ought to be subsidizing their tax base up there. Do you want to know, does anybody want to play a little question quiz with me? Do you know how much the State pays in lieu of taxes on that property they own in Potter County? Does anybody know? They pay \$1.20 to the school district per acre, \$1.20 to the municipality per acre, and \$1.20 to the county per acre. And we have people who want to take what jobs they have out of there?

Come visit my State parks and my State lands. I will host you there. I will show you the beautiful land that is there. We have the most highest-quality streams in the whole Commonwealth in this area. Believe it or not, we have been cutting timber and drilling up there for 100 years, yet we still have the highest amount of exceptional-quality streams anywhere. Just to set the record straight, the 30,000-some acres that are now under lease of State land were put under lease by Governor Ed Rendell, not by Governor Corbett, Governor Ed Rendell.

So I urge a negative vote. I invite all of you to come visit my State forests and State parks. We will take a great tour together. But you had better bring 4-wheel drive, because there is no asphalt or concrete up there, just dirt and gravel. We really do not have a lot of good roads, but we will talk about that another time.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, again, I have to harken back to the extremes that are being presented here today. First of all, Potter County, God's country, is a great county. To the extent that there is appropriate logging, even environmentalists, such as myself, support appropriate logging, because as our President pro tempore suggests and points out, it is an important part of agricultural and forest management, whether it is an urban forest or Potter County.

The fact of the matter is, Senator Boscola's amendment is a moratorium on future--future--not currently. Currently, there are hundreds of thousands of acres of public land, of game lands, of forest lands, of agriculture lands. The Fish and Boat Commission has received millions of dollars from the Marcellus Shale industry. The Gaming Commission has received millions of dollars in funding from the Marcellus Shale industry. Many counties have already leased property. There is going to be a plethora of drilling and wells proliferating Potter County and many other counties, roughly about 45 counties across this State, for the next decade.

This legislation proposes, by way of an amendment, for a reasonable 2-year moratorium on new future wells. There are hundreds of thousands of acres already permitted or underway with appropriate signed leases that will have drilling taking place. This is a prospective amendment as it relates to a moratorium, and a need to better assess health, environmental, and community impacts on the public side of the equation, the public properties that we hold in public trust.

It is very reasonable, so I take exception to the characterization that we are blocking and stymying and stemming the tide of economic development, whether it be Potter County or anywhere else. But, again, we need to take a step back and better assess and understand the environmental impacts, and we have not done that, quite frankly.

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

Senator BOSCOLA. Mr. President, this is not supposed to be about the individual or single person. This is about our State forest lands. Everybody in the Commonwealth owns those State lands. I get disturbed when I hear, well, in my district, this is what happens. But when it comes to our natural resources, the people of Pennsylvania own this land. You do not own it.

My point is that when you look at some of these groups that have expressed concerns--we even get concerns from fly fishermen about brook trout, conservationists, even the tourism industry, there is a reason for the concern. So all I was suggesting is if we are already leasing half of the State's lands, park lands, forest lands, why do we have to do the other half so quickly?

Here is the other point that was made. Yes, under Governor Rendell, a small portion of our State forest lands were leased. But guess what he did not do? He did not take it all. We are not in the position, nor should ever be in the position, to take all of our State forest lands.

My final point, because there was a challenge out there. Come up and see my district, bring your 4-wheel drive. As long as you are driving it, I will be there. But I would really prefer my walking boots--I have them on now because these boots were made for walking. On a lighter note, thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I, too, want to take Senator Scarnati's offer. He lives in a beautiful county, so I would like Senator Scarnati to let us know when we in this Caucus can take a tour. But do you know what I am afraid of? I am afraid if we wait a year or two before we take the tour, that those streams might well be polluted, that some of those beautiful trails might be paved over to get the heavy equipment to the well sites, and that some of those nice areas are going to be torn up and we will see the woods cut down in order to get the pipelines in because.

you know, there is no profit in Marcellus Shale unless it gets to market. So, I suggest to other Members of the legislature who want to take the President pro tempore's offer--and it is a very generous offer--that we do it quickly, because if we do not do it quickly, we are going to see a very different Clearfield, Jefferson, Potter, and other counties.

Mr. President, finally, I heard the matter about all these State forests and how the tax base is hurt. But you know, I come from a county which has West Chester University, which has part of Cheney University, which has the State lab. They do not pay taxes, and we do not complain, or say that you should close these institutions, or that you should knock them down and do something else, simply because they do not pay taxes to the community. Just as West Chester University gives the Commonwealth something back, just as Bloomsburg University gives the Commonwealth something back, so do the State forest lands. We are one Commonwealth, and if you want to talk about us contributing to the tax base if some of these lands are not used, that is fine, as long as you contribute to all the tax bases in the Commonwealth of Pennsylvania where there are State facilities, then that would be fair. But the real point, Mr. President, is that these are some of Pennsylvania's most valued and beautiful resources, and we need to protect them. We have enough land to drill. We do not have to drill on the State forest lands that are still pristine and open.

Also, finally, Mr. President, if we are concerned about jobs, yes, jobs come from Marcellus Shale, but jobs also come from the tourism business, they come from the people who go into the areas of Pennsylvania from all over the world and this nation to fish and hunt, and we do not want to lose those jobs as we are trying to create other jobs.

Thank you very much, Mr. President.

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

Senator COSTA. Mr. President, just very briefly, there was a reference earlier in the conversation today to former Governor Rendell leasing State forest lands. First, let us be clear, that was an agreement that was reached in a bipartisan, bicameral way to make certain that took place. But more importantly, after that was done, that same Governor, Governor Rendell, instituted a moratorium on further leasing of State forest lands. So I think that is important for the record to reflect that Governor Rendell did, in fact, issue a moratorium along those lines.

Further, Mr. President, that moratorium was lifted, as I understand it, by the current Governor. While the current Governor did not express a desire to lease more forest lands, the bottom line was, a moratorium was in fact something that was addressed.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-17

Blake	Ferlo	Leach	Williams
Boscola	Fontana	Schwank	Yudichak
Costa	Greenleaf	Stack	
Dinniman	Hughes	Tartaglione	
Farnese	Kitchen	Washington	



## NAY-33

Alloway	Erickson	Pippy	Ward
Argall	Folmer	Rafferty	Waugh
Baker	Gordner	Robbins	White Donald
Brewster	Kasunic	Scarnati	White Mary Jo
Browne	McIlhinney	Smucker	Wozniak
Brubaker	Mensch	Solobay	Yaw
Corman	Orie	Tomlinson	
Earl	Piccola	Vance	
Eichelberger	Pileggi	Vogel	

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

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

## STACK AMENDMENT A7802 OFFERED

Senator STACK offered the following amendment No. A7802:

Amend Bill, page 222, line 13, by striking out "\$140,000" and inserting:

\$200,000

Amend Bill, page 222, line 14, by striking out "\$140,000" and inserting:

\$200,000

Amend Bill, page 222, line 17, by striking out "\$290,000" and inserting:

\$400,000

Amend Bill, page 222, line 18, by striking out "\$290,000" and inserting:

\$400,000

Amend Bill, page 222, line 22, by striking out "\$430,000" and inserting:

\$600,000

Amend Bill, page 222, line 23, by striking out "\$430,000" and inserting:

\$600,000

Amend Bill, page 222, line 27, by striking out "\$600,000" and inserting:

\$1,000,000

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

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

Senator STACK. Mr. President, I want to commend the gentleman from Jefferson. He is carrying a lot of water and doing a good job, and I know he is doing what he thinks is right and doing a commendable job. We have had this discussion before on the floor, and it is absolutely worth having again. This amendment deals with the bonding issue, and it would increase the maximum bonding requirement to \$1 million from \$600,000. The second tier of bonding would increase from \$430,000 to \$600,000, and the third level of the bonding requirement would increase from \$290,000 to \$400,000. The lowest requirement would rise from \$140,000 to \$200,000. Now, this is not a huge increase when we are talking about the amount of money these companies are making and will make in Pennsylvania. It is not even close to the amount of drilling and severance taxes, not even close to that of Texas, Wyoming, or even our neighbor State of West Virginia, have brought in.

The equipment and the volume on these roads for carrying out the drilling can weigh in excess of 100 tons. It is far in excess of the weight that these rural roads and bridges can handle. So, this is a wise thing to do, Mr. President. And it is important to remember, for the sake of this argument, that the amount of the bond is not what the drillers are putting down. Companies with good credit ratings and strong capital are involved here. These are not mom-and-pop businesses by any means. If they want to secure a bond, they need only 3 to 5 percent of the face value of the bond.

So, for example, Mr. President, for anyone watching at home, a \$600,000 bond on more than 150 wells would cost a mere \$30,000. To make that even more simple, that is \$200 per well, \$200 per well, Mr. President. In my opinion, that is a very easy thing to ask them to do. Right now, local governments can require the drillers to post bonds of up to \$12,000 per road mile, per road damage. However, once again, that falls way short of the cost that everybody agrees to replace a roadway is about \$100,000 per road mile.

So, all we are saying with this amendment--and I have a lot of other problems with this whole policy that we are considering, but on this specific issue--let us make these drillers, these multi-million dollar foreign companies, responsible for the damage they do. If they do not break it, they do not have to fix it. But if they do, this bonding requirement would make sure they pay for it.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I rise in opposition to this amendment. We have put into this bill more than adequate bonding requirements for this industry. The current bonding requirement is a \$25,000 blanket bond. We are going to \$600,000 for a blanket bond. I was trying to calculate what percentage increase that is in my head, and it is beyond the decimals that I am able to use at this hour, but it is a huge increase, to say the least. It is a reasonable amount, and quite frankly, the industry is opposed to it. The industry does not like this. This is not something the industry wants. So I urge a negative vote on the amendment, and I thank you for your indulgence.

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

Senator STACK. Mr. President, once again, I have great respect for my colleague on the other side of the aisle. I understand the industry does not want it. The industry wants to spend as little money as possible. Our job is to make sure that if it gets broken, it gets fixed. We have constituents out there who are going to be subjected to a lot of property damage and destruction. It is done in other States. We should do it here. When we have a chance to do it, let us do it right.

Thank you, Mr. President.

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

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

## YEA-18

Blake  
Boscola

Farnese  
Ferlo

Kitchen  
Leach

Washington  
Williams

Brewster	Fontana	Schwank	Yudichak
Costa	Hughes	Stack	
Dinniman	Kasunic	Tartaglione	

## NAY-32

Alloway	Erickson	Pileggi	Vance
Argall	Folmer	Pippy	Vogel
Baker	Gordner	Rafferty	Ward
Browne	Greenleaf	Robbins	Waugh
Brubaker	McIlhinney	Scarnati	White Donald
Corman	Mensch	Smucker	White Mary Jo
Earl	Orie	Solobay	Wozniak
Eichelberger	Piccola	Tomlinson	Yaw

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

## LEGISLATIVE LEAVE

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

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

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

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

## STACK AMENDMENT A7803 OFFERED

Senator STACK offered the following amendment No. A7803:

Amend Bill, page 160, by inserting between lines 16 and 17:

(c.3) Educational Assistance Program Fund.--From the fees collected for 2011 and each year thereafter, \$3,200,000 from the account shall be distributed to the Educational Assistance Program Fund.

Amend Bill, page 160, line 18, by striking out "AND (C.2)" and inserting:

, (c.2) and (c.3)

Amend Bill, page 166, line 30, by striking out "AND (C.2)" and inserting:

, (c.2) and (c.3)

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

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

Senator STACK. Mr. President, this is a very simple amendment. It provides \$3.2 million annually from the local impact fee to the National Guard Educational Assistance Program. This is a great program that provides higher education tuition grants to National Guard members. I ask for an affirmative vote.

Thank you, Mr. President.

## STACK AMENDMENT A7803 TABLED

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

The PRESIDENT pro tempore. Mr. President, I have had the opportunity to talk about this amendment with Senator Stack and others. It is a well-intended amendment and, certainly, as we move forward through this bill and into conference committee, where this bill ultimately goes, distribution is something that is going to be part of the final agreement. Because that will be part of the final working, I move to table this amendment.

The PRESIDENT. Senator Scarnati moves that the amendment be tabled.

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

## LEGISLATIVE LEAVE CANCELLED

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

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

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

## YEA-30

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Pippy	Ward
Baker	Gordner	Rafferty	Waugh
Browne	Greenleaf	Robbins	White Donald
Brubaker	McIlhinney	Scarnati	White Mary Jo
Corman	Mensch	Smucker	Yaw
Earl	Orie	Tomlinson	
Eichelberger	Piccola	Vance	

## NAY-20

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

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

The PRESIDENT. Amendment A7803 will be laid on the table.

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

## FERLO AMENDMENT A7370 OFFERED

Senator FERLO offered the following amendment No. A7370:

Amend Bill, page 275, line 2, by striking out "ATTORNEY FEES AND COSTS" and inserting:

(Reserved)

Amend Bill, page 280, lines 1 through 19, by striking out "ATTORNEY FEES AND COSTS," in line 1 and all of lines 2 through 19 and inserting:

(Reserved)

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

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

Senator FERLO. Mr. President, since this is my last amendment, I hope to get some more support. It is not likely, but I will try.

Briefly, again, I want to remove a provision that is in this bill, an onerous provision that really had to be written by the attorneys down at the Marcellus Shale big oil conference table, that I call the intimidation provision. My amendment would remove the zoning provision authorizing the court to award attorney's fees and costs to the, quote, "winning side" if the losing side brought what would be considered a frivolous action or acted willfully and with reckless disregard.

Now, in relation to zoning cases, it has been my experience over many, many years, 25 years of going before planning commissions and zoning boards, that in the initial argument, either by municipal officials, the city solicitor, a community-based organization, or an individual property owner, they may win or lose a case on a zoning matter. It is usually directly sent to the Court of Common Pleas. Lawyers may or may not be involved. Often-times, it is just citizens and public officials debating the merits in the Court of Common Pleas, depending on the actions of the local zoning board.

Many times--and I am sure this is the experience of others in the room--the lower court will remand it back to the zoning board or the planning commission for further record and documentation, clarification, et cetera. At the point which it goes to the Commonwealth Court in relation to the Planning Act, the burden is quite onerous on the individuals who are challenging the legal proceeding. Not only do they have to hire an attorney, but they have to have a bond and the like. So again, if individuals are in opposition, including grassroots residents who may be in dispute on property rights, one versus the other, again, this is an onerous provision developed by the industry to really intimidate those individuals who should rightly be allowed to proceed legally to protect their rights. So that is the intent of the amendment.

Thank you very much.

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

The PRESIDENT pro tempore. Mr. President, I rise in opposition to the amendment. This amendment was part of a compromise with the local municipalities that agreed to it. So, this amendment has a place in the bill, and certainly, I encourage Members to vote against the amendment.

Thank you, Mr. President.

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

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

#### YEA-20

Baker	Dinniman	Kasunic	Stack
Blake	Farnese	Kitchen	Tartaglione
Boscola	Ferlo	Leach	Washington

Brewster Costa	Fontana Hughes	McIlhinney Schwank	Williams Yudichak
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#### NAY-30

Alloway	Folmer	Rafferty	Ward
Argall	Gordner	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	Mensch	Smucker	White Mary Jo
Corman	Orie	Solobay	Wozniak
Earl	Piccola	Tomlinson	Yaw
Eichelberger	Pileggi	Vance	
Erickson	Pippy	Vogel	

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

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

#### PERMISSION TO ADDRESS

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

Senator COSTA. Mr. President, very briefly, before we go back to Senator Yudichak for an amendment, earlier in my comments I made a reference to an executive order that was signed by Governor Rendell. I believe I stated in my remarks that it was rescinded by Governor Corbett. Mr. President, I was incorrect. It is my understanding that the executive order was not rescinded, and I want to make certain that I clear that up in the record, and I apologize for that misstatement.

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

#### YUDICHAK AMENDMENT A7910 OFFERED

Senator YUDICHAK offered the following amendment No. A7910:

Amend Bill, page 150, lines 8 through 17, by striking out all of said lines and inserting:

- (1) For the first year of production, the fee shall be \$75,000.
- (2) For the second year of production, the fee shall be \$70,000.
- (3) For the third year of production, the fee shall be \$65,000.
- (4) For the fourth year of production, the fee shall be \$60,000.
- (5) For the fifth year of production, the fee shall be \$55,000.
- (6) For the sixth year of production, the fee shall be \$50,000.
- (7) For the seventh year of production, the fee shall be \$45,000.
- (8) For the eighth year of production, the fee shall be \$40,000.
- (9) For the ninth year of production, the fee shall be \$35,000.
- (10) For the tenth year of production, the fee shall be \$30,000.
- (11) For the eleventh year of production, the fee shall be \$25,000.
- (12) For the twelfth year of production, the fee shall be \$20,000.
- (13) For the thirteenth year of production, the fee shall be \$15,000.
- (14) For the fourteenth year of production and each year thereafter, the fee shall be \$5,000.

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

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

Senator YUDICHAK. Mr. President, in hearing the concerns about the fairness of the impact fee, a fee that has to pass the House and be signed by the Governor, I changed my original amendment. The amendment still is the \$75,000 flat impact fee, but after 14 years, instead of a \$10,000 fee for the life of the well, we reduce that to \$5,000 to diminish the impact it could possibly have on the industry, but still raise the appropriate level of funding for local communities, for in-use, so that we can grow the natural gas industry beyond the Marcellus Shale region and into communities in northeastern Pennsylvania, southeastern Pennsylvania, and all over Pennsylvania and create jobs and develop the full potential of this industry.

Thank you, Mr. President.

#### YUDICHAK AMENDMENT A7910 TABLED

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

The PRESIDENT pro tempore. Mr. President, the hour is about 15 minutes until 7 p.m. I have been here since 8:30 this morning. I have been in the building all day long. I have worked with every Member of this Chamber, on both sides of the aisle, on amendments today. We have just spent the last 2 hours debating amendments. Two hours. It has been a very open process. Everybody got to offer their amendments, and I indulged my friends on the other side of the aisle earlier today on what amendments they may offer, and we worked through a process.

I just received this amendment 20 minutes ago. I have not looked at this amendment. After 2 hours of this and after being here all day, I now just respectfully question why, at the end of this, do we have another amendment that--I have been here all day, I have been working with Members, I have been open to this process, I have worked with every idea any Member on the other side of the aisle has had. Yet, I just got this amendment 20 minutes ago. That is bothersome to me, Mr. President. I have worked diligently to make sure that we had good relationships while working on this bill. I am disappointed.

I move to table the amendment, Mr. President.

The PRESIDENT. Senator Scarnati moves to table amendment No. A7910.

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

The PRESIDENT. For what purpose does the gentleman from Allegheny, Senator Costa, rise?

Senator COSTA. Mr. President, the gentleman posed a question to the Chair about why it is that he received this amendment at a late hour, and I would like the opportunity to respond to that particular inquiry.

The PRESIDENT. Senator, the motion to table is nondebatable and must move immediately to a vote.

Senator COSTA. Mr. President, I am not arguing the motion to table. I want to respond to the question that was posed to the Chair. I allow myself to be interrogated as the leader on this side of the aisle who is responsible for presenting the amendment. I want to be able to articulate the reason why. This has everything

to do with our inability to bring a full and proper vote 20 minutes ago, or whenever the time was, when we wanted to vote on a very similar amendment.

The PRESIDENT. The gentleman's point is taken. However, the Chair believes that it was the previous speaker's intent for the question to be rhetorical in nature. As such, he did not request that any Member of this body stand for interrogation on that subject, so the gentleman's request is out of order.

The order of the day is to move forward with a vote on the motion to table.

Senator COSTA. Mr. President, respectfully, I ask for a negative vote on the motion to table.

The PRESIDENT. For what purpose does the gentleman from Philadelphia, Senator Williams, rise?

Senator WILLIAMS. Mr. President, on the issue of tabling the amendment. Before I make my comments, I want to understand the manner in which I am able to make comments.

The PRESIDENT. Actually, Senator, you are not. The motion to table is nondebatable and must move immediately to a vote.

Senator WILLIAMS. Mr. President, are we able to question the nature of the tabling?

The PRESIDENT. No, Senator.

Senator WILLIAMS. Mr. President, are we able to allow the constituents who are watching us tonight to recognize the fact that a very similar amendment was drawn and that a number of Members on the other side of the aisle changed their vote during the course of that process?

#### POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator PILEGGI. Mr. President, it is not debatable. This motion is not debatable.

The PRESIDENT. The gentleman's point is well taken. I applaud the gentleman from Philadelphia for the clever way in which he is trying to introduce debate into this matter, but the matter before the Senate is the motion to table, and the appropriate step now is to move to a vote.

I instruct the Clerk to begin a roll-call vote on the motion to table.

Senator WILLIAMS. Mr. President--

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

(The Clerk proceeded to call the roll. During the calling of the roll, the following occurred:)

Senator WILLIAMS. Mr. President.

The PRESIDENT. The roll call has begun, Senator.

Senator WILLIAMS. Mr. President, that is what happened before, but this time, I actually was talking. Mr. President, I was actually speaking, and I still am speaking and I will continue to speak.

The PRESIDENT. The Clerk will suspend.

Senator WILLIAMS. Thank you, Mr. President.

The hour is 7 o'clock, not 11 o'clock, and for those of us who do not have the privilege of being in the Majority--

The PRESIDENT. Senator--

## POINT OF ORDER

Senator WILLIAMS. Mr. President, as a matter of fact, point of order.

The PRESIDENT. The gentleman will state his point.

Senator WILLIAMS. Mr. President, the nature and manner in which we are handling this process may not be all that we want it to be, but for those who want to claim transparency, who want to claim openness, who want to claim fairness, who want to make sure that those we represent across the Commonwealth of Pennsylvania are well represented, then I do believe that we should at least be allowed to vote on the amendment, as constructed. Now, I recognize--

The PRESIDENT. Senator, if I may. The motion to table is nondebtable. The Chair has shown incredible leeway in allowing you to continue to speak, but the appropriate order of business is to continue with the roll call.

I am going to instruct the Clerk to please continue. Obviously, you may exercise the opportunity to vote "no," but we have to move on with the order of business. No further discussion is appropriate.

Senator WILLIAMS. Mr. President, my point of order is not about the nature of the tabling. My point of order is about the process, and so the only way that I can actually interject my comments is through this process.

The PRESIDENT. Senator, once the roll call begins, a point of order is no longer appropriate.

Senator WILLIAMS. Mr. President, but that is what happened earlier. Therefore, that is why I asked for a point of order, and we stopped.

The PRESIDENT. Senator, the motion to table was introduced. It is nondebtable. It is appropriate to move forward, and the Clerk is going to proceed. That is the appropriate order of the day.

And the question recurring,

Will the Senate agree to the motion?

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

## YEA-27

Alloway	Eichelberger	Pippy	Vogel
Argall	Folmer	Rafferty	Ward
Baker	Gordner	Robbins	Waugh
Browne	Greenleaf	Scarnati	White Donald
Brubaker	Mensch	Smucker	White Mary Jo
Corman	Orie	Tomlinson	Yaw
Earl	Piccola	Vance	

## NAY-23

Blake	Farnese	Leach	Tartaglione
Boscola	Ferlo	McIlhinney	Washington
Brewster	Fontana	Pileggi	Williams
Costa	Hughes	Schwank	Wozniak
Dinniman	Kasunic	Solobay	Yudichak
Erickson	Kitchen	Stack	

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

The PRESIDENT. Amendment A7910 will be laid on the table.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

## YEA-28

Alloway	Earl	Pippy	Vogel
Argall	Erickson	Rafferty	Ward
Baker	Gordner	Robbins	Waugh
Brewster	Greenleaf	Scarnati	White Donald
Browne	Mensch	Smucker	White Mary Jo
Brubaker	Piccola	Solobay	Wozniak
Corman	Pileggi	Vance	Yaw

## NAY-22

Blake	Ferlo	Leach	Tomlinson
Boscola	Folmer	McIlhinney	Washington
Costa	Fontana	Orie	Williams
Dinniman	Hughes	Schwank	Yudichak
Eichelberger	Kasunic	Stack	
Farnese	Kitchen	Tartaglione	

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

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

## BILLS REPORTED FROM COMMITTEES

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

## SB 1249 (Pr. No. 1869) (Amended) (Rereported)

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

Senator PIPPY, from the Committee on Law and Justice, reported the following bills:

## SB 540 (Pr. No. 546)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police; and repealing an act relating to limitation on complement of the Pennsylvania State Police.

## SB 657 (Pr. No. 671)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal police education and training, further defining "police department" and "police officer"; and fur-

ther providing for reimbursement of expenses and for payment of certain county costs.

### RESOLUTION REPORTED FROM COMMITTEE

Senator PIPPY, from the Committee on Law and Justice, reported the following resolution:

#### SR 216 (Pr. No. 1868) (Amended)

A Resolution directing the Budget and Finance Committee to conduct an economic impact study of the brewery industry in this Commonwealth.

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

### LEGISLATIVE LEAVE

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

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

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

### MOTION PURSUANT TO SENATE RULE XII

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

Senator PILEGGI. Mr. President, notwithstanding Senate Rule XII, Section 12, and given the technical nature of the amendment recently adopted in the Committee on Appropriations to Senate Bill No. 1249, I move that the Senate continue to Supplemental Calendar No. 3 and the immediate consideration of Senate Bill No. 1249.

The PRESIDENT. Senator Pileggi moves that the Senate continue to Senate Supplemental Calendar No. 3 and the immediate consideration of Senate Bill No. 1249, the provisions of Senate Rule XII, Section 12, notwithstanding.

On the question,

Will the Senate agree to the motion pursuant to Rule XII, Section 12?

### AMENDMENT TO MOTION PURSUANT TO SENATE RULE XI

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

Senator COSTA. Mr. President, it is my understanding that the gentleman has offered a motion pursuant to Senate Rule XII, and I move to amend that motion to include Senate Rule XI, Section 8(d). The reason for recessing later than 11 p.m. is to continue debate on the congressional redistricting plan contained in Senate Bill No. 1249.

Mr. President, it is my expectation that given what has transpired with respect to this plan, that the conversation, dialogue,

and debate on this Senate floor will exceed 11 p.m., and I would like to have the opportunity to amend that motion for that purpose.

Thank you, Mr. President.

On the question,

Will the Senate agree to the motion pursuant to Senate Rule XI, Section 8(d)?

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

Senator PILEGGI. Mr. President, I have no objection to the intent of the gentleman's amendatory motion. I think it might be better handled in two separate motions.

The PRESIDENT. Very well. The first voice vote will be on Senator Costa's amendatory motion pursuant to Senate Rule XI, Section 8(d), to continue Session past 11 p.m.

And the question recurring,

Will the Senate agree to the motion pursuant to Senate Rule XI, Section 8(d)?

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

On the question,

Will the Senate agree to the motion pursuant to Senate Rule XII, Section 12, as amended?

The PRESIDENT. We will now turn to the main motion of Senator Pileggi, as amended, which is to proceed to Senate Supplemental Calendar No. 3 to consider Senate Bill No. 1249, the provisions of Senate Rule XII, Section 12, notwithstanding.

And the question recurring,

Will the Senate agree to the motion pursuant to Senate Rule XII, Section 12, as amended?

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

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1249 (Pr. No. 1869)** -- The Senate proceeded to consideration of the bill, entitled:

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

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?

## RECONSIDERATION OF SB 1249

Senator COSTA. Mr. President, I move to reconsider the vote by which Senate Bill No. 1249 was agreed to on third consideration.

The motion was agreed to by voice vote.

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

## AMENDMENT OFFERED

Senator COSTA offered the following amendment No. A7953:

Amend Bill, page 21, lines 6 through 30; pages 22 through 38, lines 1 through 30; page 39, lines 1 through 16, by striking out all of said lines and inserting:

(1) The First District is composed of:

Part of DELAWARE County consisting of the CITY of Chester and the TOWNSHIPS of Chester, Darby, Ridley (PART, Wards 01 (PART, Division 02) and 02 (PART, Division 02)), Tinicum (PART, Wards 01, 02 and 04) and Upper Darby (PART, Districts 02 (PART, Division 01), 03 (PART, Divisions 04, 05, 06 and 07), 04, 05 (PART, Divisions 01, 02 and 05), 06 and 07) and the BOROUGHs of Aldan, Clifton Heights (PART, Wards 01, 02 and 03 (PART, Division 02)), Collingdale, Colwyn, Darby, East Lansdowne, Eddystone, Folcroft, Lansdowne, Millbourne, Sharon Hill, Upland and Yeadon and Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 01, 02, 03, 04, 05, 14, 15 (PART, Divisions 07, 10, 11 and 13), 18, 19, 20, 23 (PART, Divisions 01, 02, 03, 04, 05, 06, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23), 25, 26, 27 (PART, Divisions 04, 12, 15 and 17), 30 (PART, Division 04), 31, 34, 36, 37, 39, 40, 42 (PART, Divisions 12, 13, 16, 17, 19, 20, 21, 24 and 25), 43 (PART, Divisions 01, 03, 04, 05, 06, 07, 08, 09, 10, 13, 14, 15, 16, 19, 21, 22, 23, 24 and 25), 45 (PART, Divisions 08, 09, 10, 11, 13, 14, 16, 17, 18, 19 and 21), 46 (PART, Divisions 03, 04, 05, 06, 09, 10, 11, 12, 13, 14, 15, 20, 21 and 22), 48, 49 (PART, Divisions 01, 02, 04, 05, 09, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21 and 22), 51, 60, 61 (PART, Division 01) and 62 (PART, Division 06)).

(2) The Second District is composed of:

Part of MONTGOMERY County consisting of the TOWNSHIP of Cheltenham and Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 06, 07, 08, 09, 10, 11, 12, 13, 15 (PART, Divisions 01, 02, 03, 04, 05, 06, 08, 09, 12, 14, 15, 16, 17, 18 and 19), 16, 17, 21, 22, 23 (PART, Divisions 07, 08, 09, 10, 11, 12 and 13), 24, 27 (PART, Divisions 01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 13, 14, 16, 18, 19, 20, 21, 22 and 23), 28, 29, 30 (PART, Divisions 01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 and 17), 32, 33, 35 (PART, Divisions 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31), 38, 41 (PART, Divisions 01, 02 and 03), 42 (PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 14, 15, 18, 22 and 23), 43 (PART, Divisions 02, 11, 12, 17, 18 and 20), 44, 46 (PART, Divisions 01, 02, 07, 08, 16, 17, 18, 19 and 23), 47, 49 (PART, Divisions 03, 06, 07, 08, 18 and 20), 50, 52, 53 (PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 13, 14 and 23), 54 (PART, Divisions 01, 02, 03, 04, 05, 06, 09, 11, 12, 13 and 18), 59, 61 (PART, Divisions 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28) and 62 (PART, Divisions 01, 02, 03, 04, 05, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22 and 26)).

(3) The Third District is composed of:

Part of BEAVER County consisting of the TOWNSHIPS of Franklin, Marion and North Sewickley (PART, District 02); Part of BUTLER County consisting of the CITY of Butler and the TOWNSHIPS of Adams (PART, Precincts 02 and 03), Brady, Butler, Center, Cherry, Clay, Connoquenessing, Cranberry, Forward, Franklin, Jackson, Jefferson, Lancaster, Marion, Mercer, Middlesex (PART, District North), Muddy Creek, Penn, Slippery Rock, Summit (PART, District South) and

Worth and the BOROUGHs of Callery, Connoquenessing, Evans City, Harmony, Harrisville, Mars, Portersville, Prospect, Saxonburg, Seven Fields, Slippery Rock, West Liberty, West Sunbury and Zelienople; Part of CRAWFORD County consisting of the CITIES of Meadville and Titusville and the TOWNSHIPS of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, Oil Creek, Randolph, Richmond, Rockdale, Rome, Sadsbury, Sparta, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Mead and Woodcock and the BOROUGHs of Blooming Valley, Cambridge Springs, Centerville, Cochranton, Conneaut Lake, Conneautville, Hydetown, Saegertown, Spartansburg, Springboro, Townville, Venango and Woodcock; All of ERIE County; Part of FOREST County consisting of the TOWNSHIPS of Hickory and Kingsley; Part of LAWRENCE County consisting of the CITY of New Castle (PART, Ward 04 (PART, Divisions 02 and 03)) and the TOWNSHIPS of Hickory, Neshannock (PART, Districts 03, 04 and 07), Perry, Plain Grove, Pulaski (PART, District 01), Scott, Shenango (PART, Districts 02, 04 and 05), Slippery Rock, Union (PART, District 03), Washington, Wayne (PART, Districts 02, 03 and 04) and Wilmington and the BOROUGHs of Ellport, Ellwood City (Lawrence County Portion) (PART, Ward 05), New Wilmington and Volant; Part of MERCER County consisting of the TOWNSHIPS of Coolspring, Deer Creek, Delaware, East Lackawannock, Fairview, Findley, French Creek, Hempfield, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Pine, Salem, Sandy Creek, Sandy Lake, Shenango (PART, District East), Springfield, Wilmington, Wolf Creek and Worth and the BOROUGHs of Fredonia, Greenville (PART, Districts 02, 03 and 04), Grove City, Jackson Center, Mercer, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro; Part of VENANGO County consisting of the CITIES of Franklin and Oil City and the TOWNSHIPS of Allegheny, Canal, Cherrytree, Cornplanter, Cranberry, Frenchcreek, Irwin, Jackson, Mineral, Oakland, Oil Creek, Pinegrove, Plum, President, Richland, Rockland, Sandycreek and Victory and the BOROUGHs of Barkeyville, Cooperstown, Emlenton (Venango County Portion), Pleasantville, Polk, Rouseville, Sugar Creek and Utica and All of WARREN County.

(4) The Forth District is composed of:

Part of ALLEGHENY County consisting of the TOWNSHIPS of Crescent, East Deer, Fawn, Findlay (PART, Districts 01 and 02), Frazer, Hampton, Harmar, Harrison, Indiana (PART, Districts 01, 02, 03 and 05), Leet, Marshall, McCandless, Moon (PART, District 05), North Fayette (PART, District 04), O'Hara (PART, Wards 01 (PART, Division 02), 02 (PART, Division 01) and 05), Penn Hills (PART, Wards 03 (PART, Divisions 02, 03 and 06), 04, 05, 06, 07, 08 and 09 (PART, Division 02)), Pine, Richland, Shaler (PART, Wards 03 (PART, Divisions 01, 02 and 03) and 06 (PART, Divisions 01, 02 and 04)), South Fayette (PART, District 05), Springdale, West Deer and Wilkins (PART, Ward 01 (PART, Divisions 01, 02, 03 and 04)) and the BOROUGHs of Bell Acres, Brackenridge, Bradford Woods, Cheswick, Fox Chapel (PART, Districts 02, 03, 04 and 05), Leetsdale, McDonald (Allegheny County Portion), Monroeville (PART, Wards 01 (PART, Divisions 02, 03 and 04), 02, 03, 04, 05, 06 and 07), Oakmont, Pitcairn (PART, Districts 02 and 03), Plum (PART, Districts 01, 02, 03, 04, 05, 06, 07, 09, 11, 12, 17, 18, 19, 20 and 21), Springdale, Tarentum, Turtle Creek (PART, Wards 01 (PART, Division 01) and 03 (PART, Division 02)) and Verona; Part of ARMSTRONG County consisting of the CITY of Parker City and the TOWNSHIPS of Bradys Bend, Cadogan, East Franklin, Gilpin, Hovey, Madison, North Buffalo, Perry, Pine, South Buffalo, Sugar Creek, Washington and West Franklin and the BOROUGHs of Applewold, Ford City, Ford Cliff, Freeport, Leechburg, West Kittanning and Worthington; Part of BEAVER County consisting of the CITIES of Aliquippa and Beaver Falls and the TOWNSHIPS of Brighton, Center, Chippewa, Darlington, Daugherty, Harmony, Hopewell, Independence, New Sewickley, North Sewickley (PART, Districts 01, 03 and 05), Patterson, Potter, Pulaski, Raccoon (PART, District 01), Rochester, South Beaver, Vanport and White and the BOROUGHs of Ambridge, Baden, Beaver, Big Beaver, Bridgewater, Conway, Darlington, East Rochester, Eastvale, Economy, Ellwood City (Beaver County Portion), Fallston, Freedom, Homewood, Industry, Koppel, Midland, Monaca, New Brighton, New Galilee, Ohioville (PART, District 02), Patterson Heights, Rochester, South Heights and West Mayfield; Part of BUTLER County consisting of the TOWNSHIPS of Adams (PART, Precinct 01), Allegheny, Buffalo, Clearfield,



Clinton, Concord, Donegal, Fairview, Middlesex (PART, District South), Oakland, Parker, Summit (PART, District North), Venango, Washington and Winfield and the BOROUGHS of Bruin, Cherry Valley, Chicora, East Butler, Eau Claire, Fairview, Kams City, Petrolia and Valencia; Part of CRAWFORD County consisting of the TOWNSHIPS of North Shenango, Pine, South Shenango, West Fallowfield and West Shenango and the BOROUGH of Linesville; Part of LAWRENCE County consisting of the CITY of New Castle (PART, Wards 01, 02, 03, 04 (PART, Division 01), 05, 06, 07 and 08) and the TOWNSHIPS of Little Beaver, Mahoning, Neshannock (PART, Districts 01, 02, 05 and 06), North Beaver, Pulaski (PART, Districts 02 and 03), Shenango (PART, Districts 01 and 03), Taylor, Union (PART, Districts 01, 02 and 04) and Wayne (PART, District 01) and the BOROUGHS of Bessemer, Ellwood City (Lawrence County Portion) (PART, Wards 01, 02, 03 and 04), Enon Valley, New Beaver, S.N.P.J., South New Castle and Wampum; Part of MERCER County consisting of the CITIES of Farrell, Hermitage and Sharon and the TOWNSHIPS of Greene, Pymatuning, Shenango (PART, District West), South Pymatuning, Sugar Grove and West Salem and the BOROUGHS of Clark, Greenville (PART, District 01), Jamestown, Sharpsville, West Middlesex and Wheatland; Part of VENANGO County consisting of the TOWNSHIPS of Clinton and Scrubgrass and the BOROUGH of Clintonville; Part of WASHINGTON County consisting of the CITY of Washington and the TOWNSHIPS of Canton, Cecil (PART, Districts 02, 03, 04 and 05), Chartiers, Cross Creek, Hopewell, Independence (PART, District 02), Mount Pleasant, North Franklin (PART, Districts 02 and 03), North Strabane (PART, Districts 03, 05 and 06), Robinson, Smith and South Strabane (PART, District 05) and the BOROUGHS of Burgettstown, Canonsburg, East Washington, Houston, McDonald (Washington County Portion), Midway and West Middletown and Part of WESTMORELAND County consisting of the CITIES of Arnold, Lower Burrell and New Kensington and the BOROUGHS of Hyde Park, Trafford (Westmoreland County Portion) (PART, District 02) and West Leechburg.

(5) The Fifth District is composed of:

All of BRADFORD County; All of CAMERON County; Part of CENTRE County consisting of the TOWNSHIPS of Benner, Boggs, Burnside, College, Curtin, Gregg, Haines, Harris, Howard, Huston, Liberty, Marion, Miles, Patton (PART, District North (PART, Division 01)), Penn, Potter, Rush (PART, District East), Snow Shoe, Spring, Union, Walker and Worth and the BOROUGHS of Bellefonte, Centre Hall, Howard, Milesburg, Millheim, Port Matilda, Snow Shoe and Unionville; Part of CLARION County consisting of the TOWNSHIPS of Ashland, Beaver, Brady, Clarion, Elk, Farmington, Highland, Knox, Licking, Limestone, Madison, Millcreek, Monroe, Paint, Perry, Piney, Porter, Richland, Salem, Toby and Washington and the BOROUGHS of Callensburg, Clarion, East Brady, Emlenton (Clarion County Portion), Foxburg, Knox, New Bethlehem, Rimersburg, Shippensburg, Sligo, St. Petersburg and Strattanville; Part of CLEARFIELD County consisting of the CITY of Dubois and the TOWNSHIPS of Bell, Bloom, Brady, Goshen, Greenwood, Huston, Lawrence (PART, Precinct Plympton), Penn, Pike, Pine, Sandy and Union and the BOROUGHS of Curwensville, Falls Creek (Clearfield County Portion), Grampian, Lumber City, Mahaffey and Troutville; Part of CLINTON County consisting of the CITY of Lock Haven and the TOWNSHIPS of Allison, Bald Eagle, Beech Creek, Castanea, Crawford, Dunnstable, Gallagher, Greene, Lamar, Logan, Pine Creek, Porter, Wayne and Woodward and the BOROUGHS of Avis, Beech Creek, Flemington, Loganton and Mill Hall; Part of COLUMBIA County consisting of the TOWNSHIPS of Beaver, Benton, Briar Creek, Catawissa, Fishing Creek, Franklin, Greenwood, Hemlock, Jackson, Madison, Main, Mifflin, Mount Pleasant, North Centre, Orange, Pine, Scott, South Centre and Sugarloaf and the TOWN of Bloomsburg and the BOROUGHS of Benton, Berwick, Briar Creek, Catawissa, Millville, Orangeville and Stillwater; Part of ELK County consisting of the CITY of St. Marys (PART, Wards 01, 03, 04, 05, 06, 07 and 08) and the TOWNSHIPS of Highland, Horton, Jones, Millstone and Spring Creek; Part of FOREST County consisting of the TOWNSHIPS of Barnett, Green, Harmony, Howe, Jenks and Tionesta and the BOROUGH of Tionesta; Part of JEFFERSON County consisting of the TOWNSHIPS of Barnett, Bell, Clover, Eldred, Gaskill, Heath, Henderson, Knox, McCalmont, Oliver, Perry, Pinecreek, Polk, Snyder, Union, Warsaw, Washington, Winslow and Young and the BOROUGHS of Big Run, Brockway, Brookville, Corsica, Falls Creek (Jefferson County Portion), Punxsutawney,

Reynoldsville, Summerville and Sykesville; Part of LACKAWANNA County consisting of the CITY of Carbondale (PART, Wards 01 (PART, Division 02), 05 (PART, Division 02) and 06 (PART, Division 01)) and the TOWNSHIP of Fell (PART, Districts 01, 02 and 04) and the BOROUGH of Vandling; Part of LUZERNE County consisting of the TOWNSHIPS of Black Creek (PART, District 01), Huntington and Salem (PART, District 02) and the BOROUGH of New Columbus; Part of LYCOMING County consisting of the CITY of Williamsport (PART, Wards 01, 02, 03, 04, 05, 08, 09, 10, 11, 12, 13, 14, 15, 16 and 17) and the TOWNSHIPS of Anthony, Cascade, Cogan House, Cummings, Eldred, Fairfield, Franklin, Gamble, Hepburn, Jackson, Jordan, Lewis, Loyalsock, McIntyre, McNett, Mifflin, Mill Creek, Moreland, Muncy, Nippenose, Penn, Piatt, Pine, Plunketts Creek, Porter, Shrewsbury, Upper Fairfield, Watson and Wolf and the BOROUGHS of Hughesville, Jersey Shore, Montoursville, Picture Rocks, Salladasburg and South Williamsport; All of MCKEAN County; Part of MIFFLIN County consisting of the TOWNSHIPS of Armagh, Brown, Decatur and Derry (PART, Districts North, South and West) and the BOROUGHS of Burnham and Lewistown (PART, Wards 01, 02, 03, 04, 05 and 06); Part of NORTHUMBERLAND County consisting of the CITY of Sunbury (PART, Wards 02, 03 and 04) and the TOWNSHIP of Upper Augusta (PART, District Northeast); Part of POTTER County consisting of the TOWNSHIPS of Allegany, Bingham, Clara, Eulalia, Genesee, Harrison, Hebron, Hector, Homer, Keating, Oswayo, Pike, Pleasant Valley, Portage, Roulette, Sharon, Summit, Sweden, Sylvania and Ulysses and the BOROUGHS of Austin, Coudersport, Galetown, Oswayo, Shinglehouse and Ulysses; All of SNYDER County; All of SULLIVAN County; All of SUSQUEHANNA County; Part of TIOGA County consisting of the TOWNSHIPS of Bloss, Brookfield, Charleston, Chatham, Clymer, Covington, Deerfield, Delmar, Duncan, Farmington, Hamilton, Jackson, Lawrence, Liberty, Middlebury, Morris, Nelson, Osceola, Putnam, Richmond, Rutland, Shippen, Sullivan, Tioga, Union, Ward and Westfield and the BOROUGHS of Blossburg, Elkland, Knoxville, Lawrenceville, Liberty, Mansfield, Roseville, Tioga, Wellsboro and Westfield; Part of UNION County consisting of the TOWNSHIPS of Buffalo (PART, District 02), Hartley, Lewis, Limestone and West Buffalo and the BOROUGHS of Hartleton, Mifflinburg and New Berlin; Part of WAYNE County consisting of the TOWNSHIPS of Buckingham and Scott and the BOROUGH of Starrucca and Part of WYOMING County consisting of the TOWNSHIPS of Forkston and Meshoppen.

(6) The Sixth District is composed of:

Part of BERKS County consisting of the TOWNSHIPS of Amity (PART, Districts 02, 03, 04 and 05), Bethel, Brecknock, Caernarvon, Colebrookdale, Cumru (PART, Districts 03 and 05), Douglass, Exeter (PART, Precincts 02, 03, 04, 06, 07 and 08), Heidelberg, Jefferson, Lower Heidelberg (PART, Precincts 01 and 03), Marion, North Heidelberg, Robeson, South Heidelberg, Spring (PART, Districts 01, 03, 04, 05, 06, 07, 08, 10, 11 and 12), Tulpehocken, Union, Upper Tulpehocken and Washington and the BOROUGHS of Adamstown (Berks County Portion), Bally, Bechtelsville, Birdsboro, Boyertown, Mohnton, New Morgan, Robeson, Sinking Spring, Strausstown, Wernersville and Womelsdorf; Part of LANCASTER County consisting of the CITY of Lancaster (PART, Wards 01, 02 (PART, Division 01), 03 (PART, Division 01), 05, 06 (PART, Divisions 01, 02, 03, 04, 05 and 07), 08 (PART, Divisions 01, 02, 03, 04 and 06) and 09) and the TOWNSHIPS of Brecknock, Clay, East Cocalico, East Hempfield, Elizabeth, Ephrata, Lancaster (PART, Districts 01, 02, 03, 05, 06, 07 and 09), Manheim (PART, Districts 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22 and 23), Manor, Penn, Warwick, West Cocalico and West Hempfield (PART, Districts Chestnut Hill, Highland Park, Oyster Point, Salunga and Silver Spring) and the BOROUGHS of Adamstown (Lancaster County Portion), Akron, Denver, East Petersburg, Ephrata, Lititz, Manheim, Millersville and Mountville; Part of LEBANON County consisting of the TOWNSHIPS of Heidelberg, Jackson and Millcreek and the BOROUGHS of Myerstown and Richland and Part of YORK County consisting of the CITY of York and the TOWNSHIPS of Chanceford, Codorus, East Hopewell, East Manchester, Fawn, Hellam, Hopewell, Lower Chanceford, Lower Windsor, Manchester, Manheim, North Codorus, North Hopewell, Peach Bottom, Shrewsbury, Spring Garden, Springettsbury, Springfield, West Manchester, Windsor and York and the BOROUGHS of Cross Roads, Dallastown, Delta, East Prospect, Fawn Grove, Felton, Glen



Rock, Hallam, Jacobus, Jefferson, Loganville, Manchester, Mount Wolf, New Freedom, New Salem, North York, Railroad, Red Lion, Seven Valleys, Shrewsbury, Stewartstown, West York, Windsor, Winterstown, Wrightsville, Yoe, York Haven and Yorkana.

(7) The Seventh District is composed of:

Part of CHESTER County consisting of the TOWNSHIPS of Easttown (PART, Districts 04 and 06), Schuylkill (PART, Precincts 01 and 02) and Tredyffrin (PART, District East (PART, Divisions 04 and 05)) and the BOROUGH of Phoenixville; Part of DELAWARE County consisting of the TOWNSHIPS of Aston, Edgmont (PART, Precinct 02), Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown (PART, Precincts 01, 02, 03, 05, 06, 07 and 08), Radnor, Ridley (PART, Wards 01 (PART, Divisions 01 and 03), 02 (PART, Divisions 01 and 03), 03, 04, 05, 06, 07, 08 and 09), Springfield, Tinicum (PART, Wards 03 and 05), Upper Chichester, Upper Darby (PART, Districts 01, 02 (PART, Divisions 02, 03, 04, 05, 06 and 07), 03 (PART, Divisions 01, 02, 03, 08, 09, 10 and 11) and 05 (PART, Divisions 03, 04, 06, 07, 08 and 09)) and Upper Providence and the BOROUGHs of Brookhaven, Clifton Heights (PART, Wards 03 (PART, Division 01) and 04), Glenolden, Marcus Hook, Media, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Swarthmore and Trainer and Part of MONTGOMERY County consisting of the TOWNSHIPS of Douglass, East Norriton (PART, Districts 01 (PART, Divisions 01 and 02) and 02), Limerick, Lower Frederick, Lower Pottsgrove, Lower Providence, Lower Salford (PART, District 05), Marlborough, New Hanover, Perkiomen, Plymouth (PART, Districts 01, 02 and 04), Skippack, Upper Frederick, Upper Hanover, Upper Merion, Upper Pottsgrove, Upper Providence, Upper Salford, West Norriton, West Pottsgrove, Whitemarsh (PART, District West (PART, Divisions 01 and 02)) and Whippen and the BOROUGHs of Bridgeport, Collegeville, Conshohocken, East Greenville, Green Lane, Norristown, Pennsburg, Pottstown, Red Hill, Royersford, Schwenksville, Trappe and West Conshohocken.

(8) The Eighth District is composed of:

Part of BUCKS County consisting of the TOWNSHIPS of Bedminster, Bensalem, Bridgeton, Bristol, Buckingham, Doylestown, Durham, East Rockhill, Falls, Haycock, Hilltown, Lower Makefield, Lower Southampton (PART, Districts East and West (PART, Divisions 01, 02, 04, 05 and 06)), Middletown, Milford, New Britain (PART, District East), Newtown, Nockamixon, Northampton, Plumstead, Richland, Solebury, Springfield, Tinicum, Upper Makefield, Upper Southampton, Warminster (PART, Districts 01, 02, 03, 05, 10, 11, 13, 14, 16 and 17), Warrington, Warwick, West Rockhill and Wrightstown and the BOROUGHs of Bristol, Doylestown, Dublin, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, New Britain, New Hope, Newtown, Pennel, Perkasio, Quakertown, Richlandtown, Riegelsville, Sellersville, Silverdale, Telford (Bucks County Portion), Trumbauersville, Tullytown and Yardley; Part of LEHIGH County consisting of the TOWNSHIPS of Lower Milford and Upper Milford and the BOROUGH of Macungie; Part of MONTGOMERY County consisting of the TOWNSHIPS of Horsham (PART, Districts 01 (PART, Divisions 01 and 05) and 03 (PART, Division 01)), Lower Gwynedd (PART, District 01 (PART, Division 01)), Montgomery (PART, Districts 03, 04, 05, 06, 07 and 08) and Upper Moreland (PART, Districts 01, 02, 03, 04, 05, 06 (PART, Division 01) and 07 (PART, Division 01)) and the BOROUGHs of Hatboro and Lansdale (PART, District 02 (PART, Division 03)); Part of NORTHAMPTON County consisting of the CITIES of Bethlehem (Northampton County Portion) (PART, Ward 16) and Easton (PART, Wards 09 and 10 (PART, Division EAST)) and the TOWNSHIPS of Bethlehem (PART, Ward 02 (PART, Divisions 02 and 03)), Lower Saucon (PART, Districts 03, 05 and 06) and Williams and the BOROUGHs of Freemansburg and Hellertown (PART, Ward 01) and Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 58 (PART, Divisions 24 and 39) and 66 (PART, Divisions 01, 02, 04, 05, 06, 07, 08, 09, 11, 12, 16, 17 and 34)).

(9) The Ninth District is composed of:

All of ADAMS County; All of BEDFORD County; All of BLAIR County; Part of CAMBRIA County consisting of the TOWNSHIPS of Cresson (PART, District North), Gallitzin and Washington and the BOROUGHs of Cresson (PART, District 02), Gallitzin, Lilly, Sankertown and Tunnelhill (Cambria County Portion); Part of CUMBERLAND County consisting of the TOWNSHIPS of Hopewell, Lower Allen (PART, Precincts 01, 02, 03, 05 and 06), Middlesex

(PART, Precinct 02), Monroe, Shippensburg, Silver Spring (PART, Precinct 02), South Middleton (PART, Precincts 01, 02, 04, 05, 06, 07, 08 and 09), Southampton and Upper Allen and the BOROUGHs of Carlisle (PART, Wards 01, 02, 03 (PART, Division 02) and 04 (PART, Division 01)), Mechanicsburg (PART, Wards 01, 02 and 05), Mount Holly Springs, Newburg and Shippensburg (Cumberland County Portion); All of FRANKLIN County; All of FULTON County; Part of HUNTINGDON County consisting of the TOWNSHIPS of Brady, Carbon, Cass, Clay, Cromwell, Dublin, Franklin, Hopewell, Juniata, Lincoln, Logan, Morris, Oneida, Penn, Porter, Shirley, Smithfield, Springfield, Spruce Creek, Tell, Todd, Union, Walker, Warriors Mark, West and Wood and the BOROUGHs of Alexandria, Birmingham, Broad Top City, Cassville, Coalmont, Dudley, Huntingdon, Mapleton, Marklesburg, Mill Creek, Mount Union, Orbisonia, Petersburg, Rockhill, Saltillo, Shade Gap, Shirleysburg and Three Springs; Part of MIFFLIN County consisting of the TOWNSHIP of Wayne and the BOROUGHs of Kistler and Newton Hamilton; Part of SOMERSET County consisting of the TOWNSHIPS of Allegheny, Fairhope, Greenville, Larimer, Northampton and Southampton and the BOROUGHs of Callimont, New Baltimore and Wellersburg and Part of YORK County consisting of the TOWNSHIPS of Carroll, Conewago, Dover, Fairview (PART, District 01), Franklin, Heidelberg, Jackson, Monaghan, Paradise, Penn, Warrington, Washington and West Manheim and the BOROUGHs of Dillsburg, Dover, Franklintown, Hanover, Spring Grove and Wellsville.

(10) The Tenth District is composed of:

Part of COLUMBIA County consisting of the TOWNSHIPS of Cleveland, Conyngham, Locust, Montour and Roaring Creek and the BOROUGH of Centralia; Part of CUMBERLAND County consisting of the TOWNSHIPS of Cooke, Dickinson, East Pennsboro, Hampden, Lower Allen (PART, Precinct 04), Lower Frankford, Lower Mifflin, Middlesex (PART, Precinct 01), North Middleton, North Newton, Penn, Silver Spring (PART, Precincts 01, 03, 04, 05, 06, 07, 08 and 09), South Middleton (PART, Precinct 03), South Newton, Upper Frankford, Upper Mifflin and West Pennsboro and the BOROUGHs of Camp Hill, Carlisle (PART, Wards 03 (PART, Divisions 01 and 03), 04 (PART, Division 02) and 05), Lemoyne, Mechanicsburg (PART, Wards 03 and 04), New Cumberland, Newville, Shiremanstown and Wormleysburg; Part of DAUPHIN County consisting of the TOWNSHIPS of Conewago, Derry, Halifax, Jackson, Londonderry, Lower Swatara, Lykens, Middle Paxton, Mifflin, Reed, Upper Paxton, Washington, Wayne, Wiconisco and Williams and the BOROUGHs of Berrysburg, Dauphin, Elizabethville, Gratz, Halifax, Highspire (PART, District 02), Hummelstown, Lykens, Middletown, Millersburg, Pillow, Royalton and Williamstown; All of JUNIATA County; Part of LANCASTER County consisting of the TOWNSHIPS of Conoy, East Donegal, Mount Joy, Rapho, West Donegal and West Hempfield (PART, Districts Farmdale and Ironville) and the BOROUGHs of Columbia, Elizabethtown, Marietta and Mount Joy; Part of LEBANON County consisting of the CITY of Lebanon and the TOWNSHIPS of Annville, Bethel, East Hanover, North Annville, North Cornwall, North Lebanon, North Londonderry, South Annville, South Lebanon, South Londonderry, Swatara, Union, West Cornwall and West Lebanon and the BOROUGHs of Cleona, Cornwall, Jonestown, Mount Gretna and Palmyra; Part of LYCOMING County consisting of the CITY of Williamsport (PART, Wards 06 and 07) and the TOWNSHIPS of Armstrong, Bastress, Brady, Clinton, Limestone, Lycoming, Muncy Creek, Old Lycoming, Susquehanna, Washington and Woodward and the BOROUGHs of Duboisstown, Montgomery and Muncy; Part of MIFFLIN County consisting of the TOWNSHIPS of Bratton, Derry (PART, District East), Granville, Menno, Oliver and Union and the BOROUGHs of Juniata Terrace, Lewistown (PART, Ward 07) and McVeytown; All of MONTGOMERY County; Part of NORTHUMBERLAND County consisting of the CITY of Sunbury (PART, Wards 01, 05, 06, 07, 08 and 09) and the TOWNSHIPS of Coal (PART, Wards 02, 04, 05, 07, 08 and 09), Delaware, East Cameron, East Chillisquaque, Jackson, Jordan, Lewis, Little Mahanoy, Lower Augusta, Lower Mahanoy, Mount Carmel (PART, Districts Diamond, Exchange, Locust Gap, Natalie and Strong), Point, Rapho, Rockefeller, Rush, Shamokin, Turbot, Upper Augusta (PART, District Northwest), Upper Mahanoy, Washington, West Cameron, West Chillisquaque and Zerbe and the BOROUGHs of Herndon, Kulpmont (PART, Precinct 03), Marion Heights, McEwensville, Milton, Mount Carmel, Northumberland, Riverside, Snyderstown, Turbotville and Watsonstown; All of PERRY County; Part

of UNION County consisting of the TOWNSHIPS of Buffalo (PART, District 01), East Buffalo, Gregg, Kelly, Union and White Deer and the BOROUGH of Lewisburg and Part of YORK County consisting of the TOWNSHIPS of Fairview (PART, Districts 02, 03 and 04) and Newberry and the BOROUGHs of Goldsboro and Lewisberry.

(11) The Eleventh District is composed of:

Part of CARBON County consisting of the TOWNSHIPS of Banks, Franklin, Kidder, Lausanne, Lehigh, Mahoning (PART, District Packer-jamestown), Packer and Penn Forest (PART, District South West) and the BOROUGHs of Beaver Meadows, East Side, Jim Thorpe (PART, Districts 01, 02, 03 and 04), Parryville and Weatherly; Part of LACKAWANNA County consisting of the CITIES of Carbondale (PART, Wards 01 (PART, Division 01), 03, 04, 05 (PART, Division 01) and 06 (PART, Division 02)) and Scranton and the TOWNSHIPS of Abington, Benton, Carbondale, Covington, Elmhurst, Fell (PART, District 03), Glenburn, Greenfield, Jefferson, La Plume, Madison, Newton, North Abington, Ransom, Roaring Brook, Scott, South Abington, Spring Brook, Thornhurst and West Abington and the BOROUGHs of Archbald, Blakely, Clarks Green, Clarks Summit, Dalton, Dickson City, Dunmore, Jermyrn, Jessup, Mayfield, Moosic, Moscow, Old Forge, Olyphant, Taylor and Throop; Part of LUZERNE County consisting of the CITIES of Hazleton, Nanticoke, Pittston and Wilkes-Barre and the TOWNSHIPS of Bear Creek, Black Creek (PART, District 02), Buck, Butler, Conyngham, Dallas, Dennison, Dorrance, Exeter, Fairmount, Fairview, Foster, Franklin, Hanover, Hazle, Hollenback, Hunlock, Jackson, Jenkins, Kingston, Lake, Lehman, Nescopeck, Newport, Pittston, Plains, Plymouth, Rice, Ross, Salem (PART, District 01), Slocum, Sugarloaf, Union, Wilkes-Barre and Wright and the BOROUGHs of Ashley, Avoca, Bear Creek Village, Conyngham, Courtdale, Dallas, Dupont, Duryea, Edwardsville, Exeter, Forty Fort, Freeland, Harveys Lake, Hughestown, Jeddo, Kingston, Laflin, Larksville, Laurel Run, Luzerne, Nescopeck, Nuangola, Penn Lake Park, Plymouth, Pringle, Shickshinny, Sugar Notch, Swoyersville, Warrior Run, West Hazleton, West Pittston, West Wyoming, White Haven, Wyoming and Yatesville; Part of MONROE County consisting of the TOWNSHIPS of Middle Smithfield, Price and Tobyhanna; Part of PIKE County consisting of the TOWNSHIPS of Blooming Grove, Delaware, Dingman, Greene, Lackawaxen, Lehman, Milford, Palmyra, Shohola and Westfall and the BOROUGHs of Matamoras and Milford; Part of WAYNE County consisting of the TOWNSHIPS of Berlin, Canaan, Cherry Ridge, Clinton, Damascus, Dreher, Dyberry, Lake, Lebanon, Lehigh, Manchester, Mount Pleasant, Oregon, Palmyra, Paupack, Preston, Salem, South Canaan, Sterling and Texas and the BOROUGHs of Bethany, Hawley, Honesdale, Prompton and Waymart and Part of WYOMING County consisting of the TOWNSHIPS of Braintrim, Clinton, Eaton, Exeter, Falls, Lemon, Mehoopany, Monroe, Nicholson, North Branch, Northmoreland, Noxen, Overfield, Tunkhannock, Washington and Windham and the BOROUGHs of Factoryville, Laceyville, Meshoppen, Nicholson and Tunkhannock.

(12) The Twelfth District is composed of:

Part of ALLEGHENY County consisting of the TOWNSHIP of Forward (PART, District 03); Part of ARMSTRONG County consisting of the TOWNSHIP of Cowanshannock (PART, District Sagamore) and the BOROUGH of Atwood; Part of CAMBRIA County consisting of the CITY of Johnstown and the TOWNSHIPS of Adams, Allegheny, Barr, Blacklick, Cambria, Chest, Clearfield, Conemaugh, Cresson (PART, District South), Croyle, Dean, East Carroll, East Taylor, Elder, Jackson, Lower Yoder, Middle Taylor, Munster, Portage, Reade, Richland, Stonycreek, Summerhill, Susquehanna, Upper Yoder, West Carroll, West Taylor and White and the BOROUGHs of Ashville, Brownstown, Carrolltown, Cassandra, Chest Springs, Cresson (PART, District 01), Daisytown, Dale, East Conemaugh, Ebensburg, Ehrenfeld, Ferndale, Franklin, Geistown, Hastings, Lorain, Loretto, Nanty Glo, Northern Cambria, Patton, Portage, Scalp Level, South Fork, Southmont, Summerhill, Vintondale, Westmont and Wilmore; Part of CENTRE County consisting of the TOWNSHIPS of Ferguson, Halfmoon, Patton (PART, Districts North (PART, Division 02) and South), Rush (PART, Districts North, North Central, South and West) and Taylor and the BOROUGHs of Philipsburg and State College; Part of CLEARFIELD County consisting of the TOWNSHIPS of Beccaria, Bigler, Boggs, Bradford, Burnside, Chest, Cooper, Covington, Decatur, Ferguson, Girard, Graham, Gulich, Jordan, Karthaus, Knox, Lawrence (PART, Precincts Glen Richey, Golden Rod-hillsdale and Hyde City), Morris and Woodward and the BOROUGHs of Brisbin, Burnside,

Chester Hill, Clearfield, Coalport, Glen Hope, Houtzdale, Irvona, New Washington, Newburg, Osceola Mills, Ramey, Wallacetown and Westover; Part of CLINTON County consisting of the TOWNSHIPS of Chapman, Colebrook, East Keating, Grugan, Leidy, Noyes and West Keating and the BOROUGHs of Renovo and South Renovo; Part of ELK County consisting of the CITY of St. Marys (PART, Wards 02 and 09) and the TOWNSHIPS of Benezette, Fox, Jay and Ridgway and the BOROUGHs of Johnsonburg and Ridgway; Part of FAYETTE County consisting of the CITIES of Connellsville and Uniontown and the TOWNSHIPS of Brownsville, Bullskin (PART, Districts 01 and 02), Connellsville, Dunbar, Franklin, Georges, German, Henry Clay, Jefferson, Lower Tyrone, Luzerne (PART, Districts 01, 02, 03, 05 and 06), Menallen, Nicholson, North Union, Perry, Redstone, Salltick (PART, District 01), South Union, Springfield, Springhill, Stewart, Upper Tyrone, Washington and Wharton and the BOROUGHs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fairchance, Fayette City, Markleysburg, Masontown, Newell, Ohiopyle, Perryopolis, Point Marion, Seven Springs (Fayette County Portion), Smithfield, South Connellsville and Vanderbilt; Part of GREENE County consisting of the TOWNSHIPS of Aleppo, Center, Cumberland, Dunkard, Franklin, Freeport, Gilmore, Greene, Jackson, Jefferson, Monongahela, Morgan, Perry, Richhill, Springhill, Washington, Wayne and Whiteley and the BOROUGHs of Carmichaels, Clarksville, Greensboro, Jefferson, Rices Landing and Waynesburg; Part of HUNTINGDON County consisting of the TOWNSHIPS of Barree, Henderson, Jackson and Miller; Part of INDIANA County consisting of the TOWNSHIPS of Armstrong, Banks, Blacklick, Brush Valley, Buffington, Burrell, Canoe, Center, Cherryhill, East Mahoning, East Wheatfield, Grant, Green, Montgomery, North Mahoning, Pine, Rayne, South Mahoning, Washington, West Mahoning, West Wheatfield, White and Young (PART, Districts 01 and 02) and the BOROUGHs of Armagh, Blairsville, Cherry Tree, Clymer, Creekside, Ernest, Glen Campbell, Homer City, Indiana, Marion Center, Plumville, Shelocla and Smicksburg; Part of JEFFERSON County consisting of the TOWNSHIP of Porter; Part of LYCOMING County consisting of the TOWNSHIPS of Brown and McHenry; Part of POTTER County consisting of the TOWNSHIPS of Abbott, Stewardson, West Branch and Wharton; Part of SOMERSET County consisting of the TOWNSHIPS of Addison, Black, Brothersvalley, Conemaugh, Elk Lick, Jefferson, Jenner, Lower Turkeyfoot, Middlecreek, Milford, Ogle, Paint, Quemahoning, Shade, Somerset, Stonycreek, Summit and Upper Turkeyfoot and the BOROUGHs of Addison, Benson, Berlin, Boswell, Casselman, Central City, Confluence, Garrett, Hooversville, Indian Lake, Jennerstown, Meyersdale, New Centerville, Paint, Rockwood, Salisbury, Shanksville, Somerset, Stoystown, Ursina and Windber; Part of TIOGA County consisting of the TOWNSHIPS of Elk and Gaines; Part of WASHINGTON County consisting of the CITY of Monongahela and the TOWNSHIPS of Carroll, East Bethlehem (PART, Wards 02 and 03), Fallowfield (PART, Districts 01, 03 and 04), Somerset (PART, District 01), West Bethlehem and West Pike Run and the BOROUGHs of Allenport, Bentleyville (PART, District 01), California, Centerville, Charleroi, Coal Center, Donora, Dunlevy, Elco, Ellsworth, Long Branch, Marianna, New Eagle, North Charleroi, Roscoe, Speers, Stockdale, Twilight and West Brownsville and Part of WESTMORELAND County consisting of the CITY of Monessen and the TOWNSHIPS of Derry (PART, Districts Cokeville, Millwood and Torrance), East Huntingdon (PART, Districts Bessemer and Stoners), Fairfield (PART, Districts Fairfield and North Fairfield), Ligonier (PART, District Laughlinstown), Rostraver (PART, Districts Concord, Cross Roads, Lynnwood, Pricedale, Van Meter and Webster), South Huntingdon (PART, Districts Hixon, Jacobs Creek, Mineral and Port Royal) and St. Clair and the BOROUGHs of Bolivar, Laurel Mountain, New Florence, North Belle Vernon, Scottdale, Seward and Smithton.

(13) The Thirteenth District is composed of:

Part of BUCKS County consisting of the TOWNSHIPS of Lower Southampton (PART, District West (PART, Divisions 03 and 07)), New Britain (PART, Districts South and West) and Warminster (PART, Districts 04, 06, 07, 08, 09, 12 and 15) and the BOROUGH of Chalfont; Part of MONTGOMERY County consisting of the TOWNSHIPS of Abington, East Norriton (PART, District 01 (PART, Divisions 03 and 04)), Franconia, Hatfield, Horsham (PART, Districts 01 (PART, Divisions 02, 03 and 04), 02, 03 (PART, Divisions 02, 03, 04 and 05) and 04), Lower Gwynedd (PART, Districts 01 (PART, Divisions 02, 03 and 04) and 02), Lower Merion, Lower Moreland, Lower Salford (PART, Districts 01, 02, 03, 04 and 06), Montgomery (PART, Districts 01 and

02), Plymouth (PART, District 03), Salford, Springfield, Towamencin, Upper Dublin, Upper Gwynedd, Upper Moreland (PART, Districts 06 (PART, Division 02) and 07 (PART, Division 02)), Whitemarsh (PART, Districts East, Middle and West (PART, Division 03)) and Worcester and the BOROUGHs of Ambler, Bryn Athyn, Hatfield, Jenkintown, Lansdale (PART, Districts 01, 02 (PART, Divisions 01 and 02) and 03), Narberth, North Wales, Rockledge, Souderton and Telford (Montgomery County Portion) and Part of PHILADELPHIA County consisting of the CITY of Philadelphia (PART, Wards 35 (PART, Divisions 01, 02, 03, 05 and 32), 41 (PART, Divisions 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26), 45 (PART, Divisions 01, 02, 03, 04, 05, 06, 07, 12, 15, 20, 22, 23, 24 and 25), 53 (PART, Divisions 12, 15, 16, 17, 18, 19, 20, 21 and 22), 54 (PART, Divisions 07, 08, 10, 14, 15, 16, 17, 19, 20, 21 and 22), 55, 56, 57, 58 (PART, Divisions 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43 and 44), 62 (PART, Divisions 18, 21, 23, 24 and 25), 63, 64, 65 and 66 (PART, Divisions 03, 10, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46)).

(14) The Fourteenth District is composed of:

Part of ALLEGHENY County consisting of the CITIES of Clairton, Duquesne, McKeesport and Pittsburgh and the TOWNSHIPS of Baldwin (PART, District 01), Indiana (PART, District 04), Kennedy, Kilbuck, Neville, North Versailles, O'Hara (PART, Wards 01 (PART, Division 01), 02 (PART, Division 02), 03 and 04), Ohio (PART, District 02), Penn Hills (PART, Wards 01, 02, 03 (PART, Divisions 01, 04 and 05) and 09 (PART, Divisions 01, 03, 04 and 05)), Reserve, Robinson (PART, Districts 01, 02, 03, 04, 05, 06, 07 and 08), Ross (PART, Wards 01, 03 (PART, Division 04), 04 (PART, Division 01), 05 (PART, Divisions 01 and 02), 06, 07 and 08), Scott (PART, Wards 01, 02, 03, 04, 05, 06, 07 (PART, Division 02), 08 and 09), Shaler (PART, Wards 01, 02, 04 (PART, Divisions 02 and 05), 05 (PART, Divisions 01, 03 and 04) and 07), Stowe and Wilkins (PART, Wards 01 (PART, Division 05) and 02) and the BOROUGHs of Aspinwall, Avalon, Baldwin (PART, Districts 01, 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17 and 18), Bellevue, Ben Avon, Ben Avon Heights, Blawnox, Braddock, Braddock Hills, Brentwood, Carnegie, Castle Shannon, Chalfant, Churchill, Coraopolis, Crafton, Dormont, Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Emsworth, Etna, Forest Hills, Fox Chapel (PART, District 01), Glassport, Glen Osborne, Glenfield, Green Tree, Haysville, Heidelberg, Homestead, Ingram, Jefferson Hills (PART, Districts 02, 03, 04 and 07), Liberty, McKees Rocks, Millvale, Monroeville (PART, Ward 01 (PART, Division 01)), Mount Oliver, Munhall, North Braddock, Pennsbury Village, Pitcairn (PART, District 01), Pleasant Hills, Port Vue, Rankin, Rosslyn Farms, Sharpsburg, Swissvale, Thornburg, Turtle Creek (PART, Wards 01 (PART, Division 02), 02 and 03 (PART, Division 01)), Wall, West Homestead, West Mifflin, West View (PART, Districts 01, 02, 03 and 04), Whitaker, White Oak (PART, Districts 01, 02, 03, 04, 05 and 07), Wilkinsburg and Wilmerding.

(15) The Fifteenth District is composed of:

Part of CARBON County consisting of the TOWNSHIPS of Lower Towamensing (PART, District South), Penn Forest (PART, Districts East, Middle, North East and North West) and Towamensing; Part of LACKAWANNA County consisting of the TOWNSHIP of Clifton; Part of LEHIGH County consisting of the CITIES of Allentown and Bethlehem (Lehigh County Portion) and the TOWNSHIPS of Hanover, Heidelberg, Lowhill, North Whitehall, Salisbury, South Whitehall, Upper Saucon, Washington and Whitehall and the BOROUGHs of Catasauqua, Coopersburg, Coplay, Emmaus, Fountain Hill and Slatington; Part of MONROE County consisting of the TOWNSHIPS of Barret, Chestnuthill, Coolbaugh, Eldred, Hamilton, Jackson, Paradise, Pocono, Polk, Ross, Smithfield, Stroud and Tunkhannock and the BOROUGHs of Delaware Water Gap, East Stroudsburg, Mount Pocono and Stroudsburg; Part of NORTHAMPTON County consisting of the CITIES of Bethlehem (Northampton County Portion) (PART, Wards 01, 02, 03, 04, 05, 06, 07, 08, 09, 14, 15 and 17) and Easton (PART, Wards 02, 03, 04, 05, 06, 07, 08, 10 (PART, Division WEST), 11 and 12) and the TOWNSHIPS of Allen, Bethlehem (PART, Wards 01, 02 (PART, Divisions 01 and 01), 03 and 04), Bushkill, East Allen, Forks, Hanover, Lehigh, Lower Mount Bethel, Lower Nazareth, Lower Saucon (PART, Districts 01, 02, 04, 07 and 08), Moore, Palmer, Plainfield, Upper Mount Bethel, Upper Nazareth and Washington and the BOR-

OUGHs of Bangor, Bath, Chapman, East Bangor, Glendon, Hellertown (PART, Wards 02 and 03), Nazareth, North Catasauqua, Northampton, Pen Argyl, Portland, Roseto, Stockertown, Tatamy, Walnutport, West Easton, Wilson and Wind Gap and Part of PIKE County consisting of the TOWNSHIP of Porter.

(16) The Sixteenth District is composed of:

Part of CHESTER County consisting of the CITY of Coatesville and the TOWNSHIPS of Birmingham, Caln, Charlestown, East Bradford, East Brandywine, East Caln, East Coventry, East Fallowfield, East Goshen, East Marlborough, East Nantmeal, East Nottingham, East Pikeland, East Vincent, East Whiteland, Easttown (PART, Districts 01, 02, 03, 05 and 07), Elk, Franklin, Highland, Honey Brook, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, North Coventry, Penn, Pennsbury, Pocopson, Sadsbury, Schuylkill (PART, Precincts 03 and 04), South Coventry, Thornbury, Tredyffrin (PART, Districts East (PART, Divisions 01, 02 and 03), Middle and West), Upper Oxford, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Fallowfield, West Goshen, West Marlborough, West Nantmeal, West Nottingham, West Pikeland, West Sadsbury, West Vincent, West Whiteland, Westtown and Willistown and the BOROUGHs of Atglen, Avondale, Downingtown, Elverson, Honey Brook, Kennett Square, Malvern, Modena, Oxford, Parkesburg, South Coatesville, Spring City, West Chester and West Grove; Part of DELAWARE County consisting of the TOWNSHIPS of Bethel, Chadds Ford, Concord, Edgmont (PART, Precinct 01), Newtown (PART, Precinct 04) and Thornbury and the BOROUGH of Chester Heights and Part of LANCASTER County consisting of the CITY of Lancaster (PART, Wards 02 (PART, Division 02), 03 (PART, Division 02), 04, 06 (PART, Divisions 06, 08 and 09), 07 and 08 (PART, Divisions 05, 07, 08, 09 and 10)) and the TOWNSHIPS of Bart, Caernarvon, Colerain, Conestoga, Drumore, Earl, East Drumore, East Earl, East Lampeter, Eden, Fulton, Lancaster (PART, Districts 04 and 08), Leacock, Little Britain, Manheim (PART, District 19), Martic, Paradise, Pequea, Providence, Sadsbury, Salisbury, Strasburg, Upper Leacock, West Earl and West Lampeter and the BOROUGHs of Christiana, New Holland, Quarryville, Strasburg and Terre Hill.

(17) The Seventeenth District is composed of:

Part of BERKS County consisting of the CITY of Reading and the TOWNSHIPS of Albany, Alsace, Amity (PART, Districts 01 and 06), Bern, Centre, Cumru (PART, Districts 01, 02, 04, 06 and 07), District, Earl, Exeter (PART, Precincts 01, 05, 09 and 10), Greenwich, Hereford, Longswamp, Lower Alsace, Lower Heidelberg (PART, Precinct 02), Maidencreek, Maxatawny, Muhlenberg, Oley, Ontelaunee, Penn, Perry, Pike, Richmond, Rockland, Ruscombmanor, Spring (PART, Districts 02 and 09), Tilden, Upper Bern and Windsor and the BOROUGHs of Bernville, Centerport, Fleetwood, Hamburg, Kenhorst, Kutztown, Laureldale, Leesport, Lenhartsville, Lyons, Mount Penn, Shillington, Shoemakersville, St. Lawrence, Topton, West Reading and Wyomissing; Part of CARBON County consisting of the TOWNSHIPS of East Penn, Lower Towamensing (PART, District North) and Mahoning (PART, Districts Mahoning and New Mahoning) and the BOROUGHs of Bowmanstown, Jim Thorpe (PART, District 05), Lansford, Lehigh, Nesquehoning, Palmerton, Summit Hill and Weissport; Part of COLUMBIA County consisting of the BOROUGH of Ashland (Columbia County Portion); Part of DAUPHIN County consisting of the CITY of Harrisburg and the TOWNSHIPS of East Hanover, Jefferson, Lower Paxton, Rush, South Hanover, Susquehanna, Swatara and West Hanover and the BOROUGHs of Highspire (PART, District 01), Paxtang, Penbrook and Steelton; Part of LEHIGH County consisting of the TOWNSHIPS of Lower Macungie, Lynn, Upper Macungie and Weisenberg and the BOROUGH of Alburtis; Part of NORTHUMBERLAND County consisting of the CITY of Shamokin and the TOWNSHIPS of Coal (PART, Wards 01, 03 and 06) and Mount Carmel (PART, District West) and the BOROUGH of Kulpmont (PART, Precincts 01 and 02) and All of SCHUYLKILL County.

(18) The Eighteenth District is composed of:

Part of ALLEGHENY County consisting of the TOWNSHIPS of Aleppo, Baldwin (PART, District 02), Collier, Elizabeth, Findlay (PART, District 03), Forward (PART, Districts 01, 02 and 04), Moon (PART, Districts 01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12 and 13), Mount Lebanon, North Fayette (PART, Districts 01, 02, 03 and 05), Ohio (PART, Districts 01 and 03), Robinson (PART, District 09), Ross (PART, Wards 02, 03 (PART, Divisions 01, 02 and 03), 04 (PART,

Divisions 02, 03 and 04), 05 (PART, Divisions 03 and 04) and 09), Scott (PART, Ward 07 (PART, Division 01)), Shaler (PART, Wards 03 (PART, Divisions 04 and 05), 04 (PART, Divisions 01, 03 and 04), 05 (PART, Divisions 02 and 05) and 06 (PART, Divisions 03 and 05)), South Fayette (PART, Districts 01, 02, 03, 04, 06, 07, 08, 09, 10, 11 and 12), South Park, South Versailles and Upper St. Clair and the BOROUGHS of Baldwin (PART, District 10), Bethel Park, Bridgeville, Edgeworth, Elizabeth, Franklin Park, Jefferson Hills (PART, Districts 01, 05, 06 and 08), Lincoln, Oakdale, Plum (PART, Districts 08, 10, 13, 14, 15 and 16), Sewickley, Sewickley Heights, Sewickley Hills, Trafford (Allegheny County Portion), Versailles, West Elizabeth, West View (PART, Districts 05, 06 and 07), White Oak (PART, District 06) and Whitehall; Part of ARMSTRONG County consisting of the TOWNSHIPS of Bethel, Boggs, Burrell, Cowanshannock (PART, Districts Eastern and Western), Kiskiminetas, Kittanning, Mahoning, Manor, Parks, Plumcreek, Rayburn, Redbank, South Bend, Valley and Wayne and the BOROUGHS of Apollo, Dayton, Elderton, Kittanning, Manorville, North Apollo, Rural Valley and South Bethlehem; Part of BEAVER County consisting of the TOWNSHIPS of Greene, Hanover and Raccoon (PART, District 02) and the BOROUGHS of Frankfort Springs, Georgetown, Glasgow, Hookstown, Ohioville (PART, District 01) and Shippingport; Part of CLARION County consisting of the TOWNSHIP of Redbank and the BOROUGH of Hawthorn; Part of FAYETTE County consisting of the TOWNSHIPS of Bullskin (PART, District 03), Luzerne (PART, District 04) and Saltlick (PART, Districts 02 and 03); Part of GREENE County consisting of the TOWNSHIPS of Gray and Morris; Part of INDIANA County consisting of the TOWNSHIPS of Conemaugh and Young (PART, District 03) and the BOROUGH of Saltsburg; Part of JEFFERSON County consisting of the TOWNSHIPS of Beaver, Ringgold and Rose and the BOROUGHS of Timblin and Worthville; Part of SOMERSET County consisting of the TOWNSHIP of Lincoln and the BOROUGH of Seven Springs (Somerset County Portion); Part of WASHINGTON County consisting of the TOWNSHIPS of Amwell, Blaine, Buffalo, Cecil (PART, Districts 01 and 06), Donegal, East Bethlehem (PART, Wards 01 and 04), East Finley, Fallowfield (PART, District 02), Hanover, Independence (PART, District 01), Jefferson, Morris, North Bethlehem, North Franklin (PART, District 01), North Strabane (PART, Districts 01, 02 and 04), Nottingham, Peters, Somerset (PART, District 02), South Franklin, South Strabane (PART, Districts 01, 02, 03 and 04), Union and West Finley and the BOROUGHS of Beallsville, Bentleyville (PART, District 02), Claysville, Cokeburg, Deemston, Finleyville and Green Hills and Part of WESTMORELAND County consisting of the CITIES of Greensburg, Jeannette and Latrobe and the TOWNSHIPS of Allegheny, Bell, Cook, Derry (PART, Districts Alters, Bradenville, Cooperstown, Kingston, Loyalhanna, New Derry, Peanut, Saxman, Scalp Level and Simpsons), Donegal, East Huntingdon (PART, Districts Ruffsedale, Strohs and Whites), Fairfield (PART, District South Fairfield), Hempfield, Ligonier (PART, Districts Idle Park, North Ligonier, South Ligonier, Waterford and Wilpen), Loyalhanna, Mount Pleasant, North Huntingdon, Penn, Rostraver (PART, Districts Collinsburg and Fellsburg), Salem, Sewickley, South Huntingdon (PART, Districts South Huntingdon, Wayne, Wyano and Yukon), Unity, Upper Burrell and Washington and the BOROUGHS of Adamsburg, Arona, Avonmore, Delmont, Derry, Donegal, East Vandergrift, Export, Hunker, Irwin, Ligonier, Madison, Manor, Mount Pleasant, Murrysville, New Alexandria, New Stanton, North Irwin, Oklahoma, Penn, South Greensburg, Southwest Greensburg, Sutersville, Trafford (Westmoreland County Portion) (PART, District 01), Vandergrift, West Newton, Youngstown and Youngwood.

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

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

Senator COSTA. Mr. President, this amendment represents the Senate Democratic congressional reapportionment plan that is being presented to the Members for their consideration at this time. Mr. President, it was circulated to our colleagues across the aisle some 10 1/2 hours ago, and it is our hope that Members on

both sides of the aisle will agree to support this amendment.

We had a brief conversation in the Senate Committee on Appropriations about some of the concerns that Senate Democrats have and will continue to raise about the proposed final congressional map. That being said, Mr. President, we felt it was essential to offer this plan, which we believe reflects a plan that meets constitutional muster and addresses congressional needs in terms of the districts but also represents the needs of the citizens of this Commonwealth.

Mr. President, this plan we offer today has a zero-deviation plan that splits no precincts. The plan that we will be considering later, I suspect, splits 19 precincts. This plan also creates four Democratic districts, eight Republican districts, and six of what I will call swing districts, Mr. President. Those are districts that perform within 3 points of 50 percent. Comparing that to the plan that will be considered later this evening, the Republican plan that was created, which creates 4 Democratic districts, 12 Republican districts, and only 2 swing districts, again, swing districts being defined as 3 percent within plus or minus 50 percent.

Mr. President, we believe this is a more fair plan. It is closer to what is considered and what is taking place now with respect to the current congressional makeup. It is a plan that we believe treats Democrats and Republicans fairly, and it is a plan that I hope my colleagues will join us in supporting in this process.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, would the maker of the amendment stand for interrogation?

Senator COSTA. Yes, I will, Mr. President.

The PRESIDENT. The gentleman indicates that he will.

Senator PILEGGI. Mr. President, could the gentleman confirm that his amendment is identical to the amendment that we received this morning by e-mail from a Mr. McKillop of his staff?

Senator COSTA. Mr. President, that is correct. It is my understanding that it is the same map that was presented at that time.

Senator PILEGGI. Mr. President, could the gentleman confirm that the amendment proposed is intended to conform to the map which was sent to the Senate Republican Caucus earlier today with the heading "Senate Dem Congressional Plan," consisting of three pages?

Senator COSTA. Mr. President, I believe that is one in the same.

Senator PILEGGI. Mr. President, that concludes my interrogation.

Mr. President, I do have some comments, if it is appropriate at this time.

The PRESIDENT. The gentleman is in order.

Senator PILEGGI. Mr. President, the proposed amendment is remarkable on many fronts. Congressional District 12, as proposed, stretches from Greene County in the far southwest of the Commonwealth to Tioga County in the northcentral part of Pennsylvania. It nearly reaches across the entire State in a north-south direction.

Congressional District 5 reaches from Wayne County in the far northeast to Clarion County in the west. This district nearly reaches across the entire State in an east-west direction.

It does not end there, Mr. President. In the Democratic proposal, Congressional District 10 starts in Lycoming County,

comes south through Northumberland County, moves into northern Dauphin County, and then down a skinny stretch of the West Shore in Cumberland County, into York and Lancaster Counties, before taking in southern Dauphin County and most of Lebanon County. We are still in District 10, Mr. President. It also takes in Perry County, Juniata County, and parts of Mifflin County - all in the proposed Congressional District 10.

Congressional District 4 starts in Crawford County, then becomes less than a municipality wide in southern Mercer County and northern Lawrence County, before meandering into Beaver, Allegheny, Butler, Armstrong, and Washington Counties. Again, this is all in Congressional District 4 as proposed in the Democratic amendment.

Congressional District 18, based in the populous Pittsburgh suburbs, reaches into 11 different counties, and I will not name them all, to gather its required population.

In the northeast, the proposal contained in the amendment treats Congressional District 15 like a puzzle as it reaches into Monroe, Pike, Lackawanna, and Carbon Counties.

In the southeast quadrant, it may look on the surface more compact, but in fact contains fractures in many counties compared to the proposal in Senate Bill No. 1249. For example, Bucks County is split two ways, compared to it being kept whole in Senate Bill No. 1249. Delaware County is split three ways, compared to two in the proposal contained in Senate Bill No. 1249. Lancaster County is split three ways, compared to the two in the proposal in Senate Bill No. 1249. Lehigh County is split three ways, compared to it being kept whole in the proposal in Senate Bill No. 1249. York County is split three ways, again, compared to it being kept whole in Senate Bill No. 1249.

Mr. President, what this all shows--and I could go on and on, but I think the point is proven--that drawing 18 congressional districts in a State as large and diverse as Pennsylvania with a perfect population equality is not an easy task, no matter who attempts it, but clearly the proposed amendment is an inferior product to the proposal contained in Senate Bill No. 1249. I ask for a negative vote on the amendment.

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

Senator HUGHES. Mr. President, I think the ultimate test, when we get to the end, is a test of representation and fairness. I think Senator Costa pointed out in his early arguments the plan that Republicans have provided, with extremely short notice, is a plan that creates 4 Democratic districts, 12 Republican districts, and in a concept of fairness, 2 swing districts. The plan that we are offering, Mr. President, creates 4 Democratic districts, 8 Republican districts, and 6 swing districts. When I define swing, Mr. President, I am speaking specifically to the issue of where performance is within 3 percentage points of 50 percent.

We attempted to draw a plan that is fair and balanced and creates opportunity on both sides of the political spectrum, all in the context of appropriate representation - one person, one vote - to create a plan that is fair, with a maximum number of opportunities for both Democrats and Republicans to elect who they want to elect in six swing districts. The Republican plan only has two swing districts, and clearly is a much more partisan drawing for the citizens of the Commonwealth. Currently, we have seven Democratic districts. The Republican plan reduces that to four, but only creates opportunity in two districts. Our plan takes the seven Democratic districts and draws them to four, but creates

opportunity for balance, opportunity for fairness in elections, in six different areas.

So I think the big test here, Mr. President, comes down to the issue of fairness, in creating equal opportunity for everyone in the Commonwealth of Pennsylvania to elect those whom they want on both sides of the political spectrum. That is why we have offered this plan, much more fair, much more balanced, much more even-handed in terms of how we select those who represent us in the United States Congress. Most assuredly, we want fair people to represent us in the United States Congress, which has quickly become an extremely dysfunctional environment.

In the end, what we have right here, in comparing the two plans, is a Republican plan that has 4 Democratic districts, 12 Republican districts, and 2 swing districts, versus the Senate Democratic plan, which is 4 Democratic districts, 8 Republican districts, and 6 swing districts. Fair, balanced, maximizing political opportunity to create fairness for all folks in the Commonwealth of Pennsylvania to elect whomever they would like.

Thank you, Mr. President.

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

Senator McILHINNEY. Mr. President, we passed out a map and had a nice, lively discussion in the meeting of the Senate Committee on State Government this morning. I was indulgent upon some of the criticisms of our map, and I need to kind of reiterate what was said there, that certain districts were likened to some mythical figures. In fact, I believe it was Cerberus, and to remind everybody, Cerberus was pointed out by my good friend from Chester County, who is now hosting a naming contest for this map, but Cerberus was the three-headed mythical dog that Hercules had to capture alive in order to complete one of his tasks. I have to say, when I look now at this map that is being presented to me, I look at the Congressional District 18 and I see the Herculean undertaking that they took to create Congressional District 7 on a much larger scale. It almost looks identical, other than the size, where it is wrapping around 11 different counties and almost identical, just the largeness of it there.

I guess you want to come up with some other mythical creatures, maybe the Lernaean Hydra or a large picture of Medusa's head kind of going over this place. I say this in jest. I am not trying to really criticize the map as much as I want to point out what is going on here. It is almost impossible to draw the maps with just perfect square blocks. It is impossible on either one. Both of these maps represent one person, one vote. There is no person on either one of these maps that we are fighting over today who can vote for more than one Congressman. They are in one district. But you cannot physically put these in two squares.

When you take our map and say this is completely wrong because of the way Congressional District 7 looks because you are in Upper Darby and also in Lancaster County, well, I would imagine that the folks in Juniata County are not going to say they have nothing in common with the folks down in Westmoreland County, but they are really going to need a GPS to even figure out where these towns are in a county that they are so far away from.

So, Mr. President, I rise today to, obviously, oppose the Democratic plan, but also to commend them for illustrating my point of how difficult it can be to actually draw these maps in concise,



square districts. It is not a perfect science upon which we embark, and the fact that we have to draw these to a zero-deviation is next to impossible, and then create 18 square districts on a map.

Mr. President, I ask for a negative vote, obviously, for this plan. I think that the plan we worked on all year in the Committee on State Government, the underlying bill, is an appropriate and fair plan for Pennsylvania. I ask for a negative vote.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-20

Blake	Farnese	Kitchen	Tartaglione
Brewster	Ferlo	Leach	Washington
Costa	Fontana	Schwank	Williams
Dinniman	Hughes	Solobay	Wozniak
Earll	Kasunic	Stack	Yudichak

#### NAY-30

Alloway	Erickson	Pileggi	Vogel
Argall	Folmer	Pippy	Ward
Baker	Gordner	Rafferty	Waugh
Boscola	Greenleaf	Robbins	White Donald
Browne	McIlhinney	Scarnati	White Mary Jo
Brubaker	Mensch	Smucker	Yaw
Corman	Orie	Tomlinson	
Eichelberger	Piccola	Vance	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

Senator PILEGGI. Mr. President, I rise in support of Senate Bill No. 1249. Earlier this year, the Senate Committee on State Government and the House Committee on State Government held a series of three public hearings on congressional redistricting, an unprecedented approach to soliciting public input. Yesterday, the joint Committees on State Government held an informational hearing to unveil a proposed congressional plan to the Members of the General Assembly and to the public. I had posted the details of this proposal on my Web site, making more information about congressional redistricting through this process easily accessible to the citizens of the Commonwealth of Pennsylvania, more accessible than in Pennsylvania's history of redistricting.

The bill before us today is open to amendment, as the process we just witnessed proves. It will be open to amendment when it

is considered in the House. There can be no question that we have been committed to a process that is as open and transparent as possible. Regarding the proposal itself, Mr. President, Pennsylvania has no choice but to lose one Member of Congress due to the fact that our State grew more slowly than most other States. After the 2012 election, Pennsylvania will be represented by 18 Members of Congress rather than the 19 who represent it today. When you look at the population trends in this Commonwealth, it is clear that the seat being lost should come from the western part of the State. This proposal incorporates that indisputable fact in a way that is fair and legal.

Finally, Mr. President, we must act now. The process of circulating nominating petitions begins on January 24. If a congressional redistricting plan is not enacted by the end of this calendar year, it will cause chaos in the 2012 election cycle. Mr. President, I ask for an affirmative vote on Senate Bill No. 1249, and I also would like to publicly recognize the chair of the Senate Committee on State Government, Senator McIlhinney, for his innovative and hard work in making this process as open as possible, more open than at any time in Pennsylvania's history; and to a member of his staff, Heather Cevasco, who did great work on this plan; and to members of my staff, Erik Arneson and John Memmi, who worked hard and long in crafting this plan, so I would like to publicly thank them for their efforts.

Thank you, Mr. President.

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

Senator SCHWANK. Mr. President, as I feared, the results of this process have not been very beneficial to most of us here in Pennsylvania, particularly for me in Berks County. You know, once upon a time, Berks County was represented by one Member of Congress. Considering the makeup of our population, that should not seem out of the ordinary to anyone. But somehow, in some way, we became a magnet for political upheaval and disruption, ripe for cherry-picking voters for particular political party benefit. Over the past decade, we were surgically carved into four Congressional districts with a sharp partisan scalpel. We were told at the time, oh, do not worry about it, it will be better for you, you will have four representatives instead of just one, you will get more attention. I can tell you from the experience that the people in Berks County, the people of our business community, our local government leaders will tell you that is a bunch of baloney. It did not work out that way. What we ultimately ended up with was no attention whatsoever.

Now, I have a new plan in front of me. The proposed plan for the next 10 years is more of the same, four Members of Congress going to Washington, attempting to represent the good people of Berks County, as well as other counties and municipalities in their districts. This map is a mess. There is no reasonable explanation for what I see. It just does not seem justifiable at all. Let us look at it a little bit closer. There are some interesting facts here. Berks has more congressional seats than Philadelphia, whose population is more than triple that of Berks County. In the same vein, Allegheny County has fewer congressional seats, despite being triple our population once again. Under this plan, Berks County is one of only two counties in the entire State that will be represented by more than three Members of Congress. It is completely and totally unnecessary to divide up our county, a county on the rural-urban interface, except, of course, to insure a Republican stranglehold on Congress. Quite frankly, the new

7th Congressional District is a disgrace. When the next issue of Webster's Dictionary comes out, probably online, when you want to look up the definition of gerrymander, do you know what you are going to see? A little picture of Congressional District 7 on there.

Mr. President, the purpose of redistricting is to reflect changes in population to insure that the people are properly represented in the State legislature and in Congress. What this congressional redistricting map shows, Mr. President, is a blatant and outlandish attempt to shore up political seats. I may be relatively new to the Senate, but I know that a better product could have been developed. To continuously slice and dice our county away for political gain is not in the best interests of the 403,000 Pennsylvanians who live in Berks County. It is disrespectful of them, it is disrespectful of their right for fair representation, and we are not buying it. This plan seeks to divide rather than unite. It does nothing to put us forward on a path on which we need to go in the Commonwealth, let alone Berks County.

In closing, I urge my colleagues, especially my respected colleagues who now currently represent Berks County as I do, to vote against this proposal. Thank you.

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

Senator BLAKE. Mr. President, I probably should precede my remarks by saying that I do not think legislators should be drawing their own lines, but our Constitution is what it is. When I was running for the Senate, there was a question as to whether or not we should do a constitutional convention to make this process better. Maybe that is something we should consider in the wake of what we are witnessing here today. I also want to express, however, my respect to the Republican Leader and to the chairman of the Committee on State Government and their staffs, because I do think this process is extraordinarily difficult, and I do not have any illusions of the challenges they face. But, I rise in opposition to Senate Bill No. 1249 for reasons not dissimilar to my colleague, Senator Schwank.

At what point, Mr. President, do we decide to trust our ideas to the judgment of the people we represent, all the people? This redistricting map is a travesty. It basically consolidates power for the majority. Any fair-minded Pennsylvanian reviewing it, particularly with respect to the districts in the eastern part of the State, would arrive at the same conclusion. Years ago, Mr. President, in the wake of the Challenger disaster, there was a scientific analysis of the conditions prevailing at NASA and the culture of operations for NASA engineers that ultimately contributed to or led to that disaster. It was called groupthink.

It is analogous to our current political culture and the media that distills that culture to many of our people. We only want people in the room who think like us. We do not want to hear dissent. We do not have much tolerance for opposing views. It is Fox versus MSNBC. We are polarized, distant, detached, our conduct often insults the sensibilities of many voters, which is why too few of them show up for elections. And this map, at least it evidences for me that maybe some in this room are okay with that. I am not.

In groupthink, the engineers at NASA could not step outside of their own common experience, disposition, or orientation. They perpetuated agreement until the dangers of that closed perspective were no longer apparent to them. Groupthink. Look what this map looks like. It is un-American. It violates the tenets

of our diverse republic, and, again, it serves to isolate us from each other, even when we know that we are so much better together than when we are divided into factions, into tribes of opposing beliefs or ideologies.

Mr. President, Edmund Burke said, "All that is necessary for the triumph of evil is that good men do nothing." In this map, good men are doing nothing to advance the strength of our Commonwealth. The map, as my colleague, Senator Schwank, said, emphasizes division. It weakens the fabric of our society, it evidences a lack of confidence in trusting our ideas to the judgment of the people we represent. Notwithstanding the fact that I respect and admire Congressman Holden, who would represent most of the people of my 22nd Senatorial District, I cannot as a Democrat, as an American, as a person of some conscience, support the plan. I encourage a "no" vote on this bill.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, if you really look at both plans, they are both deficient, both the Democratic and Republican plan. And the reason they came out that way is because there was no real sharing in this Assembly together. There was no real public input. I thank the chairman, by the way, of our committee, and his comments on the mythological characters are on target, because we both can look at a map, whether it is the Republican map or the Democratic map, and we can find those weird districts in their lines.

But I rise because of the 7th Congressional District, which happens to be part of my county. In the 7th Congressional District, it has nothing to do with straight or curvy lines. We have a district that is almost a complete circle going through five counties, and it has nothing to do with getting that deviation down to zero. It is pure and simple politics. Why not be truthful to the people tonight and say to them what really happened? We allowed the Democratic Congressmen in Philadelphia to draw their maps, and we allowed the Republican Congressmen in the suburbs to draw their maps, and then we sit here today confirming that. That is not public input. That is not what our own Constitution calls upon us to do, but in reality, that is how this whole process took place. I was so amused this morning to read one of our Congressmen's staff member saying, well, we are poring over the maps because we never saw the map and we are figuring out our district. Oh, come on. They knew the districts before we knew the districts on this side. The problem is that it is politics as usual, and the problem is we do not sit down and share this together.

Now, Senator Pileggi is right, this was more transparent than in the past. But the difficulty is there was no transparency in the past, and we are still lacking. Let me finally put it this way. Listen, I see a district -- the Democratic plan and the criticism of it is that everyone knew that plan tonight was not going to be the real plan, so when I listened to my good friend from Bucks County, he is right on target, but that is not the plan that is going to be approved. The plan is going to be the plan of the Majority, and if we were in the majority, we would approve our plan, all right?

But the problem is the process itself. We cannot continue to deny the citizenry real input into making up what is going to be for the next 10 years. So, when you are powerless, as I am at this moment to do anything about something, the only thing I can use



is the power of satire. Do you remember Jonathan Swift and his essays? Well, let me say this: what I did in my district, because I knew I could not change this Republican plan, is I announced this morning a contest to name the 7th Congressional District. I told them they can name it after any animal or any mythological figure. As my good friend, Senator McIlhinney, said, you are right, you can do the same with some of the Democratic plan.

I want to let you know, I got 100 replies already, and if you look at that 7th Congressional District, we got three Bullwinkles, one person who referred to it as the endless blob. When we talk about Cerberus, and now both myself and my esteemed chairman, we know mythology, we all have our Edith Hamilton books to look up each figure and put them on the map. But, when we look at this, remember who Cerberus was. He was the three-headed dog, because this district looks like a three-headed dog. It was his task to guard the underground, or the equivalent of hell, so no one could get out. The problem is, what I realize tonight is that in some of these districts, like the 7th Congressional District, no one is getting out of the underground once this gets passed, and that is the problem, my friends.

Thank you so much, Mr. President.

The PRESIDENT. The Chair thanks the gentleman both for his comments and the history lesson.

The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, yesterday I spoke on State redistricting, and I really had no intention of talking about this congressional map. But then again, I recently learned that the Lehigh Valley is being split, and I just cannot help but express how ridiculous this plan is for the Lehigh Valley. And I know there are other areas of the State, but I am going to specifically talk about the Lehigh Valley. I have an instance where we have the city of Bethlehem in one congressional district and Bethlehem Township in another, and it makes absolutely no sense.

Yesterday, when I spoke of gerrymandering and I said that most voters recognize a gerrymander before they are even old enough to vote, and that is what drives voter outrage and voters' patience is tested when a politician says, a gerrymander is not a gerrymander, even if it is right in front of their nose. And here we have it, it is right in front of our nose.

Here we are defending this congressional map. It carves and mutilates Northampton County. Northampton and Lehigh have always been joined at the hip, and anybody who knows the Lehigh Valley knows it. Even the Greater Lehigh Valley Chamber of Commerce pleaded with us to keep it whole. I am going to read the last two sentences of their letter: "Breaking up the Valley with two different Congressmen will be a detriment to the continuation of our region's growth and prosperity. We urge you to work together as the Lehigh Valley delegation to replace Easton and the large portion of central and northeastern Northampton County back into the 15th district to keep our Valley strong!" So that is not just individuals on one side of the aisle talking. This is the Greater Lehigh Valley Chamber, with thousands of members.

Now, I have also been in meeting after meeting with groups who have always, for the last 12 years that I have been here, supported regionalization, cooperation, and keeping the Lehigh Valley known. It is the third largest metropolitan area in this State, and you just killed it. It is an embarrassment.

I am going to say this publicly, because not that many people will, shame on my Congressman from the Lehigh Valley for caring more about himself, not having an opponent or a weaker one maybe, than keeping the Lehigh Valley intact, because I know all the congressmen talked about it and had to sign off on it. I am not proud of my Congressman right now. Then again, I live in Bethlehem Township and I do not have to be worried about it, I guess, because he will not be my Congressman and I am just so happy that he is not, because if he is going to act like that, I do not want him to be in my district.

My name is Lisa, and once again, I am the victim of being gerrymandered. Yesterday, I was gerrymandered as a State Senator to benefit a newly created 45th Senatorial District in Monroe and Northampton Counties. Today, I became the victim, as well as the entire Lehigh Valley, of gerrymandering. Yesterday, I said I feel vindicated, sort of, for getting Easton back into the State Senate district, all to find out that Easton and the northern tier of Northampton and Bethlehem Township and Palmer Township will not be part of the 15th Congressional District. So that principle that we recognized and that wisdom that we had when it came to the State Senate was not applied to congressional reapportionment. It is hypocritical, it makes no sense.

I think I said this before that my name is Lisa. Well, the Lehigh Valley is a victim of gerrymandering and our Congressman went along with it. It is not a proud moment. There are a lot of people who have no respect for him right now. But I have to tell you what, I do have some hope. Where I might have lost respect for a Congressman, I look forward to working with a new one.

To all the spin doctors out there, good luck, because you are going to have a hard time defending this one. There are not that many voters, when they see this map, who are not going to see it for what it is. So, good luck defending it, because I am glad I am not you. The voters are very intelligent. It is this current Congressman who is dumb.

Unfortunately, we have to live with this redistricting debacle for the next 10 years. As a result, Pennsylvania men and women will have to work that much harder to have their voices heard in Washington. It is hard enough, and you just made it harder. That is fine. But I did come from an area built from steel, and then rebuilt by the salt-of-the-earth people who are not afraid of an uphill struggle. I hope that kind of undying determination will allow Pennsylvania voters to rise above this challenge.

Now, as a potential constituent, I am thrilled to have Tim Holden's record and work ethic. He has already called me several times and said, Lisa, I do not understand Easton, Northampton County, or Bethlehem Township very well. I want to represent those people well. Can you show me how to do it and be a partner? You would never hear that from Charlie Dent. So maybe the people of Northampton County will be much prouder of this new Congressman.

And as a public servant, I am outraged that--

#### POINT OF ORDER

Senator M.J. WHITE. Mr. President, point of order.

The PRESIDENT. The gentlewoman will state her point.

Senator M.J. WHITE. Mr. President, the gentlewoman is violating the Senate Rules. We have a rule here that the Senate shall confine remarks to the question under debate, avoid personal

references, or questions as to motive. I think insulting a U.S. Congressman is inappropriate in this Chamber. Thank you.

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

Senator BOSCOLA. Mr. President, can I say 15th Congressional District Congressman instead?

The PRESIDENT. That is in order.

Senator BOSCOLA. Okay, Mr. President, thank you.

So as a public servant, I am outraged by the fact that Bethlehem is now separated from Bethlehem Township. Who does that? Well, maybe because it is Christmastime and Bethlehem is the Christmas city. However, this is no present for the people in the Lehigh Valley. Let this map be a reminder to all of us of what happens when government operates behind closed doors without the cleansing benefit of sunshine and transparency. And let us hope that the hardworking people of Pennsylvania whose job is about to get so much harder when it comes to having a voice in government, please do not shy away. We will need that work ethic and determination to slay this power-hungry, ugly, treacherous gerrymandering monster that we have all witnessed.

Finally, people have said when it comes to the people of the valley, our Congressman was one of us. Apparently, they were fooled. He was one of us, but he did not care about this. Some have said that the Congressman of the 15th Congressional District never really had a terribly strong spine when it came to doing the right thing for anybody else but for certain groups and certain interests. Touche. I never really believed it until today.

Now, for the sake of the people who might not know what we are talking about, here is the map. When you look at it, you will know what I am talking about. Can you see it?

The PRESIDENT. If the gentlewoman will yield, the map is upside down.

Senator BOSCOLA. Mr. President, does it say "Republican Congressional Plan" now?

The PRESIDENT. We will take your word for what it says. It is not very clear.

Senator BOSCOLA. Mr. President, anyway, it does not matter because it is trash and it belongs in the garbage can.

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

Senator YUDICHAK. Mr. President, I rise to oppose this Congressional reapportionment plan. I believe the plan illustrates a very chilling policy for northeastern Pennsylvania, a policy of divide and diminish - divide northeastern Pennsylvania, divide the communities and the counties of northeastern Pennsylvania, and diminish the voice of the people of northeastern Pennsylvania, and for that reason, I will oppose this plan. I offer my extended remarks for the record.

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

*(The following prepared remarks were made part of the record at the request of the gentleman from Luzerne, Senator YUDICHAK:)*

Mr. President, I rise to speak on a matter that has ignited considerable debate. The raw partisanship which has governed the 2011 redistricting process, now manifested in the congressional reapportionment bill before us today, represents a chilling policy of divide and diminish. The Congressional Reapportionment Plan, unveiled to us just yesterday, seeks to divide the people of NEPA among three congressional districts.

It divides Luzerne, Lackawanna, Carbon, Northampton, and Monroe Counties. Yes, even Monroe County, which we were told needed to be made whole for a State Senate seat, is now split between two congressional districts. Now that we have all seen the complicated, ill-conceived maps, many of us have come out of this process shaking our heads in confusion and disbelief. The splitting of communities of interest is my primary concern. It does a tremendous disservice to voters, especially in the region that I represent here in the legislature, northeastern PA.

In this new plan, major portions of the region, entire cities like Scranton, Wilkes-Barre, and Hazleton, have been divided. Neighboring communities in the Wyoming Valley, like Nanticoke and Wilkes-Barre, will be in two separate congressional districts. Long-term congressional seats, historically centered in the heart of northeastern PA, would be sacrificed for political gain. Seats held for many years by legendary northeastern Pennsylvania legislators like Dan Flood of Wilkes-Barre and Joe McDade of Scranton will now be shifted to legislators who will potentially hail from Lewistown or Mechanicsburg, both fine communities, but they are in central PA. How does this make sense for the people of NEPA? It only makes sense if your goal is to divide and diminish. If it is your desire to divide the communities of NEPA and diminish the voice of the people of NEPA, then you can accomplish that goal in this reapportionment plan.

We need to back up and seriously think about what we are doing and the consequences our vote will have. We need to insure that our common regional needs and interests are brought to Washington. Our representation in Washington cannot be given away, just handed over to political insiders who clearly have one goal in mind: divide and diminish. That is unacceptable. This partisan, self-serving process played to the extreme by those responsible for this map does not hurt the Democrats, it hurts the democratic process, and that is not what we are here to do. For that reason, it is not a measure which I can support.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I, too, want to begin with the most obvious, gratitude to the chairman of the Committee on State Government for his work and his attempt. I also want to thank the leadership of the Republican Caucus for allowing us the opportunity to speak beyond the designated hour. For the benefit of those who are here, I am the last. So, this will be the last comment for the record regarding this plan.

When I was a child and I made a mistake or I did something wrong, I had a younger brother, and my defense of those mistakes I would make tended to be a good offense, and that would be, mom, I ate the cookie, but my brother ate two. Mom, I knocked over the flowers, but my brother tore up the garden. So, we arrive at this moment and somebody submits a map, the Democrats submit a map, and the response to that is, look at how bad their map is.

I think everyone knows how this place works. I think everybody knows even better these last several weeks how this place works. We may have an idea, but those who have the Majority drive the process. So, while we may have had an imperfect map, the responsibility falls to those who actually design a map that will be the result that we will have to live by for the next 10 years, and that has nothing to do with the map that we submitted. So, all the chuckling and giggling and the "you cannot draw maps any better than we can," that is funny, but the truth is, it has nothing to do with the reality. The truth is that maybe if we had what we talked about, and that was transparency, openness, and most importantly, inclusion, we could have shared the responsibility of coming up with an imperfect map, but a much more representative map. That is not what happened. We had hearings, we had hearings, and then we had private discussions, and more

private discussions. And today, we have a map that not one Democrat had anything to do with on this side of the aisle.

Now, I recognize that they called Democratic Congressmen to sign off and say, we are fine with it, but not one Member of the Democratic Caucus had anything to do with the design of that map. What troubles me the most is—I am not going to rail tonight—what I feel most ungrateful for is that most Pennsylvanians are tired of what they are seeing happen in government, and that extreme elements from the right or the left tend to bog down progress in getting anything productive done. That means the common bonds of what makes Pennsylvanians Pennsylvanians, and that means family, work ethic, and pride in being a Pennsylvanian get sacrificed for extreme elements in either party. For 10 years, people in the 7th Congressional District will wonder how they ended up with farmers, commuters, and working-class people with whom they have never crossed paths in their entire lives, and probably never will. We will, as a body, have to suffer through the countless questions of, what were you thinking, and more importantly, how did this occur in this moment of transparency and openness? Unfortunately, we will not have a response. Even more unfortunate, it will not fall to a glib moment when I can point a finger and say, you know, it is the Republicans, go get those guys or gals. They are tired of hearing that. They are looking at the institution.

That is why you have a bunch of them standing outside this Capitol and in cities across America. They are occupying spaces. Now, I am not quite sure what they are occupying, but they are speaking to some level of frustration that all Pennsylvanians and many Americans feel. They feel that, frankly, they have been closed and shut out. I wish I could arrive at this floor tonight, even if I did not desire to vote for this particular map, that some of my colleagues would because it represented their ideas. It included some concept of inclusion, and most importantly, it included some element of fairness. Well, it does not. Unfortunately, the tone and tenor of how we are proceeding into the new year looks similar. Marcellus Shale. Education. Whether it be that or how we create jobs, Pennsylvanians are hurting. When we proceed like this into the budget year, I can only close my eyes and shudder at what lies ahead of us - more private meetings, more talk about openness and transparency, and frankly, the end result is frustration, denial, and pain for many Pennsylvanians.

I hope that we will learn a lesson, collectively, from this map, that no one has a perfect idea, no one should stand up and pound their chest and brag, and most importantly, no one should suggest to any Pennsylvanian that they cannot look at this map and get confused by the consequences of it, because there are real consequences. For those of us, and by the way, I do not care whether you are a Democrat or a Republican, people are not participating in the franchise that many Americans have died for, and that is the right to vote. The reason why they do not participate anymore is because they do not believe in us collectively, because we deliver results and products such as this.

So, unfortunately, Mr. President, I, too, will have to conclude, at the summation, that a plan that results in more Republican seats and less Democratic seats is not the conversation of the night. The conversation of the night is that we simply and humbly asked to come to a table, have a conversation, be included, have ideas thought out, and have our constituencies represented and reflected in a map. The result is that almost 5 million Pennsylvanians which Democrats represent will feel shut out. But I

will guarantee you this, that in addition to those 5 million Pennsylvanians, there will be Independents and Republicans who scratch their heads and also wonder why they were shut out. It will not be our responsibility to explain it. It will be one singular party's responsibility to respond to that. That is unfortunate, because I think that responsibility falls on all of us.

So, Mr. President, I will be voting "no," and I will ask the Members of my Caucus to vote "no," not because we simply want to act as Democrats or partisans in this conversation, but because the truth is that the process was not fair, it was not inclusive, and it was not thoroughly open and honest in its attempt to include all Pennsylvanians, certainly not those of us from this side of the aisle.

Thank you, Mr. President.

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

Senator McILHINNEY. Mr. President, as I listened to the debate tonight, I actually can sympathize with what was happening. When I listened to the gentlewoman from Berks County, with her district split into four, and the proposal they have would bring it down to two Congressmen in Berks County, I wish that I could keep all the counties whole, but when you actually change and give Berks County only two Congressmen, you put four Congressmen in Philadelphia, you break Bucks County into two, you put four into Montgomery County, you expand it somewhere else. You have an impact. So, in order to take care of your backyard or county, you have an impact on other people's counties, and it is not as simple as just making everybody happy and keeping everybody whole. We need to draw the lines.

I see the same complaints when we have a new school year every year and the bus routes change. How many of you also get calls from your constituents saying, I do not want my child to be picked up at this corner, I want them to be picked up on that corner. They have to walk an extra three blocks or an extra half a mile, or whatever the difference is. Or even worse, if they have to get put into a new school because the school district grew and they have to go to a new elementary school. But at some point, you have to draw those lines and you have to put people in the maps. The map that is represented before you has one Congressman for every person in Pennsylvania. Is it perfect? No. But it is a solid constitutional map, and we tried to do the best we could in an open and honest way. I tried to listen to everyone. I tried to take advice from as many people as I could, and in the end, you cannot take politics completely out of politics, but we created a map as best as we could to try to represent the people of Pennsylvania.

At the risk of going against my own advice from college and arguing with my professor, I need to talk a little bit about the Cerberus, because he said that the dog was charged with keeping people in. The actual truth is that Cerberus was the three-headed hound that guarded the gates of Hades and only ate flesh in order to keep the living out of Hades. So, I will leave it to you to decide who he is keeping out of where, but the fact is that those lines can be drawn and the maps and the figures you can see, from Bullwinkle to the mythical Medusa, can be found in any map in any State across America, and this is the one that I put forth today to represent, as best as I can, all of Pennsylvania.

I also want to thank a few people. Senator Pileggi and his staff were a tremendous help in drawing this map, John Memmi, Erik Arneson, and my staff of Gail Reinard and Heather Cevasco. I

also want to thank Chairman Metcalfe of the House Committee on State Government because he was also helpful in trying to at least come together on an agreeable map. So, thank you, Mr. President. I ask everyone for an affirmative vote on this plan.

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

Senator SCHWANK. Mr. President, I will respond quickly. First, I failed to thank the Senator for a great job, really. This was a tough job. I truly understand that it was difficult, but I must respond to the issue of, you know, everybody has to take a little pain. I truly understand that. But when I look at some of the other counties throughout the map and look at population and at similar interests, it is particularly egregious that Berks County goes to four Congressmen when, in truth, three or two would have been far more agreeable and easier for us to work with.

The point is, it is not only just about the politics, but can I tell you that the reality is having somebody who responds to you, who really understands when you have issues with Federal agencies, when you have economic development projects that the county is united behind, and there is nobody to respond to them. It is not really their major concern because they have much more population somewhere else that they care about. We have had that real experience, and I must tell you of that. Thank you.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-26

Alloway	Gordner	Pippy	Ward
Argall	Greenleaf	Rafferty	Waugh
Baker	McIlhinney	Robbins	White Donald
Browne	Mensch	Scarnati	White Mary Jo
Corman	Orie	Smucker	Yaw
Eichelberger	Piccola	Tomlinson	
Erickson	Pileggi	Vogel	

#### NAY-24

Blake	Earll	Kasunic	Tartaglione
Boscola	Farnese	Kitchen	Vance
Brewster	Ferlo	Leach	Washington
Brubaker	Folmer	Schwank	Williams
Costa	Fontana	Solobay	Wozniak
Dinniman	Hughes	Stack	Yudichak

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

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

### SENATE RESOLUTIONS ADOPTED

Senators KITCHEN, WASHINGTON, STACK, COSTA, TARTAGLIONE, DINNIMAN, BROWNE, BREWSTER, ORIE, VOGEL, ERICKSON, ALLOWAY, BAKER, FARNESE, HUGHES, SOLOBAY, WAUGH, D. WHITE, FONTANA, WILLIAMS, GREENLEAF, FERLO, VANCE, PIPPY, YUDICHAK and EARLL, by unanimous consent, offered **Senate Resolution No. 238**, entitled:

A Resolution designating the week of January 16 through 22, 2012, as "Martin Luther King, Jr., Holiday Week."

On the question,  
Will the Senate adopt the resolution?

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

Senator KITCHEN. Mr. President, I would like to submit my remarks for the record.

The PRESIDENT. The remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentlewoman from Philadelphia, Senator KITCHEN:)*

Mr. President, born on January 15, 1929, Dr. King followed in his father's and grandfather's footsteps by becoming a Baptist minister. He also received a doctorate degree from Boston University. As a young pastor of Dexter Avenue Baptist Church in Montgomery, Alabama, Dr. King led a citywide boycott of the city's segregated bus system. This action led to a United States Supreme Court decision forcing desegregation of buses. He worked tirelessly through the 1950s and 1960s to end segregation and promote equality, all through the philosophy of passive resistance and civil disobedience.

Dr. King led a massive voter registration drive in Selma, Alabama, resulting in the famous Freedom March to the State capitol of Montgomery. Dr. King gave his inspirational "I Have a Dream" speech on the steps of the Lincoln Memorial in Washington, D.C., in 1963, and his words are just as relevant and moving today. His efforts resulted in the enactment of the Federal Civil Rights Act of 1964. That same year, he received the Nobel Peace Prize.

Dr. King was assassinated in 1968, but his legacy and his life's work continue to this day. In fact, his national memorial in Washington, D.C., was unveiled in October. His legacy now stands tall with the other monuments to the individuals who have shaped this great nation. As we honor Dr. King's contributions to the Civil Rights Movement, let us all do our part to treat one another with dignity and respect.

So, Mr. President, I ask that my colleagues join me in designating the week of January 16 through 22, 2012, as "Martin Luther King Jr., Holiday Week" 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 ORIE, SCARNATI, PILEGGI, COSTA, ALLOWAY, ARGALL, BOSCOLA, BROWNE, BRUBAKER, DINNIMAN, EARLL, ERICKSON, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, KASUNIC, KITCHEN, PICCOLA, PIPPY, RAFFERTY, ROBBINS, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON, VOGEL, WARD, WAUGH, D. WHITE, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 239**, entitled:

A Resolution designating the week of January 29 through February 5, 2012, as "Catholic Schools Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator BROWNE. Mr. President, on behalf of the prime sponsor, Senator Orie, I submit the following remarks for the record.

The PRESIDENT. 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 Lehigh, Senator Browne, on behalf of the gentlewoman from Allegheny, Senator Orie:)*

Mr. President, it gives me great pleasure to once again offer a resolution commemorating "Catholic Schools Week" in Pennsylvania. As a product of Catholic school, I know first-hand the quality of education afforded to children and the values and the discipline that are instilled into them. This year's theme for Catholic Schools Week is "Faith, Academics, Service." I could not agree more that these are the core themes of a Catholic education. And, I cannot say thank you enough to all my mentors within the Catholic school system for providing positive role models and personally caring about me.

Nationally, more than 2.4 million students are enrolled in Catholic schools. Parents who choose this option for their children repeatedly cite high academic standards, a safe school environment, and values-added education as the reasons for their choice. An astounding 99 percent of Catholic school students graduate, and 97 percent go on to college.

Mr. President, it is appropriate that we commemorate Catholic Schools Week as a way of recognizing the role that they and their teachers, administrators, and staff play in helping to shape a better future for Pennsylvania. I ask my colleagues to support this resolution and to encourage them to be involved with Catholic schools in their districts during the week of January 27 through February 5, 2012.

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

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 Bob Krummerich and to South Mountain Restoration Center by Senator Alloway.

Congratulations of the Senate were extended to Moscow Volunteer Fire and Hose Company by Senator Blake.

Congratulations of the Senate were extended to Sam Lombardo by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Baer, Mr. and Mrs. Carroll Williams and to Steven Edward Magluilo by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. John Brobst by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Pupo, Joyce A. Beaty, JoAnn Briner, James R. Eckert, Larry Smeigh, Reid T. Wilson II and to Greenwood High School Parliamentary Procedures Team of Millerstown by Senator Corman.

Congratulations of the Senate were extended to Patty Scott and to Mary Jane McMaster by Senator Costa.

Congratulations of the Senate were extended to Lance Nelson by Senator Dinniman.

Congratulations of the Senate were extended to Andreas N. Zafiroopoulos III by Senator Earll.

Congratulations of the Senate were extended to Joshua R. Clark by Senator Eichelberger.

Congratulations of the Senate were extended to Springfield Township Police Department by Senator Erickson.

Congratulations of the Senate were extended to Nicholas Paul Sywyj by Senator Fontana.

Congratulations of the Senate were extended to Meghan McGovern and to Robert Calhoun by Senator Greenleaf.

Congratulations of the Senate were extended to Mamie Edwards Guyton Gilliam and to Matthew Chea by Senator Kitchen.

Congratulations of the Senate were extended to Karl Helicher, Barry Morrison and to Kaleb Glenn Christiansen by Senator Leach.

Congratulations of the Senate were extended to Bob Pfaff and to Matthew Palardy by Senator McIlhinney.

Congratulations of the Senate were extended to Clark Shuster by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Daniel P. Kinross, April Klein, Michael Andrew Gumpf, Christopher Matthew Miller, Matthew McCoy Lesnett, Henry Scott Uehling and to North Allegheny Senior High School Football Team by Senator Orie.

Congratulations of the Senate were extended to Suzanne Marroquin, Mary Morrow, Mary Kinsinger, Sandy Snyder and to Carol Zarra by Senator Piccola.

Congratulations of the Senate were extended to Christopher Barry Coughlan and to Edna Dolly Jones by Senator Pileggi.

Congratulations of the Senate were extended to Larry Kopko by Senator Scarnati.

Congratulations of the Senate were extended to Michael W. Knoll, Chester A. Bogacki, Gayle P. Sanders, Alexander J. Szoke, Kathleen L. Spayd, Michael Weiser and to Pina Ugliuzza by Senator Schwank.

Congratulations of the Senate were extended to Dale R. Ritter by Senators Schwank and Browne.

Congratulations of the Senate were extended to E. Thomas Fry, Robert E. Telford and to James H. Hertzler by Senator Vance.

Congratulations of the Senate were extended to Fanny Farmer, Steven Kocherzat, Daniel Sinclair and to Willie Sallis by Senator Vogel.

Congratulations of the Senate were extended to Valery Adderly by Senator Washington.

Congratulations of the Senate were extended to Sara Elizabeth Steele by Senator D. White.

Congratulations of the Senate were extended to Ada Audine Deeter and to Charles Bendal by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Don Hunter, Mr. and Mrs. Doyle Berkebile, Mr. and Mrs. Samuel DiGuardi, Mr. and Mrs. Robert S. Wagner, Mr. and Mrs. Jerry Gergely, Sr., Mr. and Mrs. Leroy Kimmell, Chief Master Sergeant Steven E. Anslinger and to Nancy R. Harmantzis by Senator Wozniak.

Congratulations of the Senate were extended to Carl Wolter by Senator Yudichak.

## 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 Freddie Paramore by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Karen E. Owens Storm, to the family of the late Roy W.G. Biddle, Jr., and to the family of the late Edward John Bollen by Senator Orié.

## BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 540, SB 562, SB 657, SB 1169, SB 1298, SB 1329 and SB 1354.

And said bills having been considered for the first time,

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

## PETITIONS AND REMONSTRANCES

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

Senator YUDICHAK. Mr. President, I have remarks to submit for the record.

The PRESIDENT. 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 Luzerne, Senator YUDICHAK:)*

Mr. President, here we are on what is likely that last day of Session in 2011, and while we make a mad dash to the finish line, thousands of Pennsylvanians are still suffering from the ill effects of Hurricane Irene and Tropical Storm Lee, which ravaged communities in eastern Pennsylvania. Families who should be preparing for the holiday season are still cleaning up and struggling to recover from the loss of their homes and businesses. While FEMA has been aggressive in distributing Federal assistance, flood victims are still waiting on State assistance.

Months ago, I joined with a bipartisan coalition of legislators whose own communities have been devastated by flood waters. We had a common goal to help these communities rebuild. Our shared desire to make sure that rebuilding and rebounding from this natural disaster would be swift led to the creation of a package of bills aimed at making critical and targeted investments in the flood recovery effort. This package of bills is now languishing in the House of Representatives, while these families, businesses, and localities continue to suffer. How, in good conscience, Mr. President, can we ask these displaced families and business owners to wait another day, another month, another year, for the State assistance they need to get back on their feet?

In Luzerne County, nearly 200 businesses have been impacted by the September flooding. At one of the busiest times of the year, these businesses are shuttered, leaving them without the revenue needed to rebuild. Northwestern Pennsylvania families and businesses incurred millions of dollars in damages and are still struggling to cope. These families are still without homes, let alone Christmas trees and gifts. They could use some significant holiday cheer.

Townships, boroughs, and cities lack funds to rebuild and are in need of reimbursement dollars to pay for rebuilding efforts. In a region that is already among the highest in unemployment across the State, without the support of this legislation, we will continue to lose jobs and further disadvantage our local economy.

In November, I, along with the Northeast Delegation, created the \$4 million Luzerne County Small Business Loan Fund, which is now available to the small businesses throughout Luzerne County. The loan program, funded through Luzerne County's share of gaming revenues, will allow flooded businesses to apply for loans of up to \$100,000 with a 1 percent interest rate over 60 months. This program was swiftly adopted in Luzerne County, but there is still an urgent need for assistance for many flood-ravaged counties across Pennsylvania.

I recognize that there is a need for programs here in the State that provide relief for flood victims. Families, businesses, communities, and municipalities are struggling to stay afloat in these difficult times. It is time for the House to act immediately on this flood relief package.

Thank you, Mr. President.

## BILLS INTRODUCED AND REFERRED

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

December 14, 2011

Senators BROWNE, VANCE, SCARNATI, ORIE, BAKER, FOLMER, BOSCOLA, WASHINGTON, M. WHITE, ALLOWAY, SCHWANK, COSTA, SOLOBAY, YAW, EARLL, FERLO, STACK, PIPPY, ERICKSON and MENSCH presented to the Chair SB 1357, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments; and providing for gaining access to physicians via telehealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 14, 2011.

Senators WARD, WAUGH, D. WHITE, ARGALL, FONTANA, KASUNIC, ALLOWAY, GREENLEAF and EICHELBERGER presented to the Chair SB 1362, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for contracting for State trooper services.

Which was committed to the Committee on LAW AND JUSTICE, December 14, 2011.

Senators WASHINGTON, BOSCOLA, BREWSTER, BROWNE, COSTA, FARNESE, HUGHES, RAFFERTY, SCHWANK, SOLOBAY and WILLIAMS presented to the Chair SB 1363, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; and providing for a children's ombudsman and remedial powers, for response to complaints, for cooperation of agencies and providers, for confidentiality of investigations and records, for findings and recommendations, for protection from retaliation and for nonexclusivity of remedy.

Which was committed to the Committee on AGING AND YOUTH, December 14, 2011.

**BILLS SIGNED**

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

**SB 638, SB 732, SB 957, SB 967 and SB 1183.**

**RECESS**

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Tuesday, January 3, 2012, at 11:50 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 11:22 p.m., Eastern Standard Time.