

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

FRIDAY, OCTOBER 9, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 91

SENATE

FRIDAY, October 9, 2009

The Senate met at 10:17 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DAVID BISER, of Crosspoint United Methodist Church, Harrisburg, offered the following prayer:

It is a beautiful day in our Commonwealth. From the east to the west, the north to the south, people are depending on us to do great things in this place. I know they are banking on you, and they have put their trust and their faith in us, and we do likewise in a living God. So let us come before that God in prayer.

Heavenly Father, we thank You for this day. Your grace, Your mercy, Your blessings are manifold upon us. We are overwhelmed by Your love for us and the gift of a new day. Lord, let us be found worthy in Your sight of the things that You have given to us - the obligations, the privileges, the status, the families, the land that You have given to us to steward this day.

As we take on these responsibilities, Lord, as we sit in these seats, as we speak about the things of Your Commonwealth, about this nation, about this land, Lord, we pray that we would be found in Your sight, first and foremost, people with honor and integrity. Allow that, then, to flow out into our great Commonwealth, unto all of those who have put their trust and faith in us in this room and in the folks down the hallway, Lord, in the House and in he who sits in the Governor's chair. Lord, in all of these places, give us a sense of this responsibility and the task that lies before us, the duties. For You have said, to whom much is given, much is required.

And so, God, call us to this task today. Give us the strength, the courage, the wisdom, the knowledge to carry it out. All of this, Lord, we ask because You are able. We think, Lord, today, of those who are in harm's way. We especially lift those, Lord, who are in combat situations today on our behalf. We take a moment now, Lord, to think about those, to raise them to You, Lord, and their families, in a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence.)

You have granted us freedom and liberty. Let us not be haphazard about it today, Lord, but take it upon ourselves as a gift.

We give it to You, Lord, in the name of Jesus Christ and on behalf of all faiths in our Commonwealth and all who believe, and we say with one voice, with one accord, amen.

The PRESIDENT. The Chair thanks Reverend Biser, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF THADDEUS STEVENS COLLEGE OF TECHNOLOGY

October 9, 2009

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, Patricia Hopson-Shelton, 1821 Old Farm Lane, Lancaster 17603, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Mark C. Aho, Lancaster, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

October 9, 2009

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, Sandra D. Crawford, Esquire, 1212 Sydney Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Richard Block, Philadelphia, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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, Daniel R. Fleck, 120 Sullivan Lane, Zelienople 16063, Butler County, Fortieth Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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, Alfonso Frioni, Jr., Esquire, 210 Main Entrance Drive, Mount Lebanon 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Alfonso Frioni, Jr., Esquire, Mount Lebanon, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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, Herbert W. Hoffman, Esquire, 1001 Eric Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Krebs, Esquire, 3235 Comanche Road, Pittsburgh 15241, Allegheny County, Thirty-seventh

Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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, Susan M. McDermott, Esquire, 126 Manton Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert T. McIntyre, 96 Arnold Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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, David H. Wilderman, Esquire, 202 North 23rd Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Joseph T. Rafferty, Auburn, resigned.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD

October 9, 2009

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 August 6, 2009, for the appointment of Sandra D. Crawford, Esquire, 1212 Sydney Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Richard Block, Philadelphia, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE WORKERS'
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To the Honorable, the Senate
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EDWARD G. RENDELL
Governor

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EDWARD G. RENDELL
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EDWARD G. RENDELL
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COMPENSATION APPEAL BOARD

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

EDWARD G. RENDELL
Governor

MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD

October 9, 2009

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 August 19, 2009, for the appointment of David H. Wilderman, Esquire, 202 North 23rd Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Joseph T. Rafferty, Auburn, resigned.

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

EDWARD G. RENDELL
Governor

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor today to consider Senate Bills No. 1033 and 1088, and House Bills No. 1418, 1768 and 1847.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Earll and Senator Piccola, and a temporary Capitol leave for Senator McIlhinney.

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Stack.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Earll and Senator Piccola, and a temporary Capitol leave for Senator McIlhinney.

Senator Mellow requests a legislative leave for Senator Stack. Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of August 19, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of August 19, 2009.

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

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

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journal is approved.

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, first, of a meeting of the Committee on Appropriations to be held in the Rules room immediately, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator MELLOW. Mr. President, upon conclusion of the meeting of the Committee on Appropriations, I ask for Democratic Members to report to our caucus room.

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

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION ADOPTED**

Senators WAUGH, ALLOWAY, BAKER, BOSCOLA, COSTA, DINNIMAN, EARLL, ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, KASUNIC, KITCHEN, LOGAN, MUSTO, O'PAKE, ORIE, PILEGGI, PIPPY, RAFFERTY, STACK, TARTAGLIONE, TOMLINSON, WASHINGTON and BROWNE, by unanimous consent, offered **Senate Resolution No. 206**, entitled:

A Resolution designating the month of November 2009 as "Hydrocephalus Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator WAUGH. Mr. President, the resolution that I have introduced is actually one that I have done a number of years now. I used to do it with Senator Connie Williams before she retired. It looks like I am on my own this year. It recognizes November as "Hydrocephalus Awareness Month" in Pennsylvania.

**GUESTS OF SENATOR MICHAEL L. WAUGH
PRESENTED TO THE SENATE**

Senator WAUGH. I have a family from my district who contact me each year and ask me to introduce this on their behalf, and I am always happy to. I am also happy to tell you, Mr. President, that today, they had the chance to join us here in the Senate, and I would like to recognize them at this time.

Above the clock there are Ashley and Rick Manthey. They are from West York in York County. They are in the gallery joining us with their two sons: Drake, who is 3, in the green shirt; and Benjamin, who is 1. Mom is holding Benjamin. Both Benjamin and Drake have the condition hydrocephalus. And get this - together, these two young men have had 17 surgeries in their short lives to relieve the pressure created by hydrocephalus, which is more commonly known as water on the brain.

So I ask the Senators to join me today in recognizing this family and also this resolution on their behalf.

The PRESIDENT. Would the Senate join in welcoming Senator Waugh's guests.

(Applause.)

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

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

BILLS REPORTED FROM COMMITTEE

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

SB 1033 (Pr. No. 1481) (Rereported)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent, for definitions, for Pennsylvania Gaming Control Board established, for general and specific powers, for licensed gaming entity application appeals from board, for regulatory authority of board, for collection of fees and fines, forfeiture, for number of slot machines, for reports of board, for diversity goals of board; providing for specific authority to suspend slot machine license; further providing for Category 3 slot machine license, for manufacturer licenses; providing for alternative supplier licensing standards and for gaming service provider; further providing for occupation permit application, for alternative manufacturer licensing standards, for additional licenses and permits and approval of agreements; providing for table games; further providing for slot machine licensee deposits, for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for transfers from State Gaming Fund, for responsibility and authority of department, for wagering on credit, for eminent domain authority, for compulsive and problem gambling program, for labor hiring preferences, for declaration of exemption from Federal laws prohibiting slot machines, for political influence, for regulation requiring exclusion of certain persons, for investigations and enforcement, for prohibited acts and penalties; providing for report of suspicious transactions; further providing for liquor licenses at licensed facilities, for interception of oral communications; providing for electronic funds transfer terminals, for junkets, for gaming schools, for first class city casino community improvement district; and making a transfer.

SB 1088 (Pr. No. 1482) (Rereported)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent and for the definitions of "conviction," "licensed entity" and "slot machine licensee"; providing for the definitions of "executive-level public employee," "licensed entity representative" and "trustee"; further providing for the Pennsylvania Gaming Control Board, for the applicability of other statutes, for powers of the board and for code of conduct; providing for expenses of Pennsylvania Gaming Control Board; further providing for license or permit application hearing process and public hearings, for board minutes and records, for slot machine license fee, for reports of board, for license or permit prohibition, for application for license or permit, for slot machine license application character requirements, for license renewals, for change in ownership or control of slot machine licensees and for nonportability of slot machine license; providing for appointment of trustee; further providing for Pennsylvania Gaming Economic Development and Tourism Fund, for declaration of exemption from Federal laws prohibiting slot machines and for financial and employment interests; providing for prosecutorial and adjudicative functions; further providing for investigations and enforcement and for conduct of public officials and employees; and providing for additional authority.

CALENDAR**GOVERNOR'S ITEM VETO MESSAGE
OVER IN ORDER**

SB 850 -- Without objection, the item veto message was passed over in its order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY**

HB 1614 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

HB 458 (Pr. No. 1377) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying U.S. Route 522 over the Aughwick Creek in Shirley Township, Huntingdon County, as the Queen Aliquippa Bridge.

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

HB 458 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 458, Printer's No. 1377, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL OVER IN ORDER

SB 746 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1****BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1033 (Pr. No. 1481) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent, for definitions, for Pennsylvania Gaming Control Board established, for general and specific powers, for licensed gaming entity application appeals from board, for regulatory authority of board, for collection of fees and fines, forfeiture, for number of slot machines, for reports of board, for diversity goals of board; providing for specific authority to suspend slot machine license; further providing for Category 3 slot machine license, for manufacturer licenses; providing for alternative supplier licensing standards and for gaming service provider; further providing for occupation permit application, for alternative manufacturer licensing standards, for additional licenses and permits and approval of agreements; providing for table games; further providing for slot machine licensee deposits, for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for transfers from State Gaming Fund, for responsibility and authority of department, for wagering on credit, for eminent domain authority, for compulsive and problem gambling program, for labor hiring preferences, for declaration of exemption from Federal laws prohibiting slot machines, for political influence, for regulation requiring exclusion of certain persons, for investigations and enforcement, for prohibited acts and penalties; providing for report of suspicious transac-

tions; further providing for liquor licenses at licensed facilities, for interception of oral communications; providing for electronic funds transfer terminals, for junkets, for gaming schools, for first class city casino community improvement district; and making a transfer.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Shall the bill pass finally?

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

Senator TOMLINSON. Mr. President, I appreciate the opportunity to speak just for a few minutes on Senate Bill No. 1033, which legalizes and certifies table games at our casinos, along with slot machines. I worked for the last several months with Senator Mellow on this bill, and together, I think we have crafted a great regulatory bill, a very tight bill that continues the integrity of the regulation over gaming.

But first, I would be remiss if I did not thank some of the staff I have worked with. I would like to, first, thank Fran Cleaver from my staff for her hard work on this, and Jason Brehouse for his hard work, and Kathy Eakin for the work she has done, and Mark Mekilo from Senator Mellow's staff. This was truly a collaborative effort across party lines, from both the Democratic and Republican Caucuses. I would also like to thank Senator Earll for her leadership as the committee chair, and probably more for lending me Jason Brehouse of her committee.

Mr. President, I left the Capitol building the other night about 11 o'clock, and all these staff people were still here, and when I got back in the Capitol building at 8 o'clock, they were here again. So our staff, obviously, at this time, with budget negotiations going on, they are dedicated and always here. I do not think we can ever mention enough about the good work that our staff does.

Mr. President, I would like to speak briefly about what this bill does. Senator Mellow and I have worked very hard to make sure that it enhances the revenue to the State from gaming. We know that we have a budget deficit. We are trying to plug about a \$200 million hole, and this bill will help us do that. But more important are the jobs that it will create. We believe that with the tax rate at a low rate and with the upfront fee at a moderate rate, we can create at least 10,000 direct jobs to the Commonwealth of Pennsylvania and another 6,000 jobs in associate jobs, whether they are waitresses, waiters, or people who work in hotels. In these economic times, one of the most important things to the people in my community are jobs. People need jobs, and this is probably one of the worst downturns in economic times that we have faced.

I think it should be noted that, to date, the casinos have done everything they promised. They have created over 8,000 permanent jobs now, and with the other casinos coming on, there will probably be another 1,700 jobs just from the casinos that are coming on board. We have created over 7,000 construction jobs. That is a lot of jobs. That is a lot of people paying income taxes. That is a lot of people buying cars. That is a lot of people buying flat-screen TVs. That is an excellent thing for our economy. It is what I really call economic growth.

The other thing that we stressed in this bill, again, was regulatory oversight. It was very, very important that we kept the integrity of this industry intact, and we think that we have done that. This is not a freestanding bill. It is a bill that amends into the original gaming bill. So we have kept everything intact that we have, and we have added those regulatory oversights that we need to do table games.

As far as the revenues are concerned, Mr. President, what we have set as fees in this bill: We have imposed a \$15 million fee for the Category 1, which is the racetracks, and Category 2, which are stand-alones, and they will be certified to have 250 table games. The Category 3 licensee will pay \$7.5 million, and they will be permitted to have 25 table games and 10 non-banking games. The bill also imposes a 12-percent tax on gross terminal revenue. It also imposes a 2-percent tax for the local community's share. We predict that the State will raise upward of \$160 million a year.

I think that the thing that is important--and we learned this from what we had in the innovation study in hearings before Senator Earll's committee--the lower you keep the tax rate, the lower you keep the upfront fee, the more jobs you create, and the more income you create. I know that many of us are strong believers in keeping taxes low - they create more jobs, the businesses invest more money, you create more jobs, and you have more buildings. If we keep this tax rate low, many of these facilities will have to expand. Many of them will expand into hotels, and some of them that have hotels will expand into more rooms in their hotels. So that is more construction jobs. In fact, I received a letter just the other day that was signed by Pat Gillespie from the Building and Construction Trades Council and Bill George from the AFL-CIO, imploring us to keep this tax rate low because they want the jobs.

I think that it is important for us to create as many jobs as we can, so that is why I have been fighting for and working for a very low tax rate and a low upfront fee, because even with the tax rate that I have proposed here, we will still be the second-highest-taxed gaming State in the United States. And I want everybody to know that I compete with the State of New Jersey, Philadelphia Park Casino and Racetrack competes against a State that has a 9-percent tax, and we have a 54-percent tax. And their 9-percent tax is on table games also, and even with our 12-percent tax on table games, it is more than a 50-percent increase over what my neighboring State has.

With the advent of table games in Delaware and with the advent of table games in West Virginia, many of our sites, I think, need this additional tool to be competitive with out-of-State competition. I think people in Pennsylvania agree that we would rather have people spending their entertainment dollars in Pennsylvania rather than New Jersey, West Virginia, New York, and

other out-of-State venues. And we have seen competition. They have introduced table games in Delaware, and obviously, they have introduced table games in West Virginia, and I believe those facilities that we have on those borders stand to increase their revenues by putting table games in.

As a matter of fact, it is called companion play. People like to play table games, and when they go with their spouses, their spouses like to play the slot machines. We are still losing that business to the surrounding States, and studies show that we will probably increase our take on slot machines by 3 percent, or over \$60 million, just by putting table games in. So not only will it help create jobs, it will help create more revenue for our Property Tax Relief Fund.

Mr. President, I think this is a good consensus bill. Senator Mellow and I have worked very, very hard on it. I think we put in the proper procedures to make sure that we keep the integrity of gaming at as high a standard as we can, and I ask for an affirmative vote.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, will Senator Tomlinson stand for interrogation on Senate Bill No. 1033?

Senator TOMLINSON. I will, Mr. President.

The PRESIDENT. The gentleman indicates he will. The gentleman is in order.

Senator VOGEL. Mr. President, would the gentleman please explain where the table games tax revenues will be directed in this legislation?

Senator TOMLINSON. Mr. President, the money will go into the General Fund. The way Act 71 was divided up, 35 percent of the money, or about \$2 billion, has gone into the Property Tax Relief Fund. In this, there is about 12 percent, or about \$500 million, going to the Horse Fund. There is about \$200 million going to economic development, and \$200 million going into local share. This is the first time that we, in the Commonwealth, have taken any piece of gaming revenue, because we actually have a \$3 billion deficit, and it will help our general revenues.

Senator VOGEL. So, Mr. President, my understanding is that the table games tax revenues in Senate Bill No. 1033 would be directed into the General Fund until such a time as the Rainy Day Fund reaches about \$1.5 billion, at which time funds from the table games would be directly deposited into the Property Tax Relief Fund for the purpose of reducing property taxes for the people of Pennsylvania. Is that correct?

Senator TOMLINSON. Yes, Mr. President, that is correct. We have a trigger in there. We feel once the Rainy Day Fund gets healthy again, that will be an indication that the economy has turned around and that we are getting revenues back into our General Fund. So we have a trigger of \$1.5 billion. Once we reach that, that is an indication that our budget is healthy, our revenues are healthy, the income tax and sales tax have increased, and therefore, that money will be dedicated back to the Property Tax Relief Fund.

Senator VOGEL. Thank you, Mr. President. I thank Senator Tomlinson.

May I speak on the bill, please?

The PRESIDENT. The gentleman is in order.

Senator VOGEL. Mr. President, when the General Assembly approved gaming in Pennsylvania several years ago, I was not a Member of this body, so I was not present to vote on the legislation authorizing gaming in Pennsylvania. However, Mr. President, when gaming was approved in Pennsylvania by the General Assembly, it was passed with the notion that the property tax revenues gaming would provide would be used to drive out property tax relief to Pennsylvania homeowners.

Mr. President, I stand today to express that my first preference would be to see the proceeds from table games in Senate Bill No. 1033 go toward property tax relief sooner rather than later. In fact, I had an amendment prepared to do just that, to drive out the table games tax revenue to provide some property tax relief as quickly as possible. However, I recognize, Mr. President, having the difficult budget situation we find ourselves in, there is not enough support to successfully offer my amendment.

However, Mr. President, I rise today to support Senate Bill No. 1033, because I believe that the counties I represent are in dire need of economic development and that the family-sustaining jobs this legislation will provide for the people of my district are so very, very important.

Thank you, Mr. President.

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

Senator GREENLEAF. Mr. President, I rise to raise an issue in regard to the provisions of the bill in regard to offering credit to people who are entering these facilities and gambling.

Under the bill that was passed several years ago, there is a Section 1504 that prohibits these establishments, these casinos, from offering credit to those people who engage in slot machine use at these facilities. It says, "...slot machine licensees may not extend credit. Slot machine licensees may not accept credit cards, charge cards or debit cards from a player for the exchange or purchase of slot machine credits or for an advance of coins or currency to be utilized by a player to play slot machine games or extend credit in any manner to a player so as to enable the player to play slot machines."

That is what the present law is at the present time, and this legislation would repeal that prohibition and just reverse it. In fact, it would allow, now, the extension of credit to those people who are playing slot machines. But more troubling is that this would expand the extending of credit to those people who are going to be playing these table games. They would be able to accept personal checks, extend credit, accept credit cards, and issue their own credit cards.

There is also a provision in this legislation that would allow patrons who fill out applications to check their credit, and there are actually no limitations on that credit. There is no provision about what limitations they should place on individuals at all. There should at least be a policy statement here that would indicate what the casinos can and cannot do so that we do not have a situation where people are overextending their use of credit.

There are three States that we researched where this raises an issue. The Florida Council on Compulsive Gambling, in a 2006 report called "Gambling on Credit," explored the link between compulsive gambling and access to credit and cited their "...HelpLine data indicating that the primary source of gambling funds, and gambling debts, are credit cards." And the "...callers

confirm that on average, 65% of gambling-related debt is due to credit cards...."

A Nebraska gambling assistance program recently released a report which listed the average gambling debt of 250 people who sought gambling treatment services in the last fiscal year at nearly \$27,000 per person. The California Council on Problem Gambling, regarding calls they received in 2008 on their helpline: "The callers' average personal debt was \$28,098," and "54% indicated that they financed their gambling with credit cards," and "39% indicated that their credit cards were 'maxed out.'"

I think it is important for us to take that provision out of this legislation so that we do not have a situation where people are gambling beyond their financial means.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I am not going to talk about the bill, because I think Senator Tomlinson did a great job in explaining exactly what we are doing and what the bill is all about. I just want to congratulate him personally, because he has worked very hard for a number of years in bringing it to this particular point today.

Mr. President, this right here is the powerful drive to boost the Pennsylvania economy that we are going to need. I know that Senator Tomlinson has really extended himself to everyone, every interest in this particular proposal. He has worked very hard in bringing it about, and he deserves a tremendous debt of gratitude from the Members of this body, and I want to thank him personally. Thank you.

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

Senator M.J. WHITE. Mr. President, when we voted for the slot machines, I stood up at that time and said that I believed balancing our budget and paying for central government operations with gambling money was bad public policy. I continue to believe that. Interestingly enough, when we were doing the slot machines, that was fairly innocuous. We were told that that was as much as we were going to do, but I think all of us recognized that it was just a matter of time before we expanded it to table games.

Today, we are making it possible for more Pennsylvanians to lose more money faster. I continue to believe that this is heading down a very disastrous road. I think the negative consequences of some of this gambling outweigh the benefits to the Commonwealth, and mine will be a negative vote. Thank you.

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

Senator TOMLINSON. Mr. President, briefly, where I come from in southeastern Pennsylvania—I live just about an hour from Atlantic City—the people in my community gamble. They have been going to Atlantic City. They have spent a tremendous amount of money. In southeastern Pennsylvania—I think the percentage of people gambling in West Virginia is over 50 percent. It has always been my intent -- the people of Pennsylvania decided they wanted to do this. They have been going out of State to do it. It seems to be a very wise decision to keep the gaming money here.

We collect 54 percent of the gross terminal revenue on slot machines. If we collect this money, the percentage that I proposed, we will still have a blended rate of about a 46- or 47-percent tax. That is money that will go back to the citizens. When we did the slots bill, 35 percent of that money went right back to the property taxpayers of Pennsylvania. The people of Bensalem, the community I came from, probably collected about \$30 million in local share, and they all just got a \$300 check from the local municipality--all the property taxpayers there--in addition to what they would get from the State rebate on taxes.

So Pennsylvanians decided they wanted to do this. I am just following the senior citizens who took busload after busload to Atlantic City. I am just following those people in western Pennsylvania who have been going across the line, people going to Delaware. Delaware is an hour from my location. It is probably less than an hour from the Chester location. So the people of Pennsylvania decided this. When they were polled and told that this would create more jobs, the people of Pennsylvania, by a 71-percent margin, decided that they thought that we should put table games in our casinos.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-29

Argall	Fontana	Musto	Vogel
Boscola	Hughes	O'Pake	Washington
Browne	Kasunic	Pileggi	White, Donald
Costa	Kitchen	Scarnati	Williams
Dinniman	Leach	Stack	Wozniak
Earl	Logan	Stout	
Erickson	McIlhinney	Tartaglione	
Ferlo	Mellow	Tomlinson	

NAY-20

Alloway	Farnese	Piccola	Vance
Baker	Folmer	Pippy	Ward
Brubaker	Gordner	Rafferty	Waugh
Corman	Greenleaf	Robbins	White, Mary Jo
Eichelberger	Orie	Smucker	Yaw

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

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

SB 1088 (Pr. No. 1482) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent and for the definitions of "conviction," "licensed entity" and "slot machine licensee"; providing for the definitions of "executive-level public employee," "licensed entity representative" and "trustee"; further providing for the Pennsylvania Gaming Control Board, for the applicability of other statutes, for powers of the board and for code of conduct; providing for expenses of Pennsylvania Gaming Control Board; further pro-

viding for license or permit application hearing process and public hearings, for board minutes and records, for slot machine license fee, for reports of board, for license or permit prohibition, for application for license or permit, for slot machine license application character requirements, for license renewals, for change in ownership or control of slot machine licensees and for nonportability of slot machine license; providing for appointment of trustee; further providing for Pennsylvania Gaming Economic Development and Tourism Fund, for declaration of exemption from Federal laws prohibiting slot machines and for financial and employment interests; providing for prosecutorial and adjudicative functions; further providing for investigations and enforcement and for conduct of public officials and employees; and providing for additional authority.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator ORIE. Mr. President, I rise to support this bill but feel compelled to remark on the bill and address some concerns I have.

Today, we are adopting Senate Bill No. 1088 as a gaming reform proposal. Although it includes what was predominantly agreed to in Senate Bill No. 711 when the Senate adopted it back in July, it now has additional reform provisions that the House has included in Senate Bill No. 711. I would like to applaud the House for overwhelmingly adopting these two critical issues that I believe must be included in any gaming reform package. I would like to thank the Attorney General and the Pennsylvania State Police for working on this as well. These are measures that I believe are very important to the Members who have been pushing reform in the Senate.

This bill, Senate Bill No. 1088, has adopted language from the House in which the State Police will now conduct the background checks of prospective board members and senior staff of the Gaming Control Board. Also, it resolves the issue surrounding the immunity language we had originally included in Senate Bill No. 711 and now provides for a process for an informant to be reviewed by the chief enforcement officer in BIE while providing safeguards to protect the law enforcement information.

While we have chosen only to include two additional reforms, I am very disappointed that the Senate has not included additional gaming reforms that overwhelmingly passed in the House and which the House had included in Senate Bill No. 711. I believe if we had included these provisions, it would have been a strong sign of working in a bipartisan, bicameral way to accomplish the goal of adopting a gaming reform proposal on its own merits. It is imperative that any final agreement on gaming reform not only include what is contained in Senate Bill No. 1088 here today but also the strong reform measures that the House had included in Senate Bill No. 711.

These reforms include: Prohibiting legislators from being appointed to the Gaming Control Board during the term of office for which they were elected and 12 months thereafter. Mr. President, this measure passed the House 147 to 47.

Adopting the same standard for payment and reporting of the expenses of the Attorney General, the Auditor General, the State Police, and the Department of Revenue - for the information to be posted on the Web site, the same as what we are adopting for the Gaming Control Board in this bill.

Language dealing with the failure of the Rivers Casino to make their agreed-to \$7.5 million payment to the SEA. This is in Senate Bill No. 1033, which just passed, but I believe this is a reform proposal that should be adopted no matter what occurs.

Mandating audits by the Auditor General, having annual fiscal audits for the different funds created under the gaming law, and requiring an audit every 4 years of the expenses and revenues of the board.

Setting a base fee for change in ownership. Those of us from southwestern Pennsylvania witnessed that occur with the Barden case. The House has set a fee at \$10 million for Category 1 or 2 licenses and \$1 million for Category 3. Mr. President, this passed the House 195 to 0.

Requiring a minimum of 20 signs for addiction help to be posted in the facility of the gaming organization. Again, it passed 194 to 0.

Adopting the same employment restrictions for those employees in the Attorney General's Office, the Auditor General's Office, the State Police, and the Department of Revenue who are involved in gaming, and requiring a code of conduct for each of these agencies.

I strongly believe that if we were to send the House a reform proposal that included these additional reforms that they had already adopted, it would show a strong sign of bicameral, bipartisan support for their efforts and create less of a possibility that this important gaming reform proposal would be delayed any further in being adopted. Additionally, it would insure that gaming reform would not end up being part of an omnibus gaming expansion bill that includes table games, and it would also insure that gaming reform measures do not end up going into a conference committee with the possibility of being altered or weakened in any way.

Before I conclude my remarks, I believe it is necessary to emphasize the significance of a commitment that was made, in this Chamber, to gaming reform. A commitment was made to the many legislators who championed gaming reform over the past few years that gaming reform would run first, then table games legislation. The commitment was that gaming reform was to run separate and distinct from gaming expansion.

It is imperative to uphold this commitment not only to the many legislators but, more importantly, to the people of Pennsylvania. In order to restore public trust and public confidence, the gaming reform measures should be passed as separate and distinct from table games. The gaming reform package should be done openly, transparently, and separately.

That commitment was made in this Chamber with the support of the Majority Leader, but that commitment has also been made publicly by the Governor himself. Throughout this budget impasse, at various press conferences and even at last week's press conference, the Governor has stated that gaming reform would be signed first, separate and distinct from table games. Mr. President, the irony--if this reform is included in table games, the irony is the legislators who championed reform in both Chambers

would literally be voting "no" in final passage for such important gaming reform legislation.

This commitment carries great weight to the many legislators who have been championing gaming reform, and it is important that it is upheld. All of us here in this august body have a duty and obligation to insure that that commitment is upheld. It is a commitment that the public demands be fulfilled, and it is a commitment that must be fulfilled in this Chamber.

I thank you, Mr. President.

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

Senator FARNESE. Mr. President, I will be brief. First, let me follow up with a point raised by the previous speaker about the need to keep these two pieces of legislation, gaming reform and the expansion of gaming in the Gaming Act, separate. At least for today--I understand that I am new to this Chamber, but I do understand that things change--but at least for today, I believe that we are getting an opportunity to do just that. So I want to commend leadership on both sides of the aisle for giving us that opportunity today. I hope, with all sincerity, that we are able to continue within that same spirit and give the legislators, on both sides of the aisle, the opportunity to choose gaming reform and whether or not they choose to expand gaming with table games.

I have said it before, and I will say it again today, that I am not anti-gaming. I understand, more than anyone right now, that Pennsylvania has gaming and has had gaming for some time, and it is not going anywhere. But I also believe that if Pennsylvania is going to have gaming, then it should be forced to pay its fair share.

Just a couple of very quick notes on this piece of legislation: I am happy, again, to note that Senate Bill No. 1088 maintains the prohibition on campaign contributions. We, as legislators, must recognize that in this era of transparency and reform, not only must we specifically and substantively keep out the appearance of impropriety, but we also must do it through legislation, and keeping campaign contributions outside of the Gaming Act, through casino owners and industry owners, I think, is something that this Chamber should be very proud of. I think it was a blemish on the Commonwealth of Pennsylvania for so long, and I am glad to see that in the gaming reform bill today, we actually went back to that again.

I am also very happy, again, to see that we have made a decision as a legislative body to give those neighborhoods an opportunity to be heard. Once again, we are keeping language in this bill which allows, and actually mandates, Mr. President, that neighborhoods, on an issue of re-siting or redesign, have an opportunity for public input. One of the biggest problems with the original act--and I think why many of us agree that the act is broken and must be fixed--is that it fails to give proper, adequate, and fair input to those communities. I am happy to support this bill today, which does exactly that.

I think we also want to make note that there are a couple of pieces of legislation that did not make it in here today. In my conversation with many communities within my district, we had hoped and pushed for the prohibition of free liquor at casino halls. I am saddened by the fact that that is an amendment which did not make it in. I believe that we should have had it in there, and I think it is something that if we ever go back again and dis-

cuss the issue of gaming reform, I think we should make sure we have it in there. I am also disappointed by the fact that the ban on slots credit is now lifted and that we actually are allowing casinos to become check cashers.

We must maintain the spirit of this legislation, Mr. President, which--and let us never forget--is to protect the citizens of the Commonwealth of Pennsylvania. We could talk about it being there to boost the horse racing industry. We also know now that table games is going to boost the slots revenue. It is going to boost that industry. I understand that it means jobs for Pennsylvanians, and it means good jobs for Pennsylvanians. I understand that. I see that we are making the move toward that in the new legislation that has been passed today. But let us still remember that the substance and the purpose of this act is to protect the citizens of Pennsylvania, and when we talk about reform, we must be sure that we always have those principles in mind.

Again, Mr. President, I am glad to support this legislation today, and I urge our leadership, like I have been urging for the last several weeks, I commend you for doing it today, and I ask you to continue to have the spirit and allow us, the legislators in this Chamber, to make two separate votes, one on the expansion of gaming and one on reform like we are doing today.

Thank you, Mr. President.

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

Senator TOMLINSON. Mr. President, I want to rise for a few minutes and heartily endorse these reforms. It has been a pleasure to work with Senator Earll on her legislation and in her committee. It has been a pleasure to work with Senator Orie and the other Members of the Senate to try to bring about these reforms. As I said before when we voted on Senate Bill No. 711, this is an evolving process. It is a process that we must be very vigilant about. It is a process that--we want to make sure that we continue to maintain the integrity of the industry, to improve the integrity of the industry, to make sure that every dollar is accounted for, and to make sure that everything we do surrounding gaming has a good, clean look and that everything is done properly.

That being said, I think it is also important to note that we have seen, up until the month of September, \$52 billion gambled in Pennsylvania. We have seen \$2 billion go to property tax reform. We have seen \$500 million go to the horsemen; \$200 million go to economic development, to our airports and to our convention centers; over \$200 million go to our local sheriffs; \$75 million go to our fire companies. Every penny has been accounted for. Every single penny has been accounted for, and I think that is a testament to the central computer. A lot of work that we did on the first draft--it is through the vigilance of the commission, through the vigilance of this Senate, through the vigilance of the chairman of our committee here, Senator Jane Earll, and I just want to compliment her on her ability to bring this issue up.

I have testified in front of the House and in front of the Senate that I endorse these reforms and that I want to see these reforms move ahead. But I also believe that this is an evolving process and that we will be revisiting this bill constantly to make sure that we update this legislation and that we have integrity in the gaming industry.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, as one of those who is involved in the task force on gaming reform, I rise in support of the legislation before us today and am mindful of those pieces of the legislation that the House added. We are happy to see them included in the bill, especially with the Pennsylvania State Police doing background checks on upper-level officials in the Gaming Commission.

Mr. President, as we go forward today, this is a step in the right direction. We realize it is not the final step, and there will be more in the way of legislation and efforts to tighten the gaming law as we go forward in the Commonwealth of Pennsylvania. And I know that the chairwoman of the committee on oversight, the gentlewoman from Erie County, the chairwoman of the Committee on Community, Economic and Recreational Development, has indicated the same. So I am looking forward to continuing to work with the chairwoman and the group to help make sure that gaming is operating within the confines of the law here within the Commonwealth of Pennsylvania. I am happy to see us make a step in that direction today, and I urge an affirmative vote.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

HB 1801 (Pr. No. 2404) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge in the Borough of White Oak, Alle-

gheny County, carrying State Route 2033 over Jack's Run Stream as the Milton L. Lebowitz Memorial Bridge.

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

HB 1801 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 1801, Printer's No. 2404, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND LAID ON THE TABLE

HB 1300 (Pr. No. 2702) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the interchange at Exit 32-B of Interstate 70 in Washington County as the Nathan Burnfield Memorial Interchange; and designating the Gay Street Bridge on State Route 113, which crosses French Creek in the Borough of Phoenixville, Chester County, as the Veterans Memorial Gay Street Bridge.

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 was laid on the table.

HB 1300 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 1300, Printer's No. 2702, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL LAID ON THE TABLE

HB 1779 (Pr. No. 2403) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in Clarks Summit, Lackawanna County, as the John E. Fitzgerald Memorial Bridge.

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

HB 1779 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 1779, Printer's No. 2403, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

SENATE RESOLUTION No. 153, ADOPTED

Senator PILEGGI, without objection, called up from page 3 of the Calendar, **Senate Resolution No. 153**, entitled:

A Resolution urging the Congress of the United States to pass legislation amending the Consumer Product Safety Improvement Act of 2008 to exclude youth all-terrain vehicles, motorcycles and snowmobiles from the lead-limit requirements of the Consumer Product Safety Improvement Act of 2008.

On the question,

Will the Senate adopt the resolution?

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

Senator WOZNIAK. Mr. President, very quickly, I guess about a year and a half ago, I received some information from one of my motorcycle dealers, and it seems that the Federal government, in their rush to save us from ourselves, decided that it is politically incorrect to sell ATVs, mini-bikes, and snowmobiles to people who are underage because of the lead content.

Now, I am not exactly sure what they mean by the lead content, but I know that in 1974 or somewhere around there, all automobile paints--so, I mean, I must assume that that is all motorcycle paints--had to have the lead removed, just like they did from households. So if that is the case, there is no lead-encrusted paint on snowmobiles, dirt bikes, mini-bikes, or ATVs. And I sure as heck do not know of any child who is going to chew on the insides of an internal combustion engine. But the Federal government has insisted that these things be taken off of the market, which means that our proprietors, our business people, can no longer sell them in this country; nor can the consumers, who wish to enjoy that type of recreation, purchase them.

This is a resolution asking my enlightened United States Congressmen and Senators to sit there and change the rules that the EPA has placed upon us so that we do not have to save ourselves from Washington, but let us worry about our own children and our own responsibilities. Drive responsibly, and do not chew on the pistons of an internal combustion engine.

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.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room during Session to consider Senate Bills No. 369 and 922, House Bill No. 1416, and certain nominations.

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 meetings of the Committee on Appropria-

tions, followed by the Committee on Rules and Executive Nominations, followed by the Committee on State Government, followed by a Republican caucus, all to be held in the Rules room.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations, the Committee on Rules and Executive Nominations, and the Committee on State Government, followed by a Republican caucus, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1614 CALLED UP

HB 1614 (Pr. No. 2782) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

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

HB 1614 (Pr. No. 2782) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of "little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities and for oil and gas wells; further providing for the State Workers' Insurance Board and for sunset provisions relating to State Workers' Insurance Fund investment authority; providing for Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-35

Argall	Gordner	O'Pake	Tomlinson
Browne	Hughes	Orie	Vance
Corman	Kasunic	Piccola	Washington

Costa	Kitchen	Pileggi	Waugh
Dinniman	Leach	Robbins	White, Donald
Earll	Logan	Scarnati	White, Mary Jo
Erickson	McIlhinney	Stack	Williams
Farnese	Mellow	Stout	Wozniak
Fontana	Musto	Tartagliano	

NAY-14

Alloway	Eichelberger	Pippy	Ward
Baker	Ferlo	Rafferty	Yaw
Boscola	Folmer	Smucker	
Brubaker	Greenleaf	Vogel	

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.

BILLS REPORTED FROM COMMITTEES

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

SB 369 (Pr. No. 1478) (Rereported) (Concurrence)

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

HB 1416 (Pr. No. 2772) (Rereported) (Concurrence)

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

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

HB 1418 (Pr. No. 2532)

An Act providing for the capital budget for the fiscal year 2009-2010; itemizing transportation assistance projects to be constructed or acquired or assisted by the Department of General Services or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services or the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

HB 1768 (Pr. No. 2725) (Rereported)

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for definitions and for recycling fee for municipal waste landfills and resource recovery facilities; providing for used tire pile remediation; and further providing for information provided to host municipalities, for joint inspections with host municipalities, for claims resulting from pollution occurrences, for independent evaluation of permit applications and for host municipality benefit fee.

HB 1847 (Pr. No. 2794) (Amended) (Rereported)

An Act amending the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, further providing for findings and declaration of policy, for definitions and for site selection; and establishing the Coal Bed Methane Review Board to resolve disputes between property owners over the location of coal bed methane wells and access roads.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 369 (Pr. No. 1478) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 369?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 369.

On the question,

Will the Senate agree to the motion?

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

Senator LOGAN. Mr. President, today's vote on concurrence, followed by the Governor signing this bill into law, begins to protect the families of our brave men and women - police officers, firefighters, and emergency service workers. By concurring today, we are honoring the memory of police officers and emer-

gency personnel whose lives indeed exemplify true heroism. Even though it has been a lengthy process, it has been a pleasure stewarding this piece of legislation, in a bipartisan fashion, through both Chambers.

Mr. President, Senate Bill No. 369 will now move to the Governor's desk, where I hope he will sign this bill quickly into law. This bill tells the loved ones of these fallen heroes that we will honor their sacrifice in a tangible way by seeing to it that their family members are treated with the full benefits and the respect that they deserve.

Mr. President, Senate Bill No. 369 guarantees that survivors of fallen police officers, firefighters, and other emergency service workers receive 100 percent of the officer's monthly salary. This legislation provides a fitting, fair, and meaningful way to express the gratitude of all Pennsylvanians. Police officers, firefighters, and other emergency service personnel put their lives on the line to help and protect others every single day.

Mr. President, this bill again proves the State's dedication and gratitude to these brave men and women. They can now have the peace of mind that if something were to happen to them in the line of duty, their loved ones would be okay.

Mr. President, I want to take a second to thank and acknowledge those who truly made this a bipartisan effort, as well as those who helped me advance this legislation through the Senate. I want to thank our side of the aisle - Senator Mellow, Senator Costa, Senator Tartaglione, who is a true supporter of our firefighters and police officers, Senator Stack; all the Members of the Committee on Law and Justice; my good friend, the Republican chair of the Committee on Law and Justice, Senator Rafferty; Senator Gordner; Senator Ori; Senator Pileggi; Senator Corman; the President, Senator Scarnati; and all the staffs; Ken Varhola from my office; and Mark Meyer from Senator Rafferty's office.

Mr. President, I urge a vote for concurrence in the amendments to Senate Bill No. 369. Thank you.

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

Senator RAFFERTY. Mr. President, I, too, urge concurrence in the amendments placed by the House in Senate Bill No. 369. It has been an effort, and a joyous effort, really, to work with Senator Logan and the other Senators whose names he mentioned here on the floor, to have this bill moved to where we are ready to concur and get it to the Governor's desk for his signature.

It is an opportunity for us--and I do not mean just the General Assembly and the Governor--an opportunity for us, all the citizens of the Commonwealth, to remember, day in and day out, what the brave men and women who wear the uniforms - police, firefighters, and EMTs - do for us, laying themselves on the line to protect our property and our lives, and their families never knowing whether they are going to see them at the conclusion of their shift. It is a way for us to say thank you and to let them know that the Commonwealth, regardless of what may happen to them, will not forget them and will make sure that their families are taken care of with the rewards of their loved ones who served for our benefit.

Mr. President, I urge an affirmative vote. I thank you for this opportunity, and I once again want to commend the working relationship I have had with my friend, the gentleman from Alle-

gheny County, Senator Logan, along with Mark Meyer from my staff, Ken Varhola from his staff, and all the Senators involved with Senate Bill No. 369.

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-49

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

HB 1416 (Pr. No. 2772) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2009, to June 30, 2010, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2009, to June 30, 2010; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2009, to June 30, 2010, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of

bills remaining unpaid at the close of the fiscal year ending June 30, 2009; to provide for the additional appropriation of Federal and State funds from the General Fund, from the State Lottery Fund and from the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2008 to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; and making interfund transfers for the fiscal year July 1, 2008, to June 30, 2009.

On the question,

Will the Senate concur in the amendments made by the House to House Bill No. 1416?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to House Bill No. 1416.

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-42

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

NAY-7

Argall	Brubaker	Folmer	Ward
Baker	Eichelberger	Smucker	

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.

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 WORKERS' COMPENSATION APPEAL BOARD

October 9, 2009

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 August 6, 2009, for the appointment of Sandra D. Crawford, Esquire, 1212 Sydney Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Richard Block, Philadelphia, deceased.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 6, 2009, for the reappointment of Daniel R. Fleck, 120 Sullivan Lane, Zelienople 16063, Butler County, Fortieth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 6, 2009, for the appointment of Alfonso Frioni, Jr., Esquire, 210 Main Entrance Drive, Mount Lebanon 15228, Allegheny County, Thirty-seventh Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Alfonso Frioni, Jr., Esquire, Mount Lebanon, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 6, 2009, for the reappointment of Herbert W. Hoffman, Esquire, 1001 Eric Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 6, 2009, for the reappointment of Robert A. Krebs, Esquire, 3235 Comanche Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 6, 2009, for the reappointment of Susan M. McDermott, Esquire, 126 Manton Street, Philadelphia 19147, Philadelphia County, First Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 6, 2009, for the reappointment of Robert T. McIntyre, 96 Arnold Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

October 9, 2009

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 August 19, 2009, for the appointment of David H. Wilderman, Esquire, 202 North 23rd Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Joseph T. Rafferty, Auburn, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

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

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

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

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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, Michelle A. Coleman, Esquire, 5087 Sue Ann Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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, The Honorable Michael L. Krancer, 844 Harriton Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, vice The Honorable Michael Krancer, Bryn Mawr, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Mather, Esquire, 4428 Saybrook Lane, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, vice George J. Miller, Esquire, Haverford, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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, Thomas W. Renwand, Esquire, 426 Cadberry Court, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
LABOR RELATIONS BOARD**

September 8, 2009

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, L. Dennis Martire, 124 Sandlewood Drive, McDonald 15057, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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, Michelle A. Coleman, Esquire, 5087 Sue Ann Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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, The Honorable Michael L. Krancer, 844 Harriton Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, vice The Honorable Michael Krancer, Bryn Mawr, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Mather, Esquire, 4428 Saybrook Lane, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, vice George J. Miller, Esquire, Haverford, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

August 25, 2009

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, Thomas W. Renwand, Esquire, 426 Cadberry Court, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
LABOR RELATIONS BOARD**

September 8, 2009

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, L. Dennis Martire, 124 Sandlewood Drive, McDonald 15057, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD**

August 6, 2009

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, Tina S. Williams, 226 West Rittenhouse Square, Unit 1805, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2012, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

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

YEA-49

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senator ALLOWAY, by unanimous consent, offered **Senate Resolution No. 207**, entitled:

A Resolution designating the week of October 25 through 31, 2009, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

On the question,
Will the Senate adopt the resolution?

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

Senator ALLOWAY. Mr. President, I would like to offer the following resolution designating the week of October 25 through October 31 as "Respiratory Care Week" in Pennsylvania. Respiratory therapists are the only allied health practitioners specifically trained to assist physicians in the care of respiratory patients and assist with diagnostic procedures, administer oxygen and breathing treatments, conduct pulmonary therapy, teach home care to patients and family members, and provide acute care for patients on ventilators.

Now, Mr. President, I must confess, I have a very special interest in this field. My wife is a registered respiratory therapist who formerly worked at Hershey Medical Center, Chambersburg Hospital, and currently works at Waynesboro Hospital, where we reside. I would like to commend her and all respiratory therapists for their outstanding contributions to healthcare. As I jokingly like to say to her, that breathing thing is pretty important.

Thank you, Mr. President.

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

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

Senators TARTAGLIONE, FERLO, BOSCOLA, COSTA, KASUNIC, ERICKSON, FONTANA, RAFFERTY, BAKER, KITCHEN, D. WHITE, ORIE, TOMLINSON, FARNESE, PIPPY, GORDNER, STOUT, LOGAN, DINNIMAN, O'PAKE, PILEGGI, EARLL, ALLOWAY, GREENLEAF and BROWNE, by unanimous consent, offered **Senate Resolution No. 208**, entitled:

A Resolution designating October 2009 as "National Physical Therapy Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, I first want to say that this resolution is something close to my heart. I would not be able to be where I am today physically without physical therapists.

Physical therapists touch the lives of many people at various times in their lives. They are experts in restoring and improving the motion that is so crucial to a patient's well-being. Physical therapists improve mobility and quality of life for people, in many cases without surgery or prescription drugs. They apply their intensive education and clinical experience to restore free range of motion. And most importantly, they teach patients how to prevent or manage their health condition to achieve an improved quality of life.

Mr. President, I ask all of my colleagues for an affirmative vote on this resolution to acknowledge the good and often underappreciated work done by physical therapists by recognizing the month of October as "National Physical Therapy Month" in Pennsylvania.

Thank you, Mr. President.

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

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

LEGISLATIVE LEAVE

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. Senator Pileggi requests a legislative leave for Senator Piccola. Without objection, the leave will be granted.

SENATE RESOLUTIONS ADOPTED

Senators BROWNE, MUSTO, FERLO, STACK, KITCHEN, BOSCOLA, BAKER, COSTA, LOGAN, ERICKSON, GREENLEAF, O'PAKE, ARGALL, TARTAGLIONE, PILEGGI,

FONTANA, DINNIMAN, WARD, BRUBAKER, KASUNIC, WASHINGTON, FARNESE, TOMLINSON, PIPPY, EARLL, ALLOWAY and PICCOLA, by unanimous consent, offered **Senate Resolution No. 209**, entitled:

A Resolution recognizing the week of October 12 through 16, 2009, as "No Place for Hate Week" in Pennsylvania and commending the Anti-Defamation League for its outstanding efforts to promote peace, brotherhood and goodwill through its "No Place for Hate" program.

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

Senators WASHINGTON, ALLOWAY, BOSCOLA, COSTA, DINNIMAN, EARLL, ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, HUGHES, KASUNIC, KITCHEN, O'PAKE, ORIE, PILEGGI, PIPPY, RAFFERTY, STACK, TARTAGLIONE, WILLIAMS, MELLOW and BROWNE, by unanimous consent, offered **Senate Resolution No. 210**, entitled:

A Resolution designating the month of October 2009 as "Bullying Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator MELLOW. Mr. President, I submit remarks for the record from Senator Washington, please.

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 Lackawanna, Senator MELLOW, on behalf of the gentlewoman from Philadelphia, Senator WASHINGTON:)

Mr. President, bullying is intentional, repeated harmful behavior by one or more people among school-aged children that is abusive and detrimental to learning. It can harm victims physically and emotionally and have effects that last a lifetime. While bullying is common in elementary and middle school children, high school students can also be affected by bullying.

It is important that we work together with students, parents, educators, and school officials to end this disturbing cycle of bullying. This is why I am introducing this resolution recognizing October as "Bullying Awareness Month" in Pennsylvania. Every child should have the opportunity to learn in a safe, bully-free environment, safe from bullying. By raising awareness and reaching out to all of our young people, we can help build tolerance, understanding, and an abiding mutual respect among our young people.

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 COSTA, MELLOW, WARD, PILEGGI, LOGAN, SCARNATI, FARNESE, BOSCOLA, DINNIMAN, FERLO,

FONTANA, HUGHES, KASUNIC, KITCHEN, LEACH, MUSTO, O'PAKE, STACK, STOUT, TARTAGLIONE, WASHINGTON, WILLIAMS and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 211**, entitled:

A Resolution designating the month of October 2009 as "Italian-American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, today I rise in support of the resolution which was just acknowledged and read across the desk, designating October 2009 as "Italian-American Heritage Month" in Pennsylvania. Back in 1492, Christopher Columbus set off on a journey and voyage across the Atlantic Ocean that led to widespread European awareness of the American continents in the Western Hemisphere. Mr. President, during the course of this month, and particularly this weekend, a number of organizations across this Commonwealth and across this country will recognize the efforts of Christopher Columbus, recognize and honor him, and also recognize the many accomplishments of Italian Americans throughout this country.

Mr. President, there are a number of organizations, as I indicated, that regularly inform the public and the media about Italian American achievements, contributions, history, and culture. Mr. President, Italian Americans make up the fifth largest ethnic group in the United States, according to our U.S. Census, and a number of them have made significant contributions to the arts, athletics, education, politics, exploration, and the business community.

Mr. President, for these reasons, we take time today to recognize October 2009 as "Italian-American Heritage Month."

Thank you very much, 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.

RECESS

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

Senator PILEGGI. Mr. President, I ask the Members of the Republican Caucus to gather at the Majority Leader's desk.

The PRESIDENT. For the purpose of a Republican caucus, without objection, the Senate stands in recess.

AFTER RECESS

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

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 Karen Ann Wire by Senator Alloway.

Congratulations of the Senate were extended to Penn State Schuylkill by Senator Argall.

Congratulations of the Senate were extended to Blooming Grove Township Volunteer Fire Department No. 1 of Lords Valley by Senator Baker.

Congratulations of the Senate were extended to Ryan Scott Mertz and to Ross I. Silverman by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Bob Lovett by Senator Browne.

Congratulations of the Senate were extended to Christ B. King, Pennsylvania 4-H Horse Show and to Astro Machine Works, Inc., of Ephrata, by Senator Brubaker.

Congratulations of the Senate were extended to Gerald R. Hepler and to the West Kishacoquillas Presbyterian Church of Belleville by Senator Corman.

Congratulations of the Senate were extended to Jeffrey Waldo, Steven G. Hawkins, Cody E. Durney, Richard E. Knouff, John Vento, Clayton Wukich and to Jewish Residential Services by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Falbo by Senators Costa and Logan.

Congratulations of the Senate were extended to M. John Johnson, Eden Robert Ratliff, Andrew Hagner, Eric Teitsworth, Andrew S. Farmer and to James Kenneth Sylvester by Senator Dinniman.

Congratulations of the Senate were extended to the Brandywine Conservancy of Chadds Ford by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Disabled American Veterans, Pennsylvania Chapter 90, of Coatesville, by Senator Dinniman and others.

Congratulations of the Senate were extended to Brian Craft by Senator Erickson.

Congratulations of the Senate were extended to Ronald Jann and to Hector Sanchez by Senator Farnese.

Congratulations of the Senate were extended to Gertrude L. Pinno and to Metro Family Practice of Wilkinsburg by Senator Ferlo.

Congratulations of the Senate were extended to John Sweikert by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Mehlbaum, David M. DeLong and to Kevin Brizzi by Senator Greenleaf.

Congratulations of the Senate were extended to Steven Czervinski by Senators Greenleaf and Washington.

Congratulations of the Senate were extended to Thomas Edward Bageant, Jr., and to Soroptimist International of Somerset County by Senator Kasunic.

Congratulations of the Senate were extended to Frances Frederick by Senator Kitchen.

Congratulations of the Senate were extended to Derek M. Stuffle and to PathWays PA by Senator Leach.

Congratulations of the Senate were extended to Antoinette R. Johnson by Senators Leach and Washington.

Congratulations of the Senate were extended to Allegheny-Kiski Valley Unit 2245 of the NAACP by Senator Logan.

Congratulations of the Senate were extended to Paulie Lester by Senator McIlhinney.

Congratulations of the Senate were extended to Ray Reinard III and to Joshua A. Lemonick by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Leo Moskovitz, Tony Nicosia, Jr., and to the Abington Lions Club by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Schumacher, Jr., and to James Earley by Senator Musto.

Congratulations of the Senate were extended to David F. Alexander by Senator O'Pake.

Congratulations of the Senate were extended to Virginia Iluzzi-Belson by Senators O'Pake and Mellow.

Congratulations of the Senate were extended to Joie Feng, Valerie Bender and to Eric Mole by Senator Orie.

Congratulations of the Senate were extended to Daniel Stephen Pierson and to Dustin Gramig by Senator Pileggi.

Congratulations of the Senate were extended to the Notre Dame de Lourdes Parish of Swarthmore by Senators Pileggi, Erickson, and Williams.

Congratulations of the Senate were extended to Kieran Xavier King by Senator Pippy.

Congratulations of the Senate were extended to the Honorable James D. Martin and to C/G Electrodes, LLC, of Saint Marys, by Senator Scarnati.

Congratulations of the Senate were extended to Honorable Bruce Ryder, Wayne S. Herr and to Shayne D. Meadows by Senator Smucker.

Congratulations of the Senate were extended to Michael Kogan by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence E. Hauser and to Mr. and Mrs. Ronald W. Thompson by Senator Stout.

Congratulations of the Senate were extended to Seamus Boyle and to Ray O'Hanlon by Senator Tartaglione.

Congratulations of the Senate were extended to Joseph Timothy Stitt and to Michael Mason by Senator Tomlinson.

Congratulations of the Senate were extended to the members and coaches of the Council Rock Newtown Little League 10-Year-Old Baseball Team and to the members and coaches of the Council Rock Newtown Little League 11-Year-Old Baseball Team by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Ralph G. Viehman, Jr., R. Thomas Kline, Michael L. Norris, Curtis R. Long and to the West Street African Methodist Episcopal Church of Carlisle by Senator Vance.

Congratulations of the Senate were extended to Scott J. Halavanja and to the Beaver County Branch of the NAACP by Senator Vogel.

Congratulations of the Senate were extended to the Westmoreland Conservation District by Senators Ward and Kasunic.

Congratulations of the Senate were extended to Morgan Dennis, Veronica Roberts, Darcela Llanos, Jamiee Swift, Ieisha Patterson, Cetisha Orlina-Luck, Lydia Appianing, Brian Jones, citizens of Abington Township, Abington School District,

Abington Memorial Hospital, Abington YMCA and to the Abington Library by Senator Washington.

Congratulations of the Senate were extended to Jenny Rebecca Martin, Zachary B. Zimmerman, Drew A. Lehr, Matthew D. Grove, Stephen Logue and to Dewana Hall by Senator Waugh.

Congratulations of the Senate were extended to VeRita A. Lynch and to The Philadelphia Tribune by Senator Williams.

Congratulations of the Senate were extended to Concurrent Technologies Corporation of Johnstown and to Saint James Missionary Baptist Church of Johnstown by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Frank J. Sullivan, Mr. and Mrs. Robert Mingle, Mr. and Mrs. Robert L. Bradley, Mr. and Mrs. Robert G. Person, David B. Bernard and to Montgomery Elementary School by Senator Yaw.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late David L. Dexter by Senator Baker.

Condolences of the Senate were extended to the family of the late Clement C. Kochanski, Jr., by Senator Boscola.

Condolences of the Senate were extended to the family of the late Lara Lizbet Phillips and to the family of the late Liane Heydt by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Juanita Amatullah Haddad by Senator Kitchen.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Sam Maira was extended to the family by Senator Musto.

A posthumous citation honoring the late Italia Farina Pariseau was extended to the family by Senator O'Pake.

A posthumous citation honoring the late John A. Brenckle was extended to the family by Senator Orie.

Posthumous citations honoring the late James A. Chappell, the late Phyllis McAllister and the late David P. Holcombe were extended to the families by Senator Tartaglione.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 160 (Pr. No. 1491) (Amended)

A Concurrent Resolution establishing a commission of private and public sector cost-minded leaders of this Commonwealth to study the management of current government operations and to make recommendations of cost-cutting measures.

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

BILL ON FIRST CONSIDERATION AND RECOMMITTED

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

The motion was agreed to by voice vote.

The bill was as follows:

HB 1418.

And said bill having been considered for the first time,

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

BILL SIGNED

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

SB 369.

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1468**.

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate, by amending said amendments, to **HB 1614**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet momentarily in the Rules room to consider House Bill No. 1614 during today's Session.

RECESS

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Tomlinson and Senator Gordner.

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

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

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Tomlinson and Senator Gordner.

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

Without objection, the leaves will be granted.

BILL REPORTED FROM COMMITTEE

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

HB 1614 (Pr. No. 2799) (Rereported) (*Concurrence*)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of "little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities and for oil and gas wells; further providing for the State Workers' Insurance Board and for sunset provisions relating to State Workers' Insurance Fund investment authority; providing for Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 1614 (Pr. No. 2799) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for method of filing; further providing for the definition of "cigarettes"; providing for the definition of

"little cigars"; establishing the independent fiscal office; further providing for notice and publication of lists of property subject to custody and control of the Commonwealth; providing for borrowing for capital facilities and for oil and gas wells; further providing for the State Workers' Insurance Board and for sunset provisions relating to State Workers' Insurance Fund investment authority; providing for Pennsylvania Gaming Economic Development and Tourism Fund and for Water and Sewer System Assistance Bond Fund; further providing for Department of Corrections, for Department of Education, for Department of Environmental Protection, for Pennsylvania State Police and for Pennsylvania Emergency Management Agency; providing for 2009-2010 budget implementation and for 2009-2010 restrictions on appropriations for funds and accounts; abolishing the Board of Trustees of the Scranton State School for the Deaf; and making related repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1614?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1614.

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-35

Argall	Gordner	O'Pake	Tomlinson
Browne	Hughes	Orie	Vance
Corman	Kasunic	Piccola	Washington
Costa	Kitchen	Pileggi	Waugh
Dinniman	Leach	Robbins	White, Donald
Earl	Logan	Scarnati	White, Mary Jo
Erickson	McIlhinney	Stack	Williams
Farnese	Mellow	Stout	Wozniak
Fontana	Musto	Tartaglione	

NAY-14

Alloway	Eichelberger	Pippy	Ward
Baker	Ferlo	Rafferty	Yaw
Boscola	Folmer	Smucker	
Brubaker	Greenleaf	Vogel	

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.

PETITIONS AND REMONSTRANCES

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

Senator ARGALL. Mr. President, 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 Schuylkill, Senator ARGALL.)

Mr. President, first, I would like to congratulate Senator Pat Browne, the chairman of the Committee on Finance, for this long, detailed effort to reform our budget process, as included in this legislation and first included in Senate Bill No. 1.

I made a much less detailed legislative attempt to do this in 2004. I have been haunted by the thought that perhaps if I had been able to get that bill passed then, this budget process would not have been so long and painful in the last few months. I believe Representative Evans made a similarly unsuccessful attempt on this issue several years before I did.

The bottom line is this: We have learned, since we were all young, that the true genius of our Founding Fathers in the 1780s was their concept of real checks and balances on the legislative, executive, and judicial branches. By creating this independent, nonpartisan fiscal office to give this House and Senate unquestioned data in the future, I believe we can greatly improve our budget process and avoid budget stalemates such as those we have suffered for the past 100 days.

BILLS SIGNED

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

HB 1416, HB 1468 and HB 1614.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, OCTOBER 9, 2009

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 1033 and 1088, and House Bills No. 1418, 1768 and 1847)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 369 and 922, House Bills No. 1416 and 1614, and certain nominations)	Rules Cmte. Conf. Rm.

MONDAY, OCTOBER 19, 2009

Off the Floor	FINANCE (public hearing to consider the nominations of the Hon. Joseph E. Gurzenda, Daniel G. Guydish, and James A. Zurick, Esq., to the State Tax Equalization Board)	Rules Cmte. Conf. Rm.
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RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

AFTER RECESS

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

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 Monday, October 19, 2009, at 1:40 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 11 p.m., Eastern Daylight Saving Time.