

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, DECEMBER 16, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 94

SENATE

WEDNESDAY, December 16, 2009

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend Dr. ALBERT J.D. WALSH, of Heidelberg United Church of Christ, Hatfield, offered the following prayer:

First, I want to express my gratitude to Senator Greenleaf for the gracious invitation and honor bestowed in serving as your Chaplain this morning. If you would please join me in prayer.

Let us pray.

In the name of the Father and of the Son and of the Holy Spirit, amen. O God, our Creator and Redeemer, look with favor, we pray, on those gathered in this Assembly, who have by Your divine providence been invested with immense responsibility. Each man and woman gathered in this Chamber has taken on the mantle of leadership and with courage and conviction now faces the task of legislating for the common good of the citizens of our fair State of Pennsylvania. Each has willingly sacrificed time and tender moments with family and loved ones in order to seek together the establishment of just laws and needful programs, to address the uncommon demands of our citizenry in this hour of economic hardship and seemingly insufferable crises.

Father of all grace and good will, we commend the faithful servants gathered here to Your divine spirit, praying that each will be gifted with such wisdom as is necessary to meet their common effort and shared responsibilities with the insight, strength of character, and depth of conviction necessary to fulfill the tasks placed before them. Grant to each one the capacity to care for the whole of our citizenry, respect for colleagues with whom they disagree, and humility to accept those limitations imposed by a common humanity.

Finally, grant to each the gift of grace and the awareness that You have positioned him or her in the office held and, therefore, will not withhold Your supportive and strengthening spirit but will guide all decisions made to a deliberate end that discloses Your benevolent plan and purpose. In Christ we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Walsh, who is the guest today of Senator Greenleaf.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENT

The Clerk of the House of Representatives returned to the Senate **SB 711**, with the information the House has passed the same with amendment in which the 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 during today's Session to consider Senate Bills No. 711 and 973, and certain nominations.

LEAVE OF ABSENCE

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

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

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

The Clerk proceeded to read the Journal of the Session of October 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
Argall
Baker
Boscola

Ferlo
Folmer
Fontana
Gordner

Musto
O'Pake
Piccola
Pileggi

Vance
Vogel
Ward
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	Mensch	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 brief recess of the Senate for the purpose of a Republican caucus at the Majority Leader's desk.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow. Senator Mellow, any need for caucus?

Senator MELLOW. Mr. President, I was under the assumption that the caucus was going to be just here on the floor, so we will be in recess for a very short period of time.

The PRESIDENT. That is correct.

Senator MELLOW. Now, upon conclusion of the Session, I will call for a caucus in the Minority Caucus Room, but not at this point.

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.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

November 4, 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, Sister Theresa A. Novak, 8352 Babcock Boulevard, Apartment 8, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

November 4, 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, Sara L. Parker, 15 Springcreek Manor, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2012, and until her successor is appointed and qualified, vice Jules Rosen, M.D., Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

SECRETARY OF AGRICULTURE

September 14, 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 [sic] Russell C. Redding, 584 Clear View Road, Aspers 17304, Adams County, Thirty-third Senatorial District, for appointment as Secretary of Agriculture, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Dennis C. Wolff, Millville, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF AUCTIONEER EXAMINERS**

October 19, 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, J. Omar Landis, 516 Laurel Avenue, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF AUCTIONEER EXAMINERS**

September 23, 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, Matthew C. Rader, 135 Butler Street, Forty Fort 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice new position.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF AUCTIONEER EXAMINERS**

September 23, 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, Ralph M. Stewart, 120 West Philadelphia Street, Armagh 15920, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
CANCER CONTROL, PREVENTION
AND RESEARCH ADVISORY BOARD**

October 16, 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, Susanne M. Gollin, 1216 Heberton Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Roy E. Smith, MD, Erie, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

October 19, 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, Jessie L. Bloom (Public Member), 615 Lincoln Avenue, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

November 20, 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, Mollie O'Connell Phillips, 148 South Maple Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2015, or until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

October 28, 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, Leonard L. Lichvar (District 4), 584 Horner Church Road, Stoystown 15563, Somerset County, Thirty-second Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE AGENCY**

November 10, 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, Murray Ufberg, 644 Charles Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2011, and until his successor is appointed and qualified, vice The Honorable J. Doyle Corman, Bellefonte, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

October 22, 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, Michele Bortner, D.Ed., 4424 Rathlin Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Gordon A. Haaland, Kilmarnock, Virginia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

October 28, 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, B. Michael Schaul, 840 Allentown Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2016, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

September 28, 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, William D. Mullin, 656 Pinefrost Drive, Monroeville, 15146, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF MASSAGE THERAPY

October 15, 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, Joanne A. Smutko, 304 Shady Ridge

Drive, Monroeville 15146, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the State Board of Massage Therapy, to serve until October 9, 2013, or until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

September 23, 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, Gary Hines, 42 W Washington Lane, Philadelphia 19144, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2012, and until his successor is appointed and qualified, vice Daniel Rodriguez, Philadelphia, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

September 16, 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, Michele A. Boone, PT, NHA, 214 Hyview Road, Stillwater 17878, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Leonard Oddo, North Huntingdon, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

October 16, 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 J. Bruno, PO Box 83, Brockway 15824, Jefferson County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice James Miller, Archbald, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

November 10, 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, Brian Fill (Public Member), 1120 Stone Crest Drive, Tarentum 15084, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene Sheffer, Franklin, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

November 10, 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 Murray (Public Member), 1801 Little Conestoga Road, Glenmoore 19343, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF PARDONS

October 28, 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, Louise B. Williams, 331 South Franklin Street, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 2015.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY

October 21, 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, Roger J. Reschini, 922 Philadelphia Street, Indiana 15701, Indiana County, Forty-First Senatorial District, for appointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2011, and until his successor is appointed and qualified, vice Patricia K. Poprik, Doylestown, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

October 16, 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, Michael Edward Braxton, 1413 North Franklin Street, Pittsburgh 15233, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Wendell Pritchett, Philadelphia, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

September 21, 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, Alan Jennings, 2130 Gordon Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

October 29, 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, Michael L. Green, 1413 Redwood Lane, Wyncote 19095, Montgomery County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

October 29, 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, Jeffrey Robert Imboden, 116 East Pershing Avenue, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE**

November 23, 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, John R. Tuttle, 730 Church Road, York 17404, York County, Twenty-eighth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve until February 10, 2010, or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Gerard N. Massaro, Ph.D., Cranberry Township, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

October 16, 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 W. Stein, 357 Ann Circle, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Karen Goltz Stein, Indiana, whose term expired.

EDWARD G. RENDELL
Governor

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

September 21, 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 Robert A. Bittenbender, 292 Founders Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

September 21, 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, Nicholas J. Maiale, 225 South 18th Street, Apartment 905, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

September 21, 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, Oliver C. Mitchell, Jr., 101 Ellsworth Drive, Sinking Spring 19608, Berks County, Forty-eighth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice Michael J. Acker, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE FARM
PRODUCTS SHOW COMMISSION**

November 10, 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, Elizabeth M. Shorb, 1140 Woodland Drive, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until her successor has been appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

September 2, 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 Joseph E. Gurzenda, 101 Grove Street, McAdoo 18237, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 2011, or until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

September 2, 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 G. Guydish, Rear 401 West Green Street, West Hazleton 18202, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 2011, or until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

September 2, 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, James A. Zurick, Esquire, 363 Blue Church Road, Paxinos 17866, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 2011, or until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

September 3, 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, Paul R. Hoffer, 340 Rock Hill Road, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

September 3, 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, Edward S. Hoover, 460 Wetherburn Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of

Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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 BOARD OF TRUSTEES OF
THADDEUS STEVENS COLLEGE OF TECHNOLOGY

September 3, 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, Donna L. Kreiser, Esquire, 800 Chestnut Street, Columbia 17512, Lancaster County, Thirty-sixth Senatorial District, for reappointment 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.

EDWARD G. RENDELL
Governor

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

September 23, 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, Stephen Powell, 209 Emily Lane, Boothwyn 19061, Delaware County, Ninth 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 2011, and until his successor is appointed and qualified, vice Stephen L. Ralston, Coatesville, resigned.

EDWARD G. RENDELL
Governor

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

September 3, 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 A. Watson, Jr., 2412 Raleigh Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

September 3, 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, Theodore R. Williams, 970 East Orange Street, Lancaster 17602, Lancaster County, Thirteenth 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 his successor is appointed and qualified, vice Camilla L. Collova, Lancaster, whose term expired.

EDWARD G. RENDELL
Governor

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

September 3, 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, Michael J. Winn, 1941 Glendower Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2015, 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, 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, Zelenople 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 Co-manche 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, 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

MAGISTERIAL DISTRICT JUDGE

November 10, 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, Ken Lenker, 901 Main Street, Harrisburg 17113, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Dauphin, Magisterial District 12-2-02, to serve until the first Monday of January 2010, vice Steven M. Semic, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

November 10, 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, Jim Lenker, 409 Redbud Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Dauphin, Magisterial District 12-1-01, to serve until the first Monday of January 2010, vice Ray F. Shugars, mandatory retirement.

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-48

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

NAY-1

Stout

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.

RECESS

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

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

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

AFTER RECESS

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

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

BILLS REPORTED FROM COMMITTEES

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

SB 711 (Pr. No. 1561) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, making extensive revisions to provisions on gaming, in the areas of legislative intent, definitions, the Pennsylvania Gaming Control Board, applicability of other statutes, powers of the board, code of conduct, expenses of regulatory agencies, licensed gaming entity application appeals from board, license or permit application hearing process and public hearings, board minutes and records, regulatory authority, collection of fees and fines, slot machine license fee, number of slot machines, reports of board, diversity goals of board, license or permit prohibition, specific authority to suspend slot machine license, Category 2 slot machine license, Category 3 slot machine license, applications for license or permit, slot machine license application, slot machine license application character requirements, supplier licenses, manufacturer licenses, gaming service provider, occupation permit application, alternative manufacturer licensing standards, alternative supplier licensing standards, additional licenses and permits and approval of agreements, license renewals, change in ownership or control of slot machine licensee, nonportability of slot machine license, appointment of trustee, table games, slot machine licensee deposits, gross terminal revenue deductions, itemized budget reporting, establishment of State Gaming Fund and net slot machine revenue distribution, distributions from Pennsylvania Race Horse Development Fund, Pennsylvania Gaming Economic Development and Tourism Fund, transfers from State Gaming Fund, responsibility and authority of Department of Revenue, wagering on credit, eminent domain authority, compulsive and problem gambling program, drug and alcohol treatment, labor hiring preferences, declaration of exemption from Federal laws prohibiting slot machines, financial and employment interests, additional restrictions, political influence, regulation requiring exclusion of certain persons, prosecutorial and adjudicative functions, investigations and enforcement, conduct of public officials and employees, prohibited acts and penalties, report of suspicious transactions, additional authority, applicability of Clean Indoor Air Act, liquor licenses at licensed facilities, interception of oral communications, electronic funds transfer terminals, junkets, gaming schools, appropriations and Commonwealth Financing Authority; and making related repeals.

SB 973 (Pr. No. 1447) (Rereported) (*Concurrence*)

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

Senator PICCOLA, from the Committee on Education, reported the following bills:

SB 1011 (Pr. No. 1281)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for certificates qualifying persons to teach and for kinds of State certificates; and providing for residency certificates.

SB 1073 (Pr. No. 1556) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in early learning programs, further providing for establishment of program, for duties of depart-

ment, for grant awards and for duties of approved providers; and providing for a study.

SB 1086 (Pr. No. 1557) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for election of school directors.

SB 1135 (Pr. No. 1558) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in interscholastic athletics accountability, further providing for council recommendations and standards and for the Pennsylvania Athletic Oversight Committee.

RECESS

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

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a Democratic caucus in the Minority Caucus Room.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

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

CALENDAR**NONPREFERRED APPROPRIATION BILL
ON CONCURRENCE IN HOUSE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 1039 (Pr. No. 1519) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1039?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1039.

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-46

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

NAY-3

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 47 (Pr. No. 1461) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in general powers and duties of the Department of Public Welfare, providing for determining whether applicants are veterans; in public assistance, further providing for establishment of county boards and expenses, for lifetime limit and for prohibited use of public assistance funds; further defining "exempt hospital" and "general acute care hospital"; further providing for authorization, for administration, for no hold harmless, for tax exemption and for cessation; and providing for fraud reporting to Inspector General.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 47?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 47.

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-46

Alloway	Ferlo	Musto	Vance
Argall	Folmer	O'Pake	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	Leach	Scarnati	Williams
Earll	Logan	Smucker	Wozniak
Eichelberger	McIlhinney	Stack	Yaw
Erickson	Mellow	Stout	
Farnese	Mensch	Tomlinson	

NAY-3

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

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

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 458, SB 746 and HB 1300 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1418 (Pr. No. 2532) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-48

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

NAY-1

Folmer

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

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

BILLS OVER IN ORDER

HB 1768 and HB 1801 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1847 (Pr. No. 2794) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Alloway	Ferlo	Musto	Vance
Argall	Folmer	O'Pake	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	Mensch	Tomlinson	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 260, SB 1077, SB 1145, HB 1145, SB 1161 and HB 1779 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 161, ADOPTED

Senator PILEGGI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 161**, entitled:

A 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.

On the question,

Will the Senate adopt the resolution?

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

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEE

Senator EICHELBERGER, from the Committee on Local Government, reported the following bills:

SB 435 (Pr. No. 1562) (Amended)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing the abolition of jury commissioners in certain counties of the second class A.

SB 1091 (Pr. No. 1444)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in sheriff and coroner, further providing for official records of coroner.

SB 1117 (Pr. No. 1486)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the abolishment of the office of jury commissioner.

SB 1155 (Pr. No. 1532)

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

HB 1609 (Pr. No. 2269)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "traditional neighborhood development"; further providing for grant of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; and providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development.

SENATE RESOLUTIONS ADOPTED

Senators PIPPY, FONTANA, BOSCOLA, RAFFERTY, TARTAGLIONE, DINNIMAN, O'PAKE, KASUNIC, STACK,

STOUT, ERICKSON, PILEGGI, COSTA, WASHINGTON, ORIE, LOGAN, ALLOWAY and FERLO, by unanimous consent, offered **Senate Resolution No. 224**, entitled:

A Resolution recognizing the Watson Institute for its work with children with autism and as one of Pennsylvania's regional autism centers.

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

Senators M. WHITE, FONTANA, BOSCOLA, MUSTO, BAKER, YAW, PIPPY, O'PAKE, KASUNIC, RAFFERTY, TARTAGLIONE, DINNIMAN, STACK, ERICKSON, STOUT, GREENLEAF, PILEGGI, D. WHITE, COSTA, WASHINGTON, LOGAN, ALLOWAY and WAUGH, by unanimous consent, offered **Senate Resolution No. 225**, entitled:

A Resolution recognizing the week of January 24 through 30, 2010, as "National Nurse Anesthetists Week" in Pennsylvania.

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

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 Ethan M. Zeigler by Senator Alloway.

Congratulations of the Senate were extended to Mr. and Mrs. Nicholas Scatton, Mr. and Mrs. Jerome Brensinger, Mr. and Mrs. Charles Gerenda, Kyle C. Sterner, Louis Truskowsky, Evans Delivery Company of Schuylkill Haven, Tri-Valley Junior-Senior High School Football Team and to the North Schuylkill Junior/Senior High School Football Team by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Robert G. Parkison by Senator Baker.

Congratulations of the Senate were extended to Nicholas Cawley by Senator Boscola.

Congratulations of the Senate were extended to Benjamin Anthoney Santee and to Michael R. Caffrey by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. James Harter, Matthew R. Blantz, Aaron Philip Law, Mike Williams and to Keystone Wood Specialties, Inc., of Lancaster, by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Oscar H. Rockey, Jr., and to the members and coaches of The Pennsylvania State University Women's Volleyball Team by Senator Corman.

Congratulations of the Senate were extended to Joni Rabinowitz by Senator Costa.

Congratulations of the Senate were extended to the Honorable James Paul MacElree II, Andrew T. Paski, Christopher S. LaColla, Zachary P. Borchardt, John F. Burns, David J. Welsh, Nancy Penn Smith Hannum, Jack Hauler, Mary Verderame, M. Elizabeth Burke-Schwab, Dylan Nalbandian and to William M. Timm by Senator Dinniman.

Congratulations of the Senate were extended to Technical Sergeant Michael L. Ciavarella, Jr., and to Technical Sergeant Andrew L. Holton by Senator Eichelberger.

Congratulations of the Senate were extended to James J. Pentimall, Joseph Patrick Craig and to Vincent L. Smith by Senator Erickson.

Congratulations of the Senate were extended to Dr. Marsha L. Zehner, Richard J. Kovalik and to Jeremy Schrack by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert L. Miller, Elijah Brown, Jonathan Manges, Zachariah Brown, Shawnee L. Armstrong, Kaitlin Renee Diehl, Kenetha Renee Markle, Berwick Area Ambulance, Inc., and to the Millersburg Area Senior High School Football Team by Senator Gordner.

Congratulations of the Senate were extended to John J. McKenna IV, Timothy McCann, Helen Chamberlain, Mike Reeves, Christopher J. Vanek and to the Indian Valley Chamber of Commerce by Senator Greenleaf.

Congratulations of the Senate were extended to David Mark Nagel, Ammon Cirigliano and to Michael James Bryan by Senator Hughes.

Congratulations of the Senate were extended to the Honorable Timothy Paul Shoemaker, Jason Hayes, Lauren Michelle Turosik and to the Veterans of Foreign Wars Post 47 Band of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Edward Gabriel Fauser and to the Bright Hope Baptist Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Francis X. McCreesh and to Carolyn Conti by Senator Leach.

Congratulations of the Senate were extended to JoAnn M. Gubanic by Senator Logan.

Congratulations of the Senate were extended to the Honorable Philip J. Daly by Senator McIlhinney.

Congratulations of the Senate were extended to Mr. and Mrs. John Katrinak, William A. Bednar, Anna S. Rogers and to Robert B. Kutulis by Senator Mensch.

Congratulations of the Senate were extended to the Sanford Alderfer Companies of Hatfield by Senators Mensch and Greenleaf.

Congratulations of the Senate were extended to Steven D. Funk by Senators Mensch and McIlhinney.

Congratulations of the Senate were extended to Sandra Miller and to Cara Sepcoski by Senator Musto.

Congratulations of the Senate were extended to the Honorable William N. Hall, Jr., by Senator O'Pake.

Congratulations of the Senate were extended to Logan R. Kallop and to Claire M. Weber by Senator Orie.

Congratulations of the Senate were extended to Patrick C. Dougher and to Jeffrey Phillip Ahearn by Senator Piccola.

Congratulations of the Senate were extended to the Honorable George McClure, Dr. Anthony V. Costello, George Austin Collins, Brian Peter Herman, Willie M. Wells, Margaret Lockwood and to Nathaniel Ping Markowski by Senator Pileggi.

Congratulations of the Senate were extended to Kevin James Fein by Senators Pileggi and Dinniman.

Congratulations of the Senate were extended to Stephen Johnston and to Connor D. Mullan by Senator Pippy.

Congratulations of the Senate were extended to Nicholas Kemner, Morgan Andrew Skapik, Troop 369 of the Boy Scouts

of America and to the Lower Providence 75-pound Football Team by Senator Rafferty.

Congratulations of the Senate were extended to Justin Richard Michael, Clint Pullium, Spencer Pullium, Shannon M. Gramley and to LeRoy Bell by Senator Robbins.

Congratulations of the Senate were extended to Raymond W. Klaiber, Jr., by Senator Scarnati.

Congratulations of the Senate were extended to John A. Myers, Brad J. Myers, Grant L. Elledge and to Scott Ulrich by Senator Smucker.

Congratulations of the Senate were extended to Dr. and Mrs. Alvin Shapiro, Mr. and Mrs. Gerald McDowell, Mr. and Mrs. William Schlaupitz, Mr. and Mrs. Victor Gasbarrini, Mr. and Mrs. Ziver Gauthier and to Brian L. Spicer by Senator Stout.

Congratulations of the Senate were extended to CARDONE Industries by Senator Tartaglione.

Congratulations of the Senate were extended to Glenn Hackbart, Silvino Dalessandro, Daniel Bevans and to Kurt Ferry by Senator Tomlinson.

Congratulations of the Senate were extended to Dr. Joseph Ruggiero by Senators Tomlinson and Stack.

Congratulations of the Senate were extended to Chief Michael A. Andreoli, Daniel Lynn Schreffler, Lindsay Marie Moore, Stephen B. Spangler, Gary Michael Bonner and to Laura Shuey-Kostelac by Senator Vance.

Congratulations of the Senate were extended to Charles S. Musick by Senator Ward.

Congratulations of the Senate were extended to Mary James Dixon by Senator Washington.

Congratulations of the Senate were extended to Chief Darryl L. Albright, Hilary Reeve, Mary Paschke and to Shruithie Amin by Senator Waugh.

Congratulations of the Senate were extended to the Honorable Joyce K. Somers and to Mark J. Acre by Senator D. White.

Congratulations of the Senate were extended to Elliot MacLain Donze by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. William Leuthold by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Gary Downer, Jonathan Lough McJunkin, Dorothy Carol Story, Valerie L. Schramm, Mary Millet and to Kate Anderson 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 Clarence E. LaBar by Senator Baker.

Condolences of the Senate were extended to the family of the late Sergeant Mark Renninger by Senator Boscola.

Condolences of the Senate were extended to the family of the late Joseph W. Carroll, Jr., by Senator Dinniman.

Condolences of the Senate were extended to John Richard Hunter by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Susan Lipskin Ross by Senator Washington.

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 Eric J. Olson was extended to the family by Senator Browne.

A posthumous citation honoring the late Lauretha Vaird was extended to the family by Senator Washington.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 435, SB 1011, SB 1073, SB 1086, SB 1091, SB 1117, SB 1135, SB 1155 and HB 1609.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Mr. President, 2 weeks from now, rate caps on electricity for almost a quarter of the residents of Pennsylvania will be coming off when PPL's rate caps expire on January 1, 2010. Eight months ago, I stood in this Chamber urging residents to call their House Members to urge them to support House Bill No. 20, which would provide for a 3-year phase-in of the proposed rate increases. Unfortunately, House Bill No. 20 has languished in the House Committee on Appropriations since late April.

And now, on January 1, 2010, PPL ratepayers are going to see an ever-increasing rate increase. Now, in late November, PPL's proposed uncapped rate per kilowatt hour was to be 10.55 cents. In early December, a phone call to PPL, asking for the price to compare, yielded the rate to be 10.68 cents per kilowatt hour. And now, it is being reported that PPL's rate will be 10.82 cents per kilowatt hour come January 1.

Last year, the General Assembly enacted Act 129, which is a step in the right direction in promoting energy conservation by utilities to minimize the rate increases. At that time, I was prepared to offer an amendment to provide for a continuation of the rate caps in our State as our country was going through this recession that we are dealing with.

Now, I went to the Governor's Office. I was called there and was requested to take my amendment off that bill so that it could be a clean bill and we could move forward with energy conservation. At the time, I knew that the only thing that I could do to try to help mitigate this rate increase was that amendment, because I knew if I offered that amendment, it was going to pass. But the Governor and certain leaders asked me to take that amendment off--and I thought it was in very good faith--and said, listen, Lisa, we will take up rate mitigation before the end of the year. Take your amendment off, and we will deal with rate mitigation. Well,

we stand here today, weeks from these rate caps expiring for 25 percent of Commonwealth residents, and I am still waiting for the action that was promised.

This General Assembly should not allow these utilities—who have been making record profits, with executives making millions of dollars with rate caps in place—to continue to improve their bottom lines during difficult economic times, when families are struggling to make ends meet and seniors are going to be forced to choose between whether they are going to pay their electric bills or pay for the prescriptions they so desperately need. Unfortunately, greed is not a strong enough word to describe some of these utility companies' actions. I do not know whatever happened to making a healthy profit. It seems like some in corporate America have no allegiance to their customers anymore, to their State, or to their country, for that matter.

To those sitting at home watching PCN, who live in PPL's territory, I want you to know that you do not have to pay the exorbitant rates that PPL will be hammering out with the new year coming. When the General Assembly passed electric deregulation in the mid-1990s, it was done because we were told that this would promote competition, and residents would have a choice. For the last 13 years, the only choice for PPL customers was PPL. Those days are changing, and you at home will now have a choice.

Four companies have already announced that they want to serve you and provide you with a rate at least 10 percent less than is being offered by PPL: ConEdison Solutions, Direct Energy, Dominion, and Liberty Power. And three more additional companies may be coming into Pennsylvania. Contact information is available on my Web site at www.senatorboscola.com. But still, these rates will be higher than what is currently being charged. Families struggling to pay their energy bills now will struggle even more as they lose more and more of what they have earned and saved for a rainy day.

As I said 8 months ago, it is time for the people's representatives to go out and do the people's business and keep their promises. This is a fight that matters to all of us, especially seniors living on a fixed income, who, by the way, have just received official notification that they will not receive a cost-of-living adjustment in 2010. So their rates are going to be increased by 30 percent, but they are not getting a cost-of-living adjustment. How wrong is that? And let me restate that. Our seniors receive a zero-percent COLA in 2010 but will receive a 30-percent increase in their electric rates. Not fair at all.

Now talk about when the Bethlehem Area School District and other school districts around the Commonwealth have to raise their property taxes because their bills will go up by a million dollars or so. If their electric bill goes up by that much, who is going to pay that cost? The homeowner will pay that cost. So tell me how a cost of living adjustment is not warranted.

It does matter to small business owners who will be forced to go out of business because of their higher electric bills, and there will be a lot of jobs across this Commonwealth that will be lost. And it matters to the homeowner who will see their property taxes rise because their school districts and their local governments will have to pay that 30-percent increase.

This does not have to be the case. My colleagues can join me and urge legislative action to make a difference, a real difference

in the lives of our constituents. We can pass rate mitigation language and make a real difference in people's pocketbooks and their lives.

Lastly, Mr. President, I am extremely disappointed that I was called into the Governor's Office, asked to remove an amendment, and was promised to get some kind of rate mitigation passed by the end of the year. I took leaders in good faith. I really believed in what they were saying. So I want to go on record—what is the saying? Fool me once, shame on you; fool me twice, shame on me. If ever in this building there is ever an amendment, and leaders ask me to go off of it so that a bill can remain clean, and I remain strong and firm on that amendment, that I think the language will help the people of Pennsylvania, I am not taking it off. I refuse, because I was so wrongly fooled the first time, and it will never happen again.

Thank you, Mr. President.

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

Senator WOZNIAK. Earlier, I voted "no" on Senate Bill No. 1039. For those who do not know what that bill is, it is the appropriation for the University of Pennsylvania. And while I have absolutely no problem with the University of Pennsylvania and helping our young people and subsidizing their education, the House, in a very sly way, slid in a very significant amendment for a nonpreferred museum.

This Chamber, for over 2 years now, has made it clear that we are not interested in keeping artificial nonpreferreds in the budget, particularly in this very, very tight budget cycle. They took the language of a nonpreferred and placed it into the University of Pennsylvania appropriation, making it difficult for many Members to vote "no," because they wanted to take care of the educational portion.

It is not right, and I will never get caught in this situation again. This was a bill on concurrence; we had only an up or down vote. We had no opportunity to amend it and delete that particular section. It passed, but I wanted to make clear what the House did, in what I consider an unfair and unopen fashion.

Thank you, Mr. President.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

BILLS INTRODUCED AND REFERRED

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

December 16, 2009

Senators MENSCH, ARGALL, FOLMER, YAW, VANCE, BOSCOLA, FARNESE, BAKER and SCARNATI presented to the Chair **SB 1164**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for access charges.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 16, 2009.

Senator STOUT presented to the Chair **SB 1167**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to Waynesburg University certain lands situate in the Borough of Waynesburg, Greene County.

Which was committed to the Committee on STATE GOVERNMENT, December 16, 2009.

BILLS SIGNED

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

SB 47 and SB 1039.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 711 (Pr. No. 1561) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, making extensive revisions to provisions on gaming, in the areas of legislative intent, definitions, the Pennsylvania Gaming Control Board, applicability of other statutes, powers of the board, code of conduct, expenses of regulatory agencies, licensed gaming entity application appeals from board, license or permit application hearing process and public hearings, board minutes and records, regulatory authority, collection of fees and fines, slot machine license fee, number of slot machines, reports of board, diversity goals of board, license or permit prohibition, specific authority to suspend slot machine license, Category 2 slot machine license, Category 3 slot machine license, applications for license or permit, slot machine license application, slot machine license application character requirements, supplier licenses, manufacturer licenses, gaming service provider, occupation permit application, alternative manufacturer licensing standards, alternative supplier licensing standards, additional licenses and permits and approval of agreements, license renewals, change in ownership or control of slot machine licensee, nonportability of slot machine license, appointment of trustee, table games, slot machine licensee deposits, gross terminal revenue deductions, itemized budget reporting, establishment of State Gaming Fund and net slot machine revenue distribution, distributions from Pennsylvania Race Horse Development Fund, Pennsylvania Gaming Economic Development and Tourism Fund, transfers from State Gaming Fund, responsibility and authority of Department of Revenue, wagering on credit, eminent domain authority, compulsive and problem gambling program, drug and alcohol treatment, labor hiring preferences, declaration of exemption from Federal laws prohibiting slot machines, financial and employment interests, additional restrictions, political influence, regulation requiring exclusion of certain persons, prosecutorial and adjudicative functions, investigations and enforcement, conduct of public officials and employees, prohibited acts and penalties, report of suspicious transactions, additional authority, applicability of Clean Indoor Air Act, liquor licenses at licensed facilities, interception of oral communications, electronic funds transfer terminals, junkets, gaming schools, appropriations and Commonwealth Financing Authority; and making related repeals.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 711?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 711.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

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

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

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Musto.

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

Senator Costa requests a temporary Capitol leave for Senator Musto.

Without objection, the leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

Senator STACK. Mr. President, there are several provisions that I feel would be detrimental to Philadelphia or the entire Commonwealth, and there are some missing provisions that should be included in tonight's legislation.

I am really concerned about the provision that gives Foxwoods another extension to build a casino along the Delaware Riverfront. They have shown time after time that they cannot perform. How many chances can we give them?

That is not only Mike Stack's assessment. That is the assessment of the Pennsylvania Gaming Control Board's Office of Enforcement Council, who has been reviewing monthly status reports of Foxwoods. Today, they issued a recommendation to the Gaming Control Board stating that they should either outright deny the extension or allow the extension with penalties. We should not authorize an extension that our own gaming experts say is a bad idea.

It is time for Foxwoods to step up or step down. If Foxwoods does not get the extension, they still have until May 29, 2011, to build a full casino or a temporary casino. Philadelphia Park, as my friend, Senator Tomlinson, can tell you, used a temporary facility. Why cannot Foxwoods?

This legislation also needs stricter ethical standards, which the current legislation, I believe, does not have. Lobbyists should be banned from having a financial interest in casinos. Allowing them or their immediate families to have a financial interest can lead to corruption. Lobbyists can have influence on legislation

and improve their financial standing. This is exactly what the lobbying law is intended to prevent - financial reward contingent upon legislative or administrative action.

I am also concerned about extending credit to people who play the slots, and its impact on gaming addiction. Yes, I understand it is a safety precaution for some, but it is dangerous for many more.

Finally, I am concerned about the impact of former Mayor John Street's action involving casino building in Philadelphia. Prior to leaving office, he entered into payment-in-lieu-of-taxes agreements with the Philadelphia casinos using a State law from the 1970s to encourage economic development. Negotiated in private, these agreements are questionable at best. Plus, the city is leaving up to \$60 million over a 10-year period in uncollected revenue on the table. Now more than ever, we can use those funds. They need every dollar to help balance their budget and to pay the cops, firefighters, and other civil servants who make the city what it can be. Allowing the casinos to receive property tax abatements or fail to pay full use and occupancy taxes is a direct contravention of the intent of the Gaming Act.

Mr. President, I understand that no bill is perfect. And let me go on the record saying I really appreciate everything that our Leaders and Members have done to craft a bill which they think will serve the public interest. But the crucial elements that have been left out of this bill make it completely unpalatable for me to vote for it.

MOTION TO SUSPEND RULE XIV

Senator STACK. For that reason, I move that Senate Rule XIV, Section 1, be suspended for the purpose of offering amendment No. 5287 to Senate Bill No. 711 to try to fix this legislation.

The PRESIDENT. Senator Stack moves to suspend Senate Rule XIV, Section 1, to amend Senate Bill No. 711. This motion is not debatable.

On the question,

Will the Senate agree to the motion to suspend Rule XIV?

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

Senator PILEGGI. Mr. President, without addressing the merits of the comments of the Senator from Philadelphia, I oppose the motion. We have done a good job this Session in sticking to our rules and not suspending when convenient. This is not a new issue. We voted this original bill in the Senate back in October. It has been here. We have worked for a long time on this amendment. These amendments are not timely. I oppose the motion to suspend.

And the question recurring,

Will the Senate agree to the motion to suspend Rule XIV?

The PRESIDENT. On the motion to suspend, all those in favor to suspend will vote "aye"; those opposed to suspend will vote "no."

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

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 711?

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

Senator TARTAGLIONE. Mr. President, I know the hour is late, so I have some remarks that I would like to submit for the record.

The PRESIDENT. Senator Tartaglione offers remarks for the record. 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 gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Mr. President, I want to take this opportunity to express my thoughts as it relates to the legislative intent of Section 1363A(b)(3)(I)(A) of Senate Bill No. 711. I am of the understanding that the intent of this section is that the phrase "health care" clinic is meant to include any acute care health facility which is a nonprofit subsidiary of a State-related educational institution and that such institutions shall be eligible to apply for a portion of the local share funds in Philadelphia. I understand that there has been some discussion of this section and that the language in the amendment as it was adopted in the Committee on Rules and Executive Nominations is not as clear as some would like. However, I want to clarify that this is the legislative intent of this section. Our interpretation is that nonprofit acute care health facilities that are affiliated with State-related institutions are covered by the language in this section.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, I will also be brief with my remarks. As we all know, Mr. President, Senate Bill No. 711, which passed this Chamber a few months ago, has a lot in it that we are all proud of. Gaming reform has been long overdue in Pennsylvania. People who get gaming licenses should be held to the highest standards of character. And most importantly, with regard to the contents of Senate Bill No. 711, casino owners should not be allowed to give unlimited campaign contributions to politicians. Senate Bill No. 711 addresses many of these issues head on. The reforms may not be perfect, but they are a big step in the right direction.

However, at some point between July and today, Senate Bill No. 711 stopped being a gaming reform bill and became the table games bill. For many reasons, and because of the many changes to this bill, I personally and regretfully can no longer vote for this measure. I am not going to read chapter and verse on those reasons today, as I am sure my colleagues know, from the many weeks and months that we have worked together on this issue, what my concerns are.

I do want to be clear on one point, Mr. President, about the overriding factor that runs through every single remark and position I take on gaming, because I really want everyone in this Chamber to understand this. Mr. President, there is no other legislator in the entire building, in the entire State of Pennsylvania, in either Chamber, who has not one but two casinos in their legislative district.

You may have heard me say that the casinos in my district are close to residential communities. Well, here is how close they really are. If I stood here, and you stood on the south lawn behind the Ryan Building, that is how close they are -- a big neon building, 11 million vehicle trips a year, and a 3,000-car parking garage, all 24 hours a day, 7 days a week. And the same thing is happening 3 miles down the very same street in my district.

It is this fact, this reality facing my constituents and the neighborhoods that I represent that drives my passion on this issue, and not--and I repeat--and not some moral obligation or hatred or distaste for the concept of gaming or the gaming industry. I ask you today, even if you do not agree with me on this issue, that you at least try to understand what this means to my constituents and what they and their children face as this Commonwealth's partnership with the gaming industry moves forward.

Even in the brief time that I have been here, I have learned that no single piece of legislation is perfect in all respects. But more importantly, I have learned that an imperfect bill can always be made better. Although as Members, we may not support every bill, we have an opportunity and, in my opinion, an obligation to our constituents to work hard at making it the best it can be, even if we ultimately choose not to support it. For me, it is not enough to just look at a bill I may not like and say no. I think it is incumbent upon me to do everything I possibly can to make sure that the people whom I represent are protected.

This is why I have always fought, since the day I got here, to insure that there are protections and accommodations for the communities that I represent which are near these casinos. And I am not alone in my fight. My colleagues here in the Philadelphia delegation are owed a great debt of gratitude, led by Senator Kitchen, our delegation head, and Senator Hughes, Senator Washington, Senator Williams, Senator Stack, and Senator Tartaglione. They have supported me and continue to support me on all these issues and have joined me in the fight for these communities, because each of them, Mr. President, loves the city of Philadelphia, every single part of it. They care greatly for the people they serve each and every day. I thank them for their support, and I have the utmost respect for their commitment to our city.

I would also like to thank Representative O'Brien in the House, who represents many of the same neighborhoods in my district near those casinos. His drive and passion for his constituents is unyielding. I would also like to thank my fellow Caucus Members and Caucus Leadership, specifically Senator Mellow and Senator Costa, for their support. And I thank my Republican colleagues, who reached across the aisle in the best interests of all Pennsylvanians.

I am pleased, at least as of today and at this time and at this hour, through our collective efforts, that an oversight in the original Gaming Act has been corrected in some small regard. Under this bill, communities in my district who bear the brunt of the negative effects of casinos are going to be treated the same way--and this is important--the same way as communities hosting casinos around this Commonwealth, when it comes to sharing a small part of the revenue created by this billion-dollar industry.

Senate Bill No. 711, as it stands here today, represents a major expansion of gaming in Pennsylvania. But this will not be the last day that we, as a legislative body, have to deal with issues

surrounding casinos. As my colleague, Senator Ferlo, is fond of saying, we have a 54-percent tax rate on slots. We are not just a State that has gaming, but a business partner with the gaming industry. And let us not forget what we are talking about here. This is not Joe Taxpayer mortgaging his house to open up a hardware store on Main Street. This is a billion-dollar industry that operates a very limited monopoly under the protection and authority of a State license.

Casinos should go out of their way, Mr. President, to be good neighbors. We should hold the industry to their promises, and there are a lot of promises about the facilities they intend to develop, about the way they treat communities they operate in, and about the jobs that they say they are going to produce. We must hold the industry to their promise that jobs will benefit people who actually live in Pennsylvania and the neighborhoods around those casinos. We should be vigilant of the effects this industry can have on our most financially vulnerable citizens, and we should hold the industry to its commitments of diversity in the workforce and creating good-paying jobs with upward mobility.

I hope my colleagues in this Chamber today understand my vote and heed the concerns that I have raised. We have much, much work ahead to do for the citizens of Pennsylvania. I hope we continue to do the work in the same bipartisan spirit in which we have approached this issue.

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-27

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

NAY-22

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

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair wishes to note that Senator Piccola had returned from leave before the previous vote.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS****WEDNESDAY, DECEMBER 16, 2009**

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 711 and 973; and certain nominations).	Rules Cmte. Conf. Rm.
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Off the Floor	LOCAL GOVERNMENT (to consider Senate Bills No. 435, 1091, 1117 and 1155; and House Bill No. 1609)	Rules Cmte. Conf. Rm.
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THURSDAY, DECEMBER 17, 2009

11:00 A.M.	FINANCE (public hearing on property tax issues related to the Hazleton Area School District)	Keystone Fire Co., Grant & Hancock Sts. McAdoo, PA
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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 until Tuesday, January 5, 2010, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 7:53 p.m., Eastern Standard Time.