

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 12, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 22

SENATE

TUESDAY, April 12, 2011

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

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

PRAYER

The Chaplain, Father BERNARD F. O'CONNOR, President of DeSales University, Center Valley, offered the following prayer:

Let us bow our heads in prayer.

We recall that our origin and our destiny transcend the confines of this present world. Both of these are shrouded in mystery. We do know, however, that our journey occurs in the here and the now. We live within this space and this time. We clearly know that we are not alone. In fact, we have been made for one another. In a real sense, we are a common wealth. You provide for us great tools for our journey. We have inquisitive minds that can direct us toward the truth. Our freedom naturally seeks what is good and noble. Our hearts long for love and for justice.

Send Your blessings upon this Assembly of Your people, great and loving God. May we walk humbly in Your service and in the service of others. May we seek the common good for our Commonwealth. May we be good stewards of Your bounty and of Your many graces, and may You graciously welcome us home to be again in the company of our dear Senator Mike O'Pake, when our journey comes to an end. Amen.

The PRESIDENT. The Chair thanks Father O'Connor, who is the guest today of Senator Mensch.

PLEDGE OF ALLEGIANCE

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

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:

April 12, 2011

Senators TOMLINSON, FONTANA, EICHELBERGER, ERICKSON and WASHINGTON presented to the Chair SB 962, entitled:

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 funding for charter schools.

Which was committed to the Committee on EDUCATION, April 12, 2011.

Senators TOMLINSON, FONTANA, BOSCOLA, BREWSTER and BRUBAKER presented to the Chair SB 963, entitled:

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"; further providing for procedures for registration as a contractor and for prohibited acts; and establishing the Home Improvement Account in the General Fund.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 12, 2011.

LEGISLATIVE LEAVES

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

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

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

Senator COSTA. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator McIlhinney.

Senator Costa requests a legislative leave for Senator Williams.

Without objection, the leaves will be granted.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, April 12, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Tuesday, April 26, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Tuesday, April 26, 2011, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

LEGISLATIVE LEAVE CANCELLED

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

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

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

YEA-50

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators RAFFERTY, FERLO, KASUNIC, DINNIMAN, D. WHITE, ALLOWAY, SCARNATI, ERICKSON, YUDICHAK, COSTA, BROWNE, WASHINGTON, FONTANA, PIPPY, ARGALL, EARLL, WAUGH, BOSCOLA, TARTAGLIONE, GREENLEAF, WOZNIAC, PILEGGI and BREWSTER presented to the Chair **SR 85**, entitled:

A Resolution recognizing Tuesday, April 12, 2011, as "Architects Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, today we celebrate "Architects Day" in the Commonwealth of Pennsylvania to recognize the unique contribution that architects have made to our history, texture, and quality of life here in Pennsylvania. The American Institute of Architects, with a statewide membership of more than 2,700 people, was founded in 1909. The American Institute of Architects signified the importance of architects in our history over 150 years ago, and architects have expressed the richness of our heritage and the vitality of its spirit through the

vigilant stewardship of great architectural and historic treasures. Architects improve our quality of life for all individuals by combining advances in building technology with design innovation to build healthy, safe, vital, liveable, and sustainable buildings and communities.

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

Senator RAFFERTY. Mr. President, I am very happy today to be able to offer this resolution to the Senate of Pennsylvania, and am even happier to introduce to you three important members of the AIA here in Pennsylvania. I ask the Senate to give them its traditional warm welcome after we adopt the resolution. Bill Bates, the president of AIA Pennsylvania; Rich DeYoung, regional director, AIA National Board of Directors; and Paula Maynes, government affairs committee chair, AIA Pennsylvania.

Mr. President, I thank you for this opportunity.

The PRESIDENT. The Chair thanks the gentleman.

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

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

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

(Applause.)

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

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

Senator ROBBINS. Mr. President, today I have the pleasure of introducing Jocelyn Gruber, the reigning 2010-11 Miss Pennsylvania's Outstanding Teen.

Jocelyn, the daughter of John and Paula Gruber, is fulfilling her high school requirements as a senior with the Western Pennsylvania Cyber Charter School and additionally attends Slippery Rock University part-time through the Fast Track Program. At Grove City High School, she is a member of the National Honor Society, is captain of the football cheerleading squad, and is a member of the track team. In addition to earning the title of Miss Pennsylvania's Outstanding Teen at last year's competition, Jocelyn was also honored with the overall talent award for her piano solo. She has been playing piano since the age of 5 and believes that music is a universal language and loves to perform for anyone who is willing to listen. Jocelyn is accompanied here today by her mother, Mrs. Paula Gruber, and Mrs. Mary Lausch, who are seated on the Senate floor. Mr. President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

(Applause.)

The PRESIDENT. The Chair recognizes Miss Jocelyn Gruber.

Miss GRUBER. For those of you who are not as familiar with pageants, if you have ever seen the big Miss America Pageant on

TV, I am basically a miniature Miss Pennsylvania, and I represent girls ages 13 to 17 across the State. All my life, I have searched for a way that I could serve. I grew up in a juvenile placement facility for males because my parents were counselor parents, and I saw daily the impact that just one person could have on someone else's life. Up until 1 year ago, I really struggled to figure out how I could serve. My brothers both attend the Naval Academy, so I toyed around with the idea of the military, but then I realized that I would simply be following in their footsteps, rather than paving my own pathway for life. A year ago, I was actually forced into my first pageant, and I wanted nothing to do with it. I suddenly found myself surrounded by other young women who also wanted to serve this country and, in my mind, pageant girls were just conceited girls who did not really have a whole lot of brains and had no substance. But I was shocked at how the pageant world actually allowed me to live for something bigger than just myself.

I have been given the opportunity this year to have an impact in the lives of other people. I also have found the ability to use my own voice. It took me 17 years to realize that I do have a voice and that I could be an advocate. I have now gained the confidence to share my stories with the State of Pennsylvania. As Miss Pennsylvania's Outstanding Teen, I am engaged in about two appearances per week that consist of anything from performing my talents, speaking to schools about my platform, attending special occasions, or now, speaking to political officers. My mom and I have put over 14,000 miles on our car just traveling for pageant appearances, and I feel as though I know the route from Pittsburgh to Philadelphia like the back of my hand.

As I was preparing what I should say to you, I realized that politics and pageants really seem to coincide. You probably do not know this, but over the summer, I spent 3 days lobbying in Washington, D.C., and I gained such a respect for all of the work that gets put into making even one decision. I had never been really interested in politics, but seeing the way that my government works had a way of inspiring me to also live up to your example of democracy. I walked into the offices of Senators and Representatives feeling like an insecure teenager, and I left feeling as though my voice really did matter. Whenever you became Senators, I am sure that you realized that suddenly you represented a group of people, and I have such a respect for the work that you put in daily to make this world a better place for all of us.

As a representative myself of the Miss America organization, I, too, am an advocate, and I yearn to inspire other people to serve, just as you have inspired me. I am met daily with the obstacles of people who disagreed with my decisions or simply do not understand what it is that I am trying to achieve, much like many of you face every day. I have realized that sometimes you just have to take the route of integrity, and you have to do what you believe is right rather than what the majority may feel is right. As advocates for different groups, I think that you and I work together for a common goal that I am going to call world peace.

I never really viewed myself as a leader or even someone who could share her own opinion and use her voice, but I found that we all have the ability to be leaders in our own capacity. John Quincy Adams once said, "If your actions inspire others to dream more, learn more, do more and become more, you are a leader." I am so honored that I was given the opportunity to speak to all

of you today, and I want to thank you for your time and your dedication to our country.

(Applause.)

The PRESIDENT. The Chair thanks Miss Gruber for her remarks.

GUESTS OF SENATOR JOHN T. YUDICHAK AND SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator YUDICHAK. Mr. President, I am honored to have constituents of mine from Carbon County here today to honor a great man, John "Sonny" Kovatch, the patriarch of the Kovatch family and the Kovatch Corporation. Pope John Paul II once said, "As the family goes, so goes the nation and so goes the whole world in which we live." Above all else, John "Sonny" Kovatch heeded the tenets of his Roman Catholic faith and put family at the center of his life.

Some men are driven from their families by their work. Sonny Kovatch built his work around his family. Helen, his lovely wife, and their children - John, Marianne, Jane, Judy, and Kathy - are all with us today. They represent Sonny's remarkable legacy as a husband, a father, a patriot, a civic leader, and a visionary businessman.

With the exception of his valued service in the Pacific theater during World War II, Sonny spent the majority of his life in the beautiful community of Nesquehoning in Carbon County. With his family at his side, Sonny started out with a one-car garage and built it into an extraordinary business empire that now stretches from Pennsylvania to California and into Canada. Today, the KME Corporation, a privately held company since 1946, is a world leader in specialty vehicle manufacturing and employs more than 700 people in Carbon County.

I first met Sonny on a campaign tour of the KME plant. Two things struck me that day. One, as we toured the plant and met many of the workers, it became very clear that Sonny did not look at the plant as a worksite. It was a place where his extended family--those who worked for him, they were his family--came together to contribute to a true American success story. He knew the men and women who worked for him. He knew their names, and he knew what was going on in their lives. He cared about them, and they loved him.

The second thing that struck me on that day was when Sonny brought me into his office and sat me down. He kind of squinted at me a little bit as he sized me up, and he said, listen, young man, if you want to be successful in politics, remember this: politicians work for me; I do not work for politicians. I knew I was in the presence of a great man.

Sonny Kovatch's life is an inspiration to any American who dreams of being surrounded by a loving family, who dreams of contributing a lasting legacy to his community, and who dreams of building a successful company that never loses its small-town values. Sonny Kovatch lived the American dream, and his life is an inspiration to all who seek it. God bless Sonny Kovatch and the Kovatch family.

Thank you, Mr. President.

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

Senator ARGALL. Mr. President, the community of Nesquehoning is divided by an invisible line between Carbon County and Schuylkill County. The eastern portion in Carbon County is represented by my friend, Senator Yudichak. I am privileged to represent the western portion. But one of the things that unites us, of course, is this wonderful business that Sonny started oh-so-many years ago and is now being continued by his children, his grandchildren, and I know there are hopes for the great-grandchildren to keep the thing going, and I see at least one of those great-grandchildren when I walk my dog at home.

So it has been a wonderful success story. I have seen the company grow and grow and grow. We often joke that at Christmastime, they take out a page in the local newspaper and list the names of every one of their employees. And over the years, I have seen that print get smaller and smaller and smaller, as they bring people good-paying, quality work. In communities like Carbon County and Schuylkill County, believe me, those jobs are incredibly important.

I do not for a moment think that many of our Senators here have made it to the community of Nesquehoning, although, certainly, the Lieutenant Governor just joined us for a tour, but I will wager that each of you has some of Sonny's work protecting your citizens in every district from Erie to Philadelphia and, as Senator Yudichak noted, far beyond. So we welcome the Kovatch family here to the Senate of Pennsylvania, and we wish you many, many, many more years of business success, and to Helen and your entire family, I will tell you something you already know, Sonny will be missed for a long, long time.

Thank you, Mr. President.

The PRESIDENT. The Chair invites the guests of Senators Argall and Yudichak to please rise so the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR SHIRLEY M. KITCHEN PRESENTED TO THE SENATE

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

Senator KITCHEN. Mr. President, today, I would like to welcome a group of dynamic senior citizens from Philadelphia who are visiting the Capitol. The St. William Senior Citizen Group was founded in 1974 and meets on the second and fourth Wednesday of each month at St. William Church, located at 6200 Rising Sun Avenue in the northeast section of the city. I am proud to say that this group is located in my senatorial district.

The nonprofit club is composed of an active group of seniors who travel, participate in recreational activities, play bingo in the summer, and collectively have fellowship. However, what is most noteworthy is that this 105-member-strong club offers its members an intellectual exchange of political and social ideas and issues, as well as varied experiences and skill sets. I want to especially recognize Ms. Ruth Magee, the club's president for the past 3 years. Mr. President, I ask that we extend our usual warm welcome.

The PRESIDENT. Will the guests of Senator Kitchen please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN N. WOZNIAK PRESENTED TO THE SENATE

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

Senator WOZNIAK. Mr. President, in a few short minutes, we are going to be engaging in representative democracy at its best in discussing an issue that may very well change the whole way we look at our educational system, but right now, I have some young people from the Conemaugh Valley Elementary School. They are the cheerleaders who won first place in the Elementary Division at the 2010 Pennsylvania State Cheerleading Championships that were held in Johnstown, Pennsylvania, this past November. Their head coach is Juanita Mitchell. The other coaches are Melissa Toth, Carolyn Cekada, and Trudy Reighard.

I had the opportunity to invite these nice young ladies down to the Senate floor, where they actually got a picture holding the mace. I hope that is not against the rules, as they really enjoyed that. Mr. President, they did a nice job, and we hope they go on to be junior high cheerleaders, high school cheerleaders and, perhaps, I do not know how many years that is, but I might be able to do it one more time when they are seniors when they win the State championship in a few short years from now. Thank you very much, Mr. President, and I would like to have them welcomed.

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

(Applause.)

GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, I would like to recognize Father O'Connor, who earlier today offered the prayer. Father O'Connor has been president of DeSales University, formerly Allentown College of St. Francis de Sales, since July 1, 1999. Prior to that, he served as the executive vice president of the college since 1995, after having served as associate vice president for academic affairs in 1993 and academic dean in 1994.

Father O'Connor joined Allentown College of St. Francis de Sales as an instructor in 1974. He served as an assistant professor of philosophy and chaired the philosophy department from 1980 through 1987, at which time he was named an associate professor and chair of the philosophy and theology departments. In 1990, he received the Sears Roebuck Foundation Teaching Excellence and Campus Leadership Award.

Prior to joining the faculty of Allentown College, he earned his bachelor's and master's degrees in philosophy from The Catholic University of America in 1969 and 1971, respectively. He earned his second master's degree in theology from the DeSales Hall School of Theology in 1974, and in 1986, he earned his Ph.D. in philosophy from The Catholic University of America. He was ordained a Catholic priest in 1973.

In 1982, he was elected to the 15th General Chapter of the Oblates of St. Francis de Sales in Paderborn, Germany. He is the author of "A Dialogue Between Philosophy and Religion: The

Perspective of Karl Jaspers." Father O'Connor is a member of the American Philosophical Association, the American Catholic Philosophical Association, and the Fellowship of Catholic Scholars.

Joining Father O'Connor here today are four students: Brian Filanowski, who is a pharmaceutical marketing major; Patrick Filanowski, majoring in sports and exercise science; Jamie Osborn, majoring in history and secondary education; and Caitlin Scott, majoring in communications. Also with Father O'Connor today is Brian MacDonald, the director of external affairs for the university. Mr. President, I ask that we give them our usual warm welcome.

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

(Applause.)

GUESTS OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, I am very happy and proud today to welcome to Harrisburg the Aquinas Academy of Pittsburgh and Greensburg Central Catholic High School, the two schools from which all three of my boys have graduated, and I am so happy to see these students and instructors here. Welcome to Harrisburg. Thank you for coming to my office today, even though I did not know some of you were coming, and I look forward to sharing some lunch with you. So, I am glad you are here and are learning how to get active in the community, whether or not we end up on the same page is one thing, but the fact that you are here working for something you believe in is another. So, thank you for coming, and welcome.

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

(Applause.)

GUESTS OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, it is my pleasure to introduce Emmet Lynch, a student at Great Valley Middle School; his sister, Erin Lynch, a student at St. Patrick's of Malvern; along with their aunt, Mary Loughram. They won me and a tour of the Capitol at a fundraising auction for St. Patrick's School in Malvern. If the Senate would give them a warm welcome, I would be most appreciative.

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

(Applause.)

GUESTS OF SENATOR JOHN EICHELBERGER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, it is my pleasure to introduce five students who are here today from Juniata College for their lobby day. They are observing Session in the gallery and have attended other events, including this morning's meeting of the Committee on Local Government.

With the college delegation today is Caleb McMullen, a freshman geology major from Huntingdon, Pennsylvania; Maggie Oldham, who is from Windber and is a junior English major; and Benjamin DeHaas, a senior from Mann's Choice, Pennsylvania, and a communications major. They are accompanied by their advisor, Michael Keating, who is the director of foundation support for Juniata College. I ask, Mr. President, that we extend our usual warm Pennsylvania Senate welcome for these fine folks from Juniata College. Thank you.

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

(Applause.)

GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

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

Senator TOMLINSON. Mr. President, it is always hard to get to the microphone after Senator Ward. I would like to introduce guests and constituents of mine, Jim and Eileen Nulty from Langhorne, and their friends, Tim and Kathy Eastburn, also from Langhorne. More than constituents, the Nultys are very close friends.

Mr. Nulty's great-grandfather was a Senator, who served here in this great body from 1911 to 1914. He was elected in the election of 1910, and actually, we were in the Chamber earlier today to see the desk at which he actually sat, and he sat at desks number 30 and 40. When I looked to see who sits there, it was very interesting: Daylin Leach sits in one, and Senator Wozniak sits in the other.

Now, it is my hope that Senator Nulty was somewhere in between the ideological differences that Senator Wozniak and Senator Leach might have, and I am assuming he did, since I went back and looked at his biography. He was educated in the public and parochial schools in Philadelphia, born in the Frankford neighborhood of Philadelphia on May 9, 1851, and was a member of the Knights of Columbus, the Ancient Order of Hibernians, the St. Patrick's Alliance, B.P.O.E. 2, and the Foresters of America. So I would say he would be a little bit closer to Senator Wozniak in his ideology, Mr. President. But, it is really an honor and a great thrill for the family to come back and see where Jim Nulty's great-grandfather served in this Senate.

I have another tie to them. The Nultys run the Nulty Funeral Home in the Frankford section of Philadelphia, and actually, Jim, who is here today, I think is the fifth generation, the sixth is already out and working at the funeral home today, but Mr. Nulty, who was a Senator, was also a funeral director.

So, it is with great honor that I brought the Nulty family here today with their friends so they could reminisce and we could talk a little bit about his great-grandfather and celebrate his service to the Commonwealth of Pennsylvania as a Senator from the Frankford section of Philadelphia. If the Senate would please

welcome my guests, Jim and Eileen Nulty, and their friends, Tim and Kathy Eastburn, I would greatly appreciate it.

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

(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

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

Senator ROBBINS. Mr. President, today I have the pleasure of introducing Kaitlynne Kline, who is serving as a guest Page in the Senate. Kaitlynne, the daughter of Mark and Kathy Kline, is a junior at Cochran Junior/Senior High School. She serves as the junior class president, Spanish club public relations officer, Key Club editor, a wrestling cheerleader, and a member of the cross country team. Additionally, she is a gifted singer and enjoys fishing and riding four-wheeled vehicles.

Mr. President, I am especially pleased to inform you that Kaitlynne is the reigning 2010-11 Miss Laurel Highlands' Outstanding Teen. She will be competing for the title of Miss Pennsylvania's Outstanding Teen on June 17 in Pittsburgh. Kaitlynne is accompanied here today by her father, Mark Kline, who is seated in the Senate gallery. Mr. President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

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

(Applause.)

GUEST OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, I am being shadowed today by a lady by the name of Elizabeth Rich. She is the current editor for Patch.com in the Emmaus, Salisbury, Upper Saucon, Easton, and Palmer-Forks offices. Elizabeth was born in Kansas City, Missouri, and graduated from the University of Missouri in 2000. She was a member of the Honors College and the debate squad.

Elizabeth has also worked as an associate producer for her hometown Fox affiliate and as a healthcare journalism fellow at Minnesota 2020, a public policy think tank. Most recently, Elizabeth was editor-in-chief of the Healthcare Ledger, a regional publication for medical professionals and patients in western Massachusetts and Connecticut. Mr. President, let us give her a warm Senate welcome.

The PRESIDENT. Would the guest of Senator Mensch please rise so that the Senate may give you its usual warm welcome.

(Applause.)

RECESS

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

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

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

Senator COSTA. Mr. President, I request a recess for the purpose of a Senate Democratic caucus in the rear of the Chamber.

The PRESIDENT. Senator Pileggi and Senator Costa request a recess of the Senate for purposes of respective caucuses.

Without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

SB 1 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

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

HB 377 (Pr. No. 1520) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for Uniform Construction Code Review and Advisory Council, for revised or successor codes and for exemptions.

On the question,

Will the Senate agree to the bill on third consideration?

McILHINNEY AMENDMENT A1501 OFFERED

Senator McILHINNEY offered the following amendment No. A1501:

Amend Bill, page 12, by inserting between lines 2 and 3:

(i) Municipal ordinances.--Within six months from the effective date of this subsection, a municipality within a county of the second class A may adopt an ordinance requiring standards equal to section R313.2 of the International Residential Code (2009 edition), and any successor triennial revisions, and shall not be subject to the requirements of sections 503(c), (d), (e), (f), (g), (h), (i), (j) and (k) and 504 in adopting the ordinance. This subsection shall not affect the validity of a municipal ordinance requiring a sprinkler system which has been enacted before the effective date of this subsection.

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Mr. President, may we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

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

Senator McILHINNEY. Mr. President, I rise to briefly describe my amendment, which would allow for a 6-month window for the current law to remain in effect if a municipality in a second class A county wrote that code into their ordinance within a 6-month window. So it is just for second class A municipalities, which comprise Bucks, Montgomery, and Delaware, for a period of 6 months to remain and allow the sprinkler ordinance to stay in effect.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I rise in support of this amendment because we have three townships in our district that have voted to have sprinklers in homes. One of those districts, Schuylkill Township, had the court overrule them. If we honestly believe in local control, which we all say we do, then let the townships, if they wish, make these decisions.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, we have a bill that is ready to be voted on in final passage tonight, ready to go to the House tomorrow on concurrence, and ready to be the first bill to go to the Governor for his signature. Most of you have heard in regard to the building industry about the sprinkler issue and how that issue has put a deafening effect on new home construction. It is evident in regard to the permits that are being issued in our local communities. It is evident in one of my builders, who had to lay off every employee because right now, he has no construction going on.

So what we have--I just need to lay this out with this first amendment--is the opportunity to pass the bill tonight, send it over to the House, which is ready to concur in it tomorrow, and before Easter happens, have this sprinkler issue resolved and get our housing industry back to where it needs to be. In regard to this specific amendment, this would change the process that has been in place since the Building Code was adopted back in 1999. Since 1999, there has been an opportunity for local municipalities to adopt local ordinances. It is called the 503 process. During that time period, 180 ordinances have been adopted by local municipalities, and 140 of them or so have become effective, including at least two sprinkler issues, one in Marcus Hook and one in Adams County.

Under the 503 process, you have to show that there is some local reason for there to be a change in the ordinance. What this amendment does for those three counties, and a lot of people in those three counties, obviously, is to throw out that process. If any of those municipalities want to adopt an ordinance, they can adopt an ordinance, period. For those folks from second class A townships with three supervisors, that means two people can decide to adopt the sprinkler ordinance and have it effective without any review from the Department of Labor and Industry because those provisions are all taken away in this amendment.

So you are giving that local option for 6 months to all the municipalities in those three counties, and you are taking away the process that has been in place since 2002 or so, where Labor and Industry reviews it to see whether there is any local effect. I ask for a "no" vote on this amendment and future amendments so we can get this bill to the House tomorrow for concurrence, to the Governor for his signature, and we can get this issue taken care of.

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

Senator McILHINNEY. Mr. President, I would just like to respond with a couple of comments. The underlying bill that is before us changes the process that we have had in place since 1999. It establishes a two-thirds majority consensus vote for the RAC, which is a change to the process. The process was always intended for the local municipalities to be allowed to go further than the UCC that was adopted back in 1999. It was not set as a maximum code. It was meant to be a minimum statewide code to get some sort of consistent code across all municipalities.

But it has become very difficult for any municipality to go through the 503 process and actually adopt a sprinkler ordinance on their own. They are fought every step of the way by the industry. They are having to prove the justification for going beyond what they want, as opposed to simply being able to state that this is what is best for their municipality. That was the intent of the UCC in 1999 that I helped to craft, and it was not some type of cap or statewide maximum building code.

Now, I am offering this amendment to allow the municipalities, albeit only in the southeast, a chance to actually adopt a sprinkler ordinance, which is in the law as we sit here today. We are not creating a new law. The process is what brought us to this. The process since 1999 is what created the fact that we have sprinklers as a law right now in Pennsylvania. So I am simply asking my colleagues to allow municipalities that would like to adopt and keep that ordinance in place, a 6-month window to enact that ordinance. After that, it would go back to the universal code that is in place across Pennsylvania as we speak today.

Thank you, Mr. President.

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

Senator WAUGH. Mr. President, I rise to support the McIlhinney amendment. Actually, it is very similar to an amendment that I offered in the Committee on Appropriations yesterday in terms of what it represents, that is, a local option to exceed the code provisions that are allowed in House Bill No. 377. In the case of Senator McIlhinney's proposal, however, it represents a very unique geographic area, that being the second class A counties. I believe we should actually give all municipalities the opportunity to opt into any component of the international code that has been approved through their process, but that goes beyond House Bill No. 377. That is why I rise to support Senator McIlhinney's amendment. Thank you.

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

Senator WOZNIAK. Mr. President, I have been following this issue, and I understand safety, and we do not want our houses to burn down, but this is new construction. I would think, statistically, it is not happening. Somebody told me that the smoke detectors and the carbon monoxide detectors are about

99.8 percent effective. But, there is something that I have been listening to out there, and I am a Democrat, and I have been hearing it loud and clear from the citizens of this Commonwealth: get government off our backs. And what do we do? We are saying, here is another hoop you have to jump through, here is another ordinance you have to take care of, here is another responsibility that you have to pay for before we give you a permit to build a house.

I know, at this point in time, there are a lot of people in Pennsylvania holding back on moving forward and building homes, waiting to see what we are going to do. I talked to a businessman back in Cambria County. Relatively successful, he built a couple homes in a development, and he wants to build a few more. He told me something very interesting. He said, Senator, John, if you would look at the language and use the minimum interpretation, you could simply use your cold water line, run one or two sprinklers through the house, and it would fit the language of this code. He said the problem we have is that people will not do that. The enforcement people will make their own interpretation, you will have to have a separate line coming in, you will have to do it for every room, the basement, whatever their decision is. The problem with that is it will not be ubiquitous across this Commonwealth.

They talk about the safety of the firemen. I look at my area, which is older, which is rural. It is not the new construction I worry about, it is my older wood-frame houses that are the tinderboxes. This is an overkill issue, and I think we should be very sensitive to one of the biggest economic indicators in Pennsylvania and in this nation, and that is new-home starts and new-home construction.

I constantly hear the arguments that we want to make Pennsylvania business-friendly. We want people to invest in Pennsylvania. At the very same time, we are sitting here saying, sure you can, but you have to spend a couple more dollars. Now, I do not know about the people in this room, but I would think if I had to build a house, it would be pretty darn expensive. And I do not even know the different categories of what new homes are, but I would think saving \$5,000, \$6,000, or \$7,000 on a home, no matter whether it costs \$100,000 or \$200,000, is money that people are looking at right now.

This amendment--and this will be the last time I speak today--and every amendment that comes after this, I hope that this body would make it a negative vote. Let us get this bill passed. Let us do it for the home builders. Let us do it for the consumers. Let us do it because people are telling us, get government off our backs.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, I stand in support of the McIlhinney amendment. A lot of the conversation that has been shared today has somewhat twisted meanings in some of the presentations that were given. I say, right now, Pennsylvania and California are the only two States that have a sprinkler provision in place, so that tells me that Pennsylvania and California should be the only two States that do not have building construction going on, if that would be the case. But it is not the case, Mr. President. Across the country, the building industry has had an effect, and it is not because of sprinklers, it is because of the economy in general. So that argument, the fact that

Pennsylvania, by having a sprinkler law, is having an effect on the building industry does not carry a lot of water.

Mr. President, I will be offering amendments, coming up here soon, that would even expand from just the second class A counties to the entire Commonwealth, and I will have some additional comments during that time, but for all of the positive reasons that Senator McIlhinney mentioned earlier, I stand to support the McIlhinney amendment.

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

Senator TARTAGLIONE. Mr. President, I rise to support the McIlhinney amendment. According to the RAC board, which was put together in 2008, we decided to take politics out of the mix. We have a board of 19 professionals: an electrical engineer, a structural engineer, a plumbing engineer, a heating and air conditioning engineer, two city officials, a borough official, a township official, a fire inspector, two architects, three contractors, a manufactured-housing expert, a modular-housing expert, and three building inspectors.

The RAC has, on three separate occasions, voted on sprinklers, and on all three occasions, they have voted in favor of it. Now, these are the professionals. They know what is best for the people of Pennsylvania. So I ask, please, for an affirmative vote for Senator McIlhinney's amendment.

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

Senator DINNIMAN. Mr. President, when my good friend and colleague, Senator Wozniak, brings up that this is on the backs of people, that government makes demands, what all of us should understand is that none of us in this room, except for Senator Solobay, are going into the burning buildings. Every time we recognize 9/11 and what happened, we all give those speeches at the firehouses and on the courthouse steps saying how indebted we are to the emergency responders and the firemen of this Commonwealth. Yet, the firemen of the Commonwealth have come to us and said that their lives are in danger when they enter these houses because of the type of construction that is taking place.

We owe it to those who volunteer. We owe it out of respect to those who are emergency responders, that if they are telling us that their lives are at stake and they are volunteering their services, we owe that respect, and we need to support the McIlhinney amendment. In my county, every single fire chief has come and said, please, vote to keep the sprinklers, support those amendments that allow the sprinklers to be. All that the McIlhinney amendment does is allow the townships to decide if they wish to support their local firemen, and I hope every township in the Commonwealth does so. We need to, thanks to Senator Solobay's later amendment, not only to have it in the second class A counties, but in every county.

So in conclusion, let us not forget that we are not the ones going into the buildings. They are the men and women whom we praise every day. Let us respect them. If they tell us it is dangerous, then it indeed must be dangerous, and we need to support this and other amendments to keep the sprinkler regulations in effect.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, with all due respect, I know this is an emotionally charged issue, as rightfully it should be. but, I think, rather than squaring off with all of the emotionalism. I strongly urge a "no" vote on any amendments in hopes that we can finally rid ourselves of this inappropriate mandate for residential homes and new construction to include the additional costs of sprinkler systems. I am not opposed to sprinkler systems. I think there should be, through education and advocacy, every effort made by everyone involved, including those who are working in the suppression of fires, to educate the community about this issue and whether or not people feel they can indeed garner some additional protection from volunteer installation of fire sprinklers.

We could spend a couple of hours talking about 20 or 30 different things that should be done through education and advocacy to enhance fire protection, first and foremost for the men and women who go into fires when most people are running out. I can think of any number of things, having represented the city of Pittsburgh and now representing smaller communities in the three-county area. I mean, there are often times, whether it is urban or rural, one can get to a water supply and not even find a functioning fire hydrant. I could spend an hour right now talking about any number of significant issues that people should be grappling with to enhance the ability as it relates to fire prevention, education, advocacy, and fire suppression.

I want to put my community and economic development hat on, because for the last 30 years, I have been actively involved with trying to change the physical characteristics of the city of Pittsburgh, to great success in many instances. In effect, the only new homes that we have been able to support and promote construction-wise in the city of Pittsburgh that are being built right now are homes where we were able to get building code permits prior to December 31 of this past year. In effect, on January 1, we put a halt because of the--and I do not care about the rhetoric, I know the books, I know what it costs, I put bid documents together--the harsh reality is that we have pretty much put the brakes on residential home construction in the city of Pittsburgh.

We have plans at this time for significant housing redevelopment initiatives at the neighborhood level in the city of Pittsburgh, and this additional burden, without the additional costs coming from somewhere, is going to, in effect, mean that we have halted construction. I am really worried right now, and I mean this respectfully, but as resources at the State level continue to dwindle, we have seen a consolidation of programs. I want to applaud Governor Corbett for his appointment of Brian Hudson to head up the Pennsylvania Housing Finance Agency, but we are all going to be dealing with less resources.

We have a chance here to get this sprinkler mandate out in the open, to rid ourselves of this mandate so we can begin anew with the vital residential home construction that we so badly need throughout all communities in the Commonwealth. I urge a continued effort and, I think, this Senate has continually supported each and every effort to enhance the quality of life and the ability of firefighters - volunteer, career, professional, or otherwise - to fight fires.

Again, we have a chance to finally get rid of this mandate, have the House vote on it, hopefully in the matter of the next few days, and I urge strongly that we vote "no" on any amendments.

Let us move this bill out of the Senate and into the House. Thank you.

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

Senator COSTA. Mr. President, let me begin my remarks by acknowledging the great deal of respect that I have for my colleagues, Senator Tartaglione and Senator Gordner, for the great work that they have done over the years in matters pertaining to labor and industry issues, most significantly the work that Senator Gordner has done, along with Senator Waugh and so many others over the years, along the lines of dealing with our building code issues.

With that being said, Mr. President, I was not sure how I was going to vote on this amendment until I had the opportunity to hear from Members on the floor, their comments about what they felt was appropriate with respect to this bill and different aspects of the legislation. Senator Solobay gave a very personal perspective in terms of the work that he does outside of this Chamber. Other Members talked about their views along the lines of how they see this piece of legislation working out.

But, Mr. President, what was really troublesome to me today is when we hear comments about what is going to take place with this legislation as it relates to the House of Representatives. The comment was made that we should not entertain this amendment or support this amendment because the House is waiting for this bill. This is not the manner in which we should be conducting our business. One of my colleagues got a call today, wanting to know what time we were going to be done discussing House Bill No. 377 because they want to run it. I believe they have posted it over in the House for a concurrence vote, wanting to know when we are going to be done so they can post a vote on amendments that our Members have. Every amendment that is offered in this Chamber, from that side of the aisle and from this side of the aisle--Senator Solobay has about seven amendments that need to be offered, that he wants to offer, and does not want to have a predetermined outcome, nor should he be denied the opportunity to present and have that argument on the Senate floor that just took place today.

I am one person. I think a number of Members made up their minds on that McIlhinney amendment just a few moments ago while listening to the debate. Every single amendment that is offered in this Chamber should be given the opportunity to have sufficient debate to allow Members to make a decision. We should not be dictated by the House Calendar, whether or not the House or the Senate wants this to be the first bill on the Governor's desk.

Mr. President, these are substantive matters that need to be discussed and rise and fall on their merits. We should not be governed by what needs to get to the House, when it needs to get to the House, or when it gets to the Governor's desk. Our work in this Chamber should be on the merits of the each amendment, and that is what I am asking the Members to do today going forward. We should, on their merits, entertain each of the amendments that are offered to House Bill No. 377.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, I would like to throw out a couple of different points on this issue. In regard to the building

industry and the housing industry here in the State, let me throw two numbers at you. Again, I will mention that there are two States right now, as I think Senator Solobay mentioned, that have this in place, California and Pennsylvania. Forty-eight other States have something different.

Here are the building permits that were issued in December prior to the January 1 deadline - there were around 2,800 building permits issued in December. In the month prior to that, there were around 1,000. So, heading up to that January 1 date, folks went in and got building permits, because as long as you had a building permit before January 1, you could build under the old rules. In the month of January, those building permits went from 2,800 to under 800. Twenty-eight hundred down to 800. Our consumers, our residents, the people back home, are speaking loudly as to where they are on this issue.

If you talk to the building industry back home, you can hear from them that things are on hold. Things are on hold because this bill that dealt with sprinklers passed the House and it is pending in the Senate, so things are on hold to see whether or not they need to put \$3,000 to \$6,000 or more into a home.

So each day, each week, each month, that we do not deal with this issue, our housing and building industry is on hold. And if we pass this amendment, it will be 6 more months for the folks in those three counties because of the indecisiveness as to will the municipalities adopt an ordinance or will the municipalities not adopt an ordinance.

What we need to do, Mr. President, is to get this bill through the Senate tonight, through the House, which is willing to concur on it tomorrow, to the Governor, and get our housing industry and our building industry back in place and let the consumer be in control as to what they do. If a consumer wants a sprinkler system in place, they can put a sprinkler system in. But if they do not, they do not. Let those decisions go back to the consumer. Let us not put this on hold for another 6 months while the folks in second class A counties decide whether to adopt an ordinance or not, when they already have the process under 503 to do it. I ask for a "no" vote on this amendment.

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

LEGISLATIVE LEAVE

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

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

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

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

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

YEA-18

| | | | |
|----------|---------|----------|------------|
| Costa | Hughes | Scarnati | Washington |
| Dinniman | Kitchen | Solobay | Waugh |

Erickson
Farnese
Greenleaf

McIlhinney
Pileggi
Rafferty

Stack
Tartaglione
Tomlinson

Williams

NAY-32

Alloway
Argall
Baker
Blake
Boscola
Brewster
Browne
Brubaker

Corman
Earl
Eichelberger
Ferlo
Folmer
Fontana
Gordner
Kasunic

Leach
Mensch
Orie
Piccola
Pippy
Robbins
Schwank
Smucker

Vance
Vogel
Ward
White Donald
White Mary Jo
Wozniak
Yaw
Yudichak

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

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

McILHINNEY AMENDMENT A1482 OFFERED

Senator McILHINNEY offered the following amendment No. A1482:

Amend Bill, page 1, line 7, by inserting after "exemptions":
; and providing for construction industry employment verification

Amend Bill, page 12, by inserting between lines 2 and 3:
Section 3.1. The act is amended by adding a chapter to read:

CHAPTER 10

CONSTRUCTION INDUSTRY EMPLOYMENT VERIFICATION Section 1001. Scope of chapter.

This chapter shall be known and may be cited as the Construction Industry Employment Verification.

Section 1002. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly states otherwise:

"Construction." Erection, reconstruction, demolition, alteration, modification, custom fabrication, building, assembling, site preparation and repair work or maintenance work done on any real property or premises under contract, whether or not the work is for a public body or paid for from public funds.

"Construction industry employer." An individual, partnership, association, joint stock company, corporation, business trust or any other business entity, person or groups of persons:

(1) that acts directly or indirectly to employ persons to provide or perform services in the construction industry for remuneration; and

(2) whose aggregate remuneration for providing construction services to others in a calendar year exceeds \$25,000.

"Employee." An individual for whom a construction industry employer is required by law to file a Form W-2 with the Internal Revenue Service.

"EVP." The E-Verify Program operated by the Department of Homeland Security that electronically verifies employment eligibility.

"IRCA." The Immigration and Nationality Act (66 Stat. 163. 8 U.S.C. § 1101 et seq.).

"NVS." The Social Security Number Verification Service operated by the Social Security Administration.

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

Section 1003. Verification.

(a) Duty of construction industry employers.--A construction industry employer shall participate in NVS and EVP and shall do the following, subject to the requirements of Federal law governing the use of NVS and EVP:

(1) within 30 days following the effective date of this section, use NVS to verify for wage reporting purposes the employment eligibility of its employees in existence on the effective date of this

section; and

(2) prior to the commencement of work by a new employee, use EVP to verify for employment eligibility of the new employee.

(b) Verification statements.--A construction industry employer shall submit a verification statement annually to the Department of Revenue with its State income tax return. The statement shall be on a form prescribed by the Department of Revenue and shall comply with the following requirements:

(1) The statement shall represent that the construction industry employer has verified the employment eligibility of its employees through NVS or EVP, as appropriate.

(2) The statement shall include a certification that the information in the statement is true and correct and that the person signing the statement understands that the submission of false or misleading information in connection with the verification shall subject the person and the construction industry employer to sanctions provided by law.

(3) The statement shall be signed by a representative of the construction industry employer who has sufficient knowledge and authority to make the representation and certifications contained in the statement.

(c) Subcontractor verification statements.--Prior to the execution of a subcontract, a subcontractor shall provide the construction industry contractor with a verification statement containing substantially the same information about the subcontractor as required under subsection (a) about the construction industry contractor. The subcontractor shall submit the verification statement to the construction industry contractor prior to the commencement of any work by the subcontractor on the construction project.

(d) Discrimination prohibited.--In conducting the employment eligibility verification required by this section, a construction industry employer shall not discriminate against an employee on the basis of race, ethnicity, color or national origin.

Section 1004. Violations.

It is a violation of this chapter for a construction industry employer to:

(1) Employ an employee who has not been verified by NVS or EVP as eligible for employment, as required by this chapter.

(2) Make a false statement or misrepresentation in a verification statement required by this chapter.

(3) Use by a construction industry contractor of a subcontractor on a project prior to the submission by the subcontractor of a verification statement required by this chapter.

(4) Commencement of work by a subcontractor on a project prior to submitting to the construction industry contractor a verification statement required by this chapter.

Section 1005. Enforcement and sanctions.

(a) General rule.--The secretary shall enforce the provisions of this chapter.

(b) Investigation of complaints.--The secretary shall accept, review and investigate in a timely manner any credible complaint that a construction industry employer has violated a provision of this chapter.

(c) Audits.--To ensure compliance with the requirements of this chapter, the secretary shall conduct complaint-based and random audits of construction industry employers in this Commonwealth. In conducting such audits, the secretary shall utilize NVS and EVP to verify the employment eligibility of employees in accordance with Federal law governing the use of those systems.

Section 1006. Protection from retaliation.

(a) General Rule.--It shall be unlawful for a construction industry employer or subcontractor to discharge, threaten or otherwise retaliate or discriminate against an employee regarding compensation or other terms or conditions of employment because the employee:

(1) participates in an investigation, hearing or inquiry held by the secretary or any other governmental authority under this chapter; or

(2) reports or makes a complaint regarding the violation of this chapter to a construction industry employer or governmental authority.

(b) Actions.--

(1) An employee who suffers retaliation or discrimination in violation of this section may bring an action in a court of common pleas in accordance with established civil procedures of this Commonwealth.

(2) The action must be brought within three years from the date the employee knew of the retaliation or discrimination.

(c) Relief.--If an employee prevails in an action commenced under this section, the employee shall be entitled to the following relief:

(1) Reinstatement of the employee, if applicable.

(2) Restitution equal to three times the amount of the employee's wages and fringe benefits calculated from the date of the retaliation or discrimination.

(3) Reasonable attorney fees and costs of the action.

(4) Any other legal and equitable relief as the court deems appropriate.

On the question,

Will the Senate agree to the amendment?

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

Senator McILHINNEY. Mr. President, my amendment would insert into this bill an E-verify requirement for the construction industry in Pennsylvania. E-verify is fast becoming a standard across America. A lot of States are looking to adopt this. E-verify would simply certify every worker in Pennsylvania in the construction industry was certified as a legal resident worker in Pennsylvania.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, I rise in opposition to this amendment. There is legislation that has been introduced by Senator Ward on this, and I have offered to Senator Ward to have a hearing on the issue. The Federal government looked at this issue a number of years ago and put something in place that was then a part of litigation. That litigation has just been resolved in the last few months, but it is not even being applied at the Federal level at this point. And at the Federal level, what the Federal legislation would do is basically just apply it to Federal contracts. The language in this amendment would apply it to all construction, private and public construction. Also, I believe a couple of provisions that are found on page two that specifically reference employment eligibility are contrary to what is allowed under Federal law.

This is something that at this point has still not been sufficiently found to be accurate. The business groups are opposed to it, and frankly, there are a number of labor groups, including SEIU, that are opposed to this legislation as well. What I hope is that in the coming months, we have a hearing on this issue, again, which I have offered to the prime sponsor of the bill, Senator Ward, so that we can get the groups before the Committee on Labor and Industry and fully understand this issue. But at this time, I ask for a negative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-23

Argall
Blake
Boscola

Erickson
Farnese
Hughes

McIlhinney
Rafferty
Scamati

Tomlinson
Ward
Washington

Brewster
Costa
Dinniman

Kasunic
Kitchen
Leach

Solobay
Stack
Tartaglione

Williams
Yudichak

NAY-27

Alloway
Baker
Browne
Brubaker
Corman
Earl
Eichelberger

Ferlo
Folmer
Fontana
Gordner
Greenleaf
Mensch
Orie

Piccola
Pileggi
Pippy
Robbins
Schwank
Smucker
Vance

Vogel
Vaugh
White Donald
White Mary Jo
Wozniak
Yaw

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

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

SOLOBAY AMENDMENT A1441 OFFERED

Senator SOLOBAY offered the following amendment No. A1441:

Amend Bill, page 12, by inserting between lines 2 and 3:

(i) Municipal ordinances.--

(1) A municipality may adopt an ordinance requiring standards equal to section R313.2 of the International Residential Code (2009 edition), and any successor triennial revisions, and shall not be subject to the requirements of sections 503(c), (d), (e), (f), (g), (h), (i), (j) and (k) and 504 in adopting the ordinance.

(2) This subsection shall not be construed to affect the validity of a municipal ordinance requiring a sprinkler system which has been enacted before the effective date of this subsection.

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

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, basically, what this amendment does is very similar to what Senator McIlhinney's amendment tried to do, except it is not limited to just second class A counties. It is available for all municipalities throughout the Commonwealth to be able to, if they so choose, adopt the sprinkler amendment in their municipality.

For all the reasons that were stated in the positive earlier, I also ask that same action be taken forth on this amendment, and that everyone understand the fact that through the process, those municipalities who go through the Department of Labor and Industry to have this done, it oftentimes is very costly for them. With our municipalities having some of the issues they are with finances, generally, the other side has a whole lot more money to attack than to try to defeat that type of an ordinance. So therefore, that process is not always fair for the municipality, and I ask that if a local municipality opts to have this provision in their codes or in their ordinances within their municipality, that they be allowed to do so. I ask for an affirmative vote.

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

Senator GORDNER. Mr. President, let us be clear about what this amendment does. This takes us back to 1999, prior to there being some semblance of a uniform code. Prior to that, any

municipality could adopt any ordinance at any time. That is what this amendment would do. This does not just deal with sprinklers, this deals with any ordinance. If this amendment goes through, then what would happen is in the future, any municipality could adopt any new ordinance, on any issue. That is what we got away from back in 1999, when this municipality had this and that municipality had that, this one had something different and that one had something different. A builder who may be building in 3 or 4 counties may literally have had 50, 70, or 90 different municipal ordinance structures to deal with.

If we adopt this amendment, what would happen again is, from here on out, any municipality could adopt any ordinance without the Department of Labor and Industry having any review, without there being any grievance process. It could be sprinklers. It could be fencing. It could be swimming pools. It could be anything along those lines. I ask us not to go back to that time, and I ask us to oppose this amendment.

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

Senator DINNIMAN. Mr. President, I have heard such articulate talk over the last 4 years I have been here about local control. So, what we are saying now is the State know best, and that whatever you as a community want--so I hope when we get to other issues, we are not going to hear our colleagues say, well, you know, bring it back to the people, let them have a say. We believe in local control. You cannot have it both ways, my friends.

On this issue, community after community has decided that they want sprinklers. They decided in an open, democratic way. We know those communities. All Senator Solobay is trying to do is to let those communities who have voted for sprinklers, and where they are currently in effect, be able to keep their votes. We should not be telling our townships what to do. We do not know everything that is best.

Again, let me emphasize, in all these amendments, you and I are not the ones going into those buildings that are burning. When Senator Solobay, who is a fire chief, just as every fire chief said to me--and I know if they said it to me, they said it to Senator Rafferty, Senator Pileggi, and Senator Erickson, who are in my county--just as they have said again and again, if you respect us, if you really think, as you say every September 11, that we are the good guys, we deserve to be the recognition of heroes, when we tell you something is dangerous, then when we ask you to save lives, and we know this will save many of our firemen themselves, let us back them up. Let us mean what we say. Let us walk the talk of those 9/11 addresses.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, I argue the comment made by Senator Gordner that this bill is an open-ended thing. It is directly related to the sprinkler legislation, to the sprinkler component within the ICC Code, and it is not an open-ended amendment.

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

Senator GORDNER. Mr. President, I hope my wife is listening, because I am going to indicate that I was wrong a moment ago. She indicates that that does not happen very often, but I do want to stand corrected. We have a slew of amendments

today and have had a chance, narrowly, to review them. The previous speaker, the author and supporter of this amendment, is correct. This would not deal with any issue out there, but would deal strictly with sprinklers. What it would do, though, is say, from now on, not in 6 months or a year, but from now until whenever, any municipality that would want to adopt sprinklers--again, for those of us who represent townships where oftentimes there are three supervisors, any municipality in the future can adopt sprinklers without any review by the Department of Labor and Industry, without any opposition to the grievance process. I ask for a "no" vote on this amendment.

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

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

YEA-18

| | | | |
|-----------|------------|-------------|------------|
| Costa | Hughes | Schwank | Washington |
| Dinniman | Kitchen | Solobay | Waugh |
| Erickson | Leach | Stack | Williams |
| Farnese | McIlhinney | Tartaglione | |
| Greenleaf | Rafferty | Tomlinson | |

NAY-32

| | | | |
|----------|--------------|----------|---------------|
| Alloway | Corman | Mensch | Vance |
| Argall | Earl | Orie | Vogel |
| Baker | Eichelberger | Piccola | Ward |
| Blake | Ferlo | Pileggi | White Donald |
| Boscola | Folmer | Pippy | White Mary Jo |
| Brewster | Fontana | Robbins | Wozniak |
| Browne | Gordner | Scarnati | Yaw |
| Brubaker | Kasunic | Smucker | Yudichak |

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

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

SOLOBAY AMENDMENT A1428 OFFERED

Senator SOLOBAY offered the following amendment No. A1428:

Amend Bill, page 9, lines 23 through 30; page 10, lines 1 through 18, by striking out all of said lines on said pages and inserting:

(g) Automatic fire sprinkler moratorium and study.

(1) Notwithstanding any other provision of law, for a period of two years following the effective date of this subsection, a moratorium is imposed on the requirement for automatic fire sprinklers in one-family or two-family dwellings, relating to section R313.2 of the International Residential Code for One- and Two-Family Dwellings, 2009 edition, under the Uniform Construction Code.

(2) (i) The council shall conduct a study of the requirement for automatic fire sprinklers in one-family and two-family dwellings contained in the Uniform Construction Code to examine the following issues:

(A) Whether the requirement for automatic fire sprinklers should be retained in the Uniform Construction Code.

(B) What is the range of costs for different one-family and two-family dwellings located in areas served by a public water supply and for one-family and two-family dwellings located in areas not served by a public water supply.

(C) What increase in safety is provided by the installation of an automatic fire sprinkler system over the level of safety provided by the installation of only smoke detectors in one-family and two-family dwellings.

(D) Whether a requirement for the installation of automatic fire sprinklers is cost effective.

(E) Other issues as determined by the council.

(ii) Within one year of the start date of the moratorium, the council shall prepare and submit a final report with recommendations to the Governor, the chair and minority chair of the Labor and Industry Committee of the Senate, the chair and minority chair of the Labor and Industry Committee of the House of Representatives and the secretary. The final report shall address each issue listed in subparagraph (1).

(3) This subsection shall not apply to the construction of one-family and two-family dwellings for which an application for a building permit has been submitted to the municipality prior to the effective date of this subsection.

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

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, through the course of the debate today, through the debate in our Caucuses, as well as in the Committee on Labor and Industry the other day, there still seems to be some unanswered questions that a lot of folks have as far as, are sprinklers really causing the delay and downfall of the building industry? The question of challenging the RAC and whether or not there needs to be a two-thirds vote on things has brought a lot of last-minute issues that folks still truly have questions on. Are the costs too heavy on sprinklers? Is a moratorium something that should not be part of this code now, even though there are many items within the building code that are mandates and are things that have to be in place whenever people are building?

Basically, what this amendment does is asks for us to stop and take a true look at all of the issues that have been brought forward through the course of the past couple of weeks dealing with this bill; asks for a 2-year moratorium to leave things in place as they are, which would leave the sprinkler code in place that was started on January 1; and asks for a true study to be done of all of the questions or concerns that this bill and the actions that have come up with the amendment that was inserted through committee, as well as some of the other actions that are trying to be discussed today, be looked at in more depth so that, truly, everyone understands the issue. I ask for an affirmative vote on the amendment.

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

Senator GORDNER. Mr. President, this amendment would effectively kick the can down the road. A 2-year study would need to be done. I think all of us have heard quite a bit in regard to sprinklers over the last 2 years. I can tell you that my committee, along with Senator Tartaglione, had a 4- or 5-hour hearing on this issue in which we brought in all the different interest groups. I think most of us, on a weekly basis, have heard about this issue. I do not think we want to kick this can down the road for 2 years. I think we have the opportunity to resolve it now. Let us resolve it, and let us vote down this amendment.

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

Senator RAFFERTY. Mr. President, I speak briefly in favor of Senator Solobay's amendment. I have the unique distinction of having the fastest-growing senatorial district. Two years ago, I had new schools going up all over the place. Since the recession hit, there are no schools going up. There are no homes being built.

Mr. President, it has nothing to do with sprinklers. It has everything to do with the fact that there is a recession right now and everything to do with the fact that there is nobody coming to the supervisors' meetings to try to get developments done. I see no reason why we cannot go for a 2-year delay to allow the study to take place, and I support the amendment.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I also rise to ask for support for Senator Solobay's amendment. It seems that if there are differences that we have, this is a fair way to do it. Let us really find out, if we do not have the sprinklers, what the dangers are and whether this is really the reason for the decline in the housing market.

I do not think the decline in the housing market has anything to do with sprinklers; it has do with the general economy. If the builders want to make a big markup on the sprinklers, they affect their own economy negatively, but if they charge a decent price, we can have the sprinklers, we can have the safety.

Let us at least look at this issue more thoroughly, because at the bottom, Mr. President, is the question of human life. Does getting rid of the sprinklers put the residents of a house in a harmful situation, especially with this use of new, light construction materials, and does it put the firemen of Pennsylvania in dangerous situations? I think, when we talk about human life, it is always worthy to delay, to study, and to find out if any human being is going to be at risk.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-16

| | | | |
|-----------|------------|----------|-------------|
| Costa | Hughes | Rafferty | Tartaglione |
| Dinniman | Kitchen | Schwank | Tomlinson |
| Farnese | Leach | Solobay | Washington |
| Greenleaf | McIlhinney | Stack | Williams |

NAY-34

| | | | |
|----------|--------------|----------|---------------|
| Alloway | Earl | Orie | Ward |
| Argall | Eichelberger | Piccola | Waugh |
| Baker | Erickson | Pileggi | White Donald |
| Blake | Ferlo | Pippy | White Mary Jo |
| Boscola | Folmer | Robbins | Wozniak |
| Brewster | Fontana | Scarnati | Yaw |
| Browne | Gordner | Smucker | Yudichak |
| Brubaker | Kasunic | Vance | |
| Corman | Mensch | Vogel | |

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

SOLOBAY AMENDMENT A1429 OFFERED

Senator SOLOBAY offered the following amendment No. A1429:

Amend Bill, page 11, by inserting between lines 26 and 27:

(i) Notice of not fire-resistance rated floor.--

(1) (i) The State Fire Commissioner shall design a notice to indicate the installation of a floor assembly, which is not fire-resistance rated, as defined in the International Residential Code or its successor building code.

(ii) In addition to the specifications, the State Fire Commissioner shall establish guidelines for uniform posting of the notice to include several prominent locations for the posting of the notice.

(iii) The State Fire Commissioner shall post the specifications of the notice and the guidelines for the posting of the notice on the State Fire Commissioner's publicly accessible Internet website.

(2) (i) A builder shall utilize the specifications for the notice described in paragraph (1), and produce, or have produced, a sufficient number of notices for each one-family and two-family dwelling constructed by the builder.

(ii) A builder shall also provide a buyer of a one-family or two-family dwelling that utilizes a floor assembly described in paragraph (1) with the following:

(A) A notice described in subparagraph (i).

(B) A copy of the guidelines for the posting of the notice.

(3) A buyer of a one-family or two-family dwelling shall post the notice in compliance with the guidelines.

Amend Bill, page 11, line 27, by striking out "(1)" and inserting:

(i)

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, I understand the direction that things are going here and can appreciate everybody's ideas and thoughts as we move forward on this. If new construction is a lightweight construction--and the problem that goes with lightweight construction is the amount of time that it takes to go from the beginning of a fire to a full-blast measure that could be harmful, not only to the residents inside the house but those folks responding to deal with the emergency, have gone from roughly a 17-minute timeframe to about 3 minutes.

What this amendment asks for is that those homes constructed under the lightweight construction be required--and this is being done in a lot of other States now that also have had trouble getting sprinkler ordinances in place--but it would require that any new home built with the lightweight construction have signage on the outside of the house so that those emergency service providers heading into that situation would be notified upfront that the construction on that building is not of the standard, heavier construction but that of lightweight construction that burns faster, and therefore could put them in danger in a situation when there is no need to risk life because everyone may or may not be out of that house.

So this is basically a requirement that the State Fire Commissioner would come up with a design that the builders would use, that once a lightweight construction home is

completed, the outside area be marked so that those folks responding to provide service for that home would realize that it is of a lightweight construction so they could act accordingly on how they would approach dealing with the fire in that home.

Again, I ask for everyone's consideration.

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

Senator GORDNER. Mr. President, for those folks who are interested in this issue, I direct them to page four of House Bill No. 377. When the House sent this bill over to us, they put in language that upgraded provisions for "fire protection of floors." These are the same provisions that the fire services industry has supported. So, already in the bill on which we are going to be voting is an upgrade over what is required in our international code, and basically what that does is serve as an additional fire wall in our houses.

So we have an upgrade in there in regard to the flooring. And there is some cost that it is going to go to the consumer, but this was put in in order to deal with that issue. So I argue that that is already in there.

Again, if you look and listen to what the sponsor of this amendment wants to do, it would require you to put notices at your house. You would need to put notices at your house, as required by the State Fire Commissioner, to post this notice in prominent locations. I certainly argue in opposition to this amendment and specify that provisions that have been supported by the fire services industry are already in the base bill. I ask for a "no" vote on this amendment.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, I am a little bit surprised by one of the comments of the last speaker. The reason they did not want to put sprinklers in homes is because of the additional costs and its effect on the home building industry. Now they are backtracking and saying they want to do additional costs to protect those homes when they are using the lightweight construction. So which way is it, Mr. President? Are the houses costing too much to be built or are they not?

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

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

YEA-16

| | | | |
|----------|---------|-------------|------------|
| Blake | Farnese | McIlhinney | Tomlinson |
| Brewster | Hughes | Solobay | Washington |
| Costa | Kitchen | Stack | Waugh |
| Dinniman | Leach | Tartaglione | Williams |

NAY-34

| | | | |
|--------------|-----------|----------|---------------|
| Alloway | Erickson | Piccola | Vogel |
| Argall | Ferlo | Pileggi | Ward |
| Baker | Folmer | Pippy | White Donald |
| Boscola | Fontana | Rafferty | White Mary Jo |
| Browne | Gordner | Robbins | Wozniak |
| Brubaker | Greenleaf | Scarnati | Yaw |
| Corman | Kasunic | Schwank | Yudichak |
| Earl | Mensch | Smucker | |
| Eichelberger | Orie | Vance | |

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

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

SOLOBAY AMENDMENT A1431 OFFERED

Senator SOLOBAY offered the following amendment No. A1431:

Amend Bill, page 1, line 14, by striking out "(C) (2)," and inserting:
(c) introductory paragraph and (2),

Amend Bill, page 3, line 19, by inserting after "the" where it appears the second time:

Secretary of Health or his designee, the State Fire Commissioner or his designee and the

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

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, basically, what this does is adds two additional members, or more appropriately, it replaces two members with, one, the Secretary of Health, since that person deals directly with our EMS folks who would deal with safety issues in the building industry; and the second one added to the RAC board would be the State Fire Commissioner.

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

Senator GORDNER. Mr. President, right now, the council is made up of 19 private individuals who run the gamut. There are township officials, there are borough officials, there are third-class city officials, there are contractors, there are architects, there are modular housing representatives, electrical engineers, and code officials. There are no government officials on this council. There is no Labor and Industry person on this council. What this amendment would do is add two government officials, the Secretary of Health and the State Fire Commissioner, to this 19-person council that is made up of private individuals. I do not believe that is what we want to do, and I urge a negative vote on this amendment.

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

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

YEA-20

| | | | |
|----------|---------|------------|-------------|
| Blake | Farnese | Leach | Tartaglione |
| Boscola | Fontana | McIlhinney | Tomlinson |
| Brewster | Hughes | Schwank | Washington |
| Costa | Kasunic | Solobay | Williams |
| Dinniman | Kitchen | Stack | Yudichak |

NAY-30

| | | | |
|---------|----------|----------|---------------|
| Alloway | Erickson | Pileggi | Ward |
| Argall | Ferlo | Pippy | Waugh |
| Baker | Folmer | Rafferty | White Donald |
| Browne | Gordner | Robbins | White Mary Jo |

| | | | |
|--------------|-----------|----------|---------|
| Brubaker | Greenleaf | Scarnati | Wozniak |
| Corman | Mensch | Smucker | Yaw |
| Earl | Orie | Vance | |
| Eichelberger | Piccola | Vogel | |

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

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

TARTAGLIONE AMENDMENT A1436 OFFERED

Senator TARTAGLIONE offered the following amendment No. A1436:

Amend Bill, page 1, line 14, by striking out ", (H)"
Amend Bill, page 3, lines 16 through 18, by striking out all of said lines
Amend Bill, page 3, lines 27 through 30, by striking out all of said lines
Amend Bill, page 6, lines 3 through 5, by striking out all of said lines

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

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

Senator TARTAGLIONE. Mr. President, this amendment to House Bill No. 377 removes the provision requiring a two-thirds vote and reinserts the language currently found in Act 45 of 1999, which requires a consensus of 10 RAC members to make UCC recommendations.

Mr. President, I am talking about the process here, the process. In 1999, the legislature passed the UCC and celebrated it as a victory of common sense and expert advice over the previous system of lobbying and politics. But the lobbyists did not like it, so we created the RAC in 2008. And the lobbyists still did not like it, so they went to court. But they did not like what the court had to say, so we are back here again.

Enough is enough. This is not the first time, and will not be the last time, that somebody gets their nose out of joint because the expert tells them something they do not want to hear. It is like the doctor telling you to lose weight and get some exercise, and you go to your bartender for a second opinion and the bartender tells you to have one for the road and think about it the next day. That is what is happening here.

Mr. President, we have a structural engineer, an electrical engineer, a plumbing engineer, a heating and air conditioning engineer, two city officials, a borough official, a township official, a fire inspector, two architects, three contractors, a manufactured housing expert, a modular housing expert, and three building inspectors. And now, they are looking for another opinion. So, to come back to us again today because they did not like what they heard is not really fair.

We have put these decisions into the hands of the professionals. And for it to be a two-thirds vote, nothing would be able to get passed in that committee. I ask the Members to please look at the process. We all know the processes are in place for certain reasons. The two-thirds vote should be taken out of the language and should go back to the original majority vote.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, there is no doubt that we are changing the process. The process has not worked over the past 10 years. We have done at least 10 changes to the building code, and again, as of January 1, it was California and us alone that adopted sprinkler systems. Forty-eight other States had something else in place with regard to the process. Back in 1999, when we adopted a code, it was a regional BOCA Code. It basically covered our northeast region. Now, we have this International Building Code where they may put in provisions dealing with earthquakes, which does not make sense in Pennsylvania.

So, we are definitely changing the process, and we really think that the best way to do it is to get a consensus. The RAC is made up of a tremendous amount of private individuals. As the previous speaker and the sponsor of this amendment said, we have municipal officials, we have architects, we have building code officials, we have structural engineers, we have modular housing folks, manufactured housing folks, and mechanical engineers. They run a wide gamut.

What we need to do is get a consensus. So, when the next triennial happens next year, and that is when it is going to happen, after that triennial and the changes that are going to be made to it, we need the RAC council to take a look at it and, with consensus, with 13 out of 19 votes, decide what makes sense for Pennsylvania. And, then, ultimately, it is up to us, the General Assembly, if there is something different we want to do. We have that ability, as we continue to have, to make further changes. But rather than something being done by a 9 to 10 vote or a 10 to 9 vote, this would say the consensus would need to be done. I urge a "no" vote on this amendment.

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

Senator WAUGH. Mr. President I rise to support Senator Tartaglione's amendment. I believe a two-thirds vote is a bit excessive in terms of the amount of votes needed in order to make the types of changes that we are dealing with on the RAC. Actually, I know we are changing the process, and a lot of what is being proposed I tend to agree with, but, frankly, the RAC has not worked all that badly. When you look at the short history that they have had and the amount of decisions that they have made, just a simple majority seems to work rather well. I do have a concern that going to a two-thirds requirement will really be a stretch and put out of reach changes that may be important to various regions of our State in the future as we look at each and every successive update of the international code. So I rise to support Senator Tartaglione in this effort, and I ask other Members to consider it. Thank you.

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

Senator McILHINNEY. Mr. President, I also rise in support of Senator Tartaglione's amendment. The process here today has been used to defeat many of the other amendments offered earlier. We cannot change the process that has been in place since 1999. Now I hear the process has not worked since 1999, that we changed it in 2008 because we did not like the way that the international code was thrust upon us, that we want some sort of an oversight committee. So, we put together an oversight committee in 2008, and lo and behold, the oversight committee

actually approved those same changes in the international code, and said it is a good thing to have here in Pennsylvania. So we can no longer rely on the RAC, the oversight committee, we need to make it more difficult for any changes that happen in Pennsylvania and put in a two-thirds vote requirement.

Maybe we should do a lot of consensus in here. I want to point out one thing, if we do have a consensus on this floor, the votes are not two-thirds votes in order to pass a bill or pass something into law. I also want to point out something very important. In committee, the vote to make it a consensus passed by 6 to 5. Hardly a consensus to make a consensus part of this bill.

This is a good amendment. The RAC has worked so far for the last couple of years. They did not win that last vote on the sprinklers, so we are changing it today. I know that the bill will pass, but that should not change the RAC process going forward. I ask for an affirmative vote for Senator Tartaglione's amendment.

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

Senator TARTAGLIONE. Mr. President, in April of 2009, there was a motion to allow RAC members not present to vote via telephone. That was defeated by a vote of 9 to 7. That same day, a vote to keep sprinkler requirements in the code passed by a vote of 11 to 5. So, it was not a close call, 11 to 5. And once again, on April 30, 2009, they voted to reconsider the previous votes to keep the sprinklers, and that reconsideration was defeated by a vote of 10 to 7.

That is the kind of work that the RAC has been doing, and the homebuilders are not happy about it because they are not getting the answers they would like to get. So please, I ask for a positive vote on this amendment.

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

Senator GORDNER. Mr. President, I just wanted to clarify something that one of the previous speakers said. The amendment that went into committee to put this two-thirds in place was adopted by a vote of 7 to 4. It was not adopted by a vote of 5 to 6. There was a later effort by Senator Tartaglione to make it a majority. That was a 5 to 6 vote, but the amendment by which this went into the bill was by a vote of 7 to 4.

Look, here it is: if you like the current process, if you like the way the RAC considered the sprinkler issue, if you like the fact that sprinklers are mandated right now, then you want to vote in support of this amendment, because it basically keeps the process in place. But if you are not happy with regard to the way the RAC dealt with the sprinkler issue, then you need to vote against this amendment.

Thank you, Mr. President.

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

Senator WAUGH. Mr. President, I really did not want to go here, but I am going to have to. This is not about the sprinkler issue. This is about the future of a Uniform Construction Code in this State. And if we are going to vote on Senator Tartaglione's proposal based on how you feel about sprinklers, then we should just go over this amendment and the whole damn bill, as far as I am concerned.

This is a good piece of legislation. The future of the building code in this State is dependent on future additions of the

International Construction Code, not just sprinklers. It could have to do with foundations to chimney tops. And we are going to give a two-thirds majority vote required for the council that oversees this law in the future to make good? That is crazy. We do not even require a two-thirds vote in this Chamber. Support the amendment. It is a good one. Thank you.

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

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

YEA-22

| | | | |
|----------|------------|-------------|------------|
| Blake | Greenleaf | Rafferty | Vance |
| Costa | Hughes | Schwank | Washington |
| Dinniman | Kasunic | Solobay | Waugh |
| Erickson | Kitchen | Stack | Williams |
| Farnese | Leach | Tartaglione | |
| Ferlo | McIlhinney | Tomlinson | |

NAY-28

| | | | |
|----------|--------------|----------|---------------|
| Alloway | Corman | Orie | Vogel |
| Argall | Earl | Piccola | Ward |
| Baker | Eichelberger | Pileggi | White Donald |
| Boscola | Folmer | Pippy | White Mary Jo |
| Brewster | Fontana | Robbins | Wozniak |
| Browne | Gordner | Scarnati | Yaw |
| Brubaker | Mensch | Smucker | Yudichak |

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

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

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

Senator STACK. Mr. President, it is getting late in the day and I will withdraw offering my amendment, but I reserve the right to come back and speak on final passage. The amendment I intended to offer is similar to many that have been offered here today. I am a smart guy and have seen how the vote count went, so I reserve the right to revisit on final passage.

Thank you, Mr. President.

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

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

On the question,
Shall the bill pass finally?

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

YEA-33

| | | | |
|---------|--------------|---------|---------------|
| Alloway | Earl | Piccola | Ward |
| Argall | Eichelberger | Pileggi | White Donald |
| Baker | Ferlo | Pippy | White Mary Jo |

| | | | |
|----------|---------|----------|----------|
| Blake | Folmer | Robbins | Wozniak |
| Boscola | Fontana | Scarnati | Yaw |
| Brewster | Gordner | Schwank | Yudichak |
| Browne | Kasunic | Smucker | |
| Brubaker | Mensch | Vance | |
| Corman | Orie | Vogel | |

NAY-17

| | | | |
|-----------|------------|-------------|----------|
| Costa | Hughes | Solobay | Wauh |
| Dinniman | Kitchen | Stack | Williams |
| Erickson | Leach | Tartaglione | |
| Farnese | McIlhinney | Tomlinson | |
| Greenleaf | Rafferty | Washington | |

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

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

BILLS OVER IN ORDER

SB 105, SB 328, SB 357, SB 358, SB 359 and SB 360 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 654 (Pr. No. 689) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

SB 5 (Pr. No. 989) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Community-Based Health Care (CHC) Program in the Department of Health; and providing for hospital health clinics.

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

BILL OVER IN ORDER

SB 58 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 101 (Pr. No. 153) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for a penalty.

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

BILLS REREFERRED

SB 104 (Pr. No. 87) -- 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 State-owned vehicle use.

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

SB 106 (Pr. No. 89) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a limitation on the length of session.

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

SB 109 (Pr. No. 90) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain notification in certain advertising.

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

BILLS OVER IN ORDER

SB 202, SB 224, SB 225 and SB 227 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 260 (Pr. No. 237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for legislative intent, for consent to HIV-related tests and for counseling.

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

BILLS OVER IN ORDER

SB 274, SB 293, SB 296, SB 329, SB 330, SB 343, SB 344, SB 537, SB 552, SB 566, SB 612, SB 623, SB 631, SB 637, SB 717, SB 745, SB 802, SB 803, SB 814, SB 844, SB 857, SB 858, SB 869, SB 870, SB 871, SB 872, SB 873 and SB 907 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1 CALLED UP

SB 1 (Pr. No. 1031) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL OVER IN ORDER

SB 1 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

SHERIFF, PHILADELPHIA COUNTY

March 4, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 3, 2011, and corrected on January 13, 2011, for the

appointment of The Honorable Barbara Deeley, 100 South Broad Street, 5th Floor, Philadelphia 19110, Philadelphia County, Fifth Senatorial District, as Sheriff, in and for the County of Philadelphia, to serve until the first Monday of January 2012, vice The Honorable John D. Green, resigned.

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

TOM CORBETT
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

RECONSIDERATION OF VOTE

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

Senator COSTA. Mr. President, I move that the vote by which the nomination was agreed to be returned to the Governor be reconsidered, and that a roll-call vote be taken.

The motion was agreed to by voice vote.

On the question,

Will the Senate agree to the motion that the nomination be returned to the Governor?

LEGISLATIVE LEAVE

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

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

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

And the question recurring,

Will the Senate agree to the motion that the nomination be returned to the Governor?

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

YEA-30

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

NAY-20

| | | | |
|---------|---------|---------|-------------|
| Blake | Farnese | Kitchen | Tartaglione |
| Boscola | Ferlo | Leach | Washington |

| | | | |
|----------|---------|---------|----------|
| Brewster | Fontana | Schwank | Williams |
| Costa | Hughes | Solobay | Wozniak |
| Dinniman | Kasunic | Stack | Yudichak |

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

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

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:

SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT

January 18, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable *[sic]* C. Alan Walker, 1018 Country Club Road, Clearfield 16830, Clearfield County, Twenty-fifth Senatorial District, for appointment as Secretary of Community and Economic Development, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice The Honorable Austin J. Burke, Jr., Archbald, resigned.

TOM CORBETT
Governor

SECRETARY OF GENERAL SERVICES

January 18, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable *[sic]* Sheri Phillips, 2837 North Front Street, Suite 302, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of General Services, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice The Honorable James P. Creedon, Bethlehem, resigned.

TOM CORBETT
Governor

COMMISSIONER OF THE PENNSYLVANIA STATE POLICE

January 18, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable *[sic]* Francis (Frank) Noonan, 217 Teaberry Lane, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Colonel Frank E. Pawlowski, Exton, resigned.

TOM CORBETT
Governor

SECRETARY OF TRANSPORTATION

January 26, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry Schoch, 750 Brentwater Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Transportation, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice The Honorable Allen Biehler, Pittsburgh, resigned.

TOM CORBETT
Governor

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

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 27 (Pr. No. 1041) (Amended)

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for dog purchaser protection.

SB 366 (Pr. No. 351)

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for licensure and for State Board of Vehicle Manufacturers, Dealers and Salespersons.

SB 419 (Pr. No. 405)

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for grounds for disciplinary proceedings; and making a related repeal.

SB 747 (Pr. No. 757)

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; creating the Plumbing Contractors Licensure Account; and making an appropriation.

SB 932 (Pr. No. 1007)

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for duration of a listing.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 626 (Pr. No. 633)

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

SB 815 (Pr. No. 833)

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

SB 816 (Pr. No. 834)

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for the Office of Victim Advocate and for powers and duties of victim advocate.

SB 817 (Pr. No. 1042) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, providing for the use of restraints on children during court proceedings.

SB 818 (Pr. No. 836)

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

SB 850 (Pr. No. 1043) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of cyberbullying and sexting by minors; in criminal history record information, further providing for expungement and for juvenile records; and, in relation to summary offenses, further providing for short title and purpose of chapter, for the scope of the Juvenile Act, for inspection of court files and records, for conduct of hearings and for right to counsel.

HB 38 (Pr. No. 14)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in governance of the system, further providing for establishment of fees and charges and for costs; and, in budget and finance, further providing for Commonwealth portion of fines.

Senator D. WHITE, from the Committee on Banking and Insurance, reported the following bill:

SB 118 (Pr. No. 96)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for definitions.

Senator MCILHINNEY, from the Committee on State Government, reported the following bills:

SB 263 (Pr. No. 240)

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for criteria for review of regulations.

SB 916 (Pr. No. 949)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

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

SB 375 (Pr. No. 1039) (Amended)

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

SB 386 (Pr. No. 1040) (Amended)

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

SB 725 (Pr. No. 731)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for officers to be elected, for election of assessors, for filling vacancies in elective borough offices, for powers of assessors and for duplicate assessments.

SB 726 (Pr. No. 732)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for elected officers enumerated, for vacancies in general, for the corporate power of first class townships being vested in the board of township commissioners, for elected officers in townships of the first class and for additions and revisions to duplicates.

SB 828 (Pr. No. 846)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for township manager.

SB 829 (Pr. No. 847)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for township manager.

SB 830 (Pr. No. 848)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for the office and powers and duties of a city administrator or manager.

SB 831 (Pr. No. 849)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the office of borough manager and for powers and duties of a borough manager.

SB 832 (Pr. No. 850)

An Act amending the act of May 24, 1956 (1955, P.L.1674, No.566), entitled "An act authorizing council of any incorporated town to create the office of town manager, and prescribe his powers and duties," further providing for the office of town manager and for powers and duties of a town manager.

SB 834 (Pr. No. 852)

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.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 44 (Pr. No. 640)

A Resolution designating the week of April 10 through 16, 2011, as "Local Government Week" and April 15, 2011, as "Local Government Day" in Pennsylvania.

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

SENATE RESOLUTIONS ADOPTED

Senators FONTANA, STACK, KASUNIC, EARLL, RAFFERTY, KITCHEN, GREENLEAF, DINNIMAN, TARTAGLIONE, BAKER, TOMLINSON, ERICKSON, ALLOWAY, WAUGH, YAW, EICHELBERGER, COSTA, BREWSTER, HUGHES, PILEGGI, SCARNATI, PIPPY, SOLOBAY, GORDNER, D. WHITE, YUDICHAK, BRUBAKER, BOSCOLA, FARNESE and BROWNE presented to the Chair **SR 86**, entitled:

A Resolution recognizing the week of April 10 through 16, 2011, as "Library Week 2011" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, this week, April 10 through 16, is also National Library Week, and this resolution provides the same designation in our Commonwealth. Libraries are an important part of our communities. Public libraries, school libraries, academic libraries, and special collection libraries help millions of Americans each year.

No longer are libraries just the place to borrow a book or do research. Today's libraries provide tools to help the unemployed search for a new job, offer resources to help children with their homework, and have thousands of publications and media to entertain people of all ages. Libraries help people discover their passion, their family roots, or even their sense of community. People can connect with their libraries through media, technology, and other uses. I thank my colleagues today, Mr. President, for joining me in offering this resolution to designate April 10 through April 16 as "Library Week 2011" in Pennsylvania.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators FONTANA, KITCHEN, STACK, FERLO, ARGALL, RAFFERTY, KASUNIC, COSTA, BREWSTER, TARTAGLIONE, HUGHES, ERICKSON, ORIE, SOLOBAY, DINNIMAN, PILEGGI, FARNESE, SCHWANK, WAUGH, WASHINGTON, ALLOWAY, LEACH, BRUBAKER and BROWNE presented to the Chair **SR 87**, entitled:

A Resolution recognizing the week of April 10 through 16, 2011, as "National Volunteer Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, this week, April 10 through 16, is also "National Volunteer Week." My resolution

also makes that designation in Pennsylvania and allows us to thank the volunteers in our Commonwealth who make things happen. Why do folks volunteer? Because it is rewarding, helps strengthen communities, and provides many services that might otherwise not be available.

Volunteerism has never been more important, as we all are being asked to do more with less. According to the U.S. Bureau of Labor Statistics, 62.8 million people volunteered through or for an organization through September 2009 to September 2010, providing countless hours of service to their communities.

In southwest Pennsylvania, Pittsburgh Cares volunteers, an affiliate of the Points of Light Institute, logged 69,680 service hours and completed over 1,900 projects, partnered with more than 500 nonprofit agencies, and coordinated service projects for employees at more than 200 businesses. One of those organizations, Elder-Ado, Incorporated, from my district in Pittsburgh, is a nonprofit social service agency that serves seniors by providing recreational activities, champion service, meal delivery, computer classes, and much more. Elder-Ado has been a valuable asset in Pittsburgh for the last 25 years, but it could not operate without dedicated volunteers. The seniors who are helped are also volunteers themselves, allowing them to remain active while bettering the lives of their friends and also their neighbors.

Our own Caucus, Mr. President, has an annual event where volunteers participate in projects for Habitat for Humanity, and we are very proud of that venture in volunteerism. Volunteers young and old are an inspiration to us all, and I am proud to offer this resolution designating April 10 through 16 as national Volunteer Week in Pennsylvania. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators KITCHEN, RAFFERTY, SOLOBAY, DINNIMAN, ARGALL, PILEGGI, COSTA, HUGHES, ERICKSON, FERLO, ALLOWAY, STACK, GREENLEAF, ORIE, BREWSTER, FONTANA, TARTAGLIONE, LEACH, M. WHITE, FARNESE, EARLL and BRUBAKER presented to the Chair **SR 88**, entitled:

A Resolution designating April 12, 2011, as "Temple University Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. It is a pleasure for the Chair to recognize the gentlewoman from Philadelphia, Senator Kitchen, for the adoption of this resolution.

Senator KITCHEN. Mr. President, Temple University, a world-renowned institution, is located in my senatorial district, the 3rd Senatorial District, in Philadelphia. Temple has a long and proud history in this Commonwealth. Like many schools, it had humble beginnings. Initially founded in 1884 as Temple College, the school was a nonsectarian institution for working class students. It originated from Russell Conwell's popular weekly tutoring sessions at Grace Baptist Church.

Conwell believed that greatness "consists in doing great deeds with little means and the accomplishment of vast purposes from the private ranks of life." Consequently, he used his own money to supply funding for 10,000 students of the nearly 100,000 students who attended Temple during his 38-year presidency. Conwell also inspired the school's mascot, the owl. The name refers to the evening classes developed for working students of limited means and is based on a quote by Mr. Conwell that "The owl of the night makes the eagle of the day."

The college was incorporated in 1907 as a university and has operated as a State-related university since 1965. Today, Temple offers 320 academic degrees to its 39,000 students. Temple's 17 schools provide employment, educational, and research opportunities at its campuses in Philadelphia, Ambler, University Hospital and Health Sciences Center, Fort Washington, and right here in Harrisburg, just across the street from this building.

Many, many professionals have the distinction of being Temple Owls. One in eight college graduates from the Philadelphia region has earned a Temple University degree, and the university annually generates \$2.7 billion for the Delaware Valley alone. Because of its valuable contributions to this great State, I ask that we all root for the cherry and the white by recognizing this day, April 12, 2011, as "Temple University Day" in Pennsylvania. Go Owls.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the lady for her insightful words, and recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, I join with my friend and colleague, Senator Kitchen, in rooting for the Temple Owls. I earned my law degree at Temple University, and I believe, Mr. President, you have done so as well. It certainly is a school in which we all take great pride. It is not only an educational facility, but it is a hub in the Philadelphia area for education and for economic development. They have a medical school and a law school that are second to none in the Commonwealth of Pennsylvania. I enthusiastically join with my colleague, Senator Kitchen, in rooting for the Temple Owls. So thank you very much, Temple University, and best wishes.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator M. WHITE presented to the Chair **SR 89**, entitled:

A Resolution designating the week of May 1 through 7, 2011, as "Drinking Water 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 Matthew N. Atwell and to Daniel John Francis Stelmack by Senator Blake.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Weinhold by Senator Brubaker.

Congratulations of the Senate were extended to Mary Lee by Senator Ferlo.

Congratulations of the Senate were extended to the members and coaches of the Duquesne University School of Law Trial Team by Senator Fontana.

Congratulations of the Senate were extended to Drew Yerger by Senator Gordner.

Congratulations of the Senate were extended to Conrad J. Detweiler by Senator Mensch.

Congratulations of the Senate were extended to Colin Budd by Senator Orie.

Congratulations of the Senate were extended to Jamie Melissa Bohenic, Devon Quentin Dykes, Chanaya Bridges, Zachary Thomas Miller, Velmar D. McMullen, Wayne Tyler Starnner, William Stagemyer and to Dakota Good by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. James Sepesky and to Zachary and Nicholas Hudak by Senator Solobay.

Congratulations of the Senate were extended to Dr. Amy Gutmann by Senator Tartaglione.

Congratulations of the Senate were extended to Samuel Lombardo by Senator Vance.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 27, SB 118, SB 263, SB 366, SB 375, SB 386, SB 419, SB 626, SB 725, SB 726, SB 747, SB 815, SB 816, SB 817, SB 818, SB 828, SB 829, SB 830, SB 831, SB 832, SB 834, SB 850, SB 916, SB 932 and HB 38.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Senator FARNESE. Mr. President, yesterday, we heard some very impassioned remarks from one of my colleagues about how we in Pennsylvania have chosen to, or at least this administration has chosen to, extend significant tax breaks to big corporations while attempting to balance this budget on the backs of small business owners and working families. It is small businesses that I would like to focus my remarks on today, because like I said yesterday, Senate Democrats have put forth a plan, our PA Works plan, which we believe addresses the economic needs of Pennsylvania.

One aspect of our six-point plan focuses specifically on small businesses. We believe there is an extreme amount of evidence to establish that these small businesses are truly the lifeblood of our economy here in the Commonwealth of Pennsylvania. Our plan gives small businesses the additional tools and resources

they need in order to continue their roles as major job creators in this very difficult economy.

The "Put Small Business First" portion of our PA Works plan is made up of five bills. The first bill addresses the popular and successful Small Business First Fund and is sponsored by our colleague, Senator Brewster. The fund provides loans to assist in the start-up and expansion of small businesses. The impact on job creation is that for each \$25,000 loan, one full-time job must be created with equivalent wages. This legislation would increase the maximum loan amounts and repayment periods through the Small Business First Fund while decreasing the maximum interest rates, making the program even more attractive to small businesses and spurring more family-sustaining job creation.

The second aspect of the small business portion of our PA Works plan allows for increased access to capital for small businesses through the Second Stage Loan Guarantee Program. The program is currently available to life science, advanced technology, and manufacturing projects in the second through seventh years of development. Senator Fontana's bill will make improvements in the program, which has been underutilized since its establishment, by reconstituting \$50 million for the Small Business Investment Guarantee Program. Eligible small businesses could obtain a guarantee of up to 100 percent of the principal amount of the loan, up to \$2 million, to encourage lending. As we all know, the credit market remains extremely tight in the current economy. Senator Fontana's bill also opens up the program to all industry sectors and expands eligibility to local government agencies that make the loans.

The third portion of this plan, introduced by Senator Boscola, continues our commitment to the critical mission of positively impacting the small business climate in the Commonwealth of Pennsylvania. Her bill would give the Small Business Council, a council created to give small businesses a voice in regulations that have an impact on them, a stronger voice when it comes to the regulatory review process. The bill would require all agencies to submit proposed rules to the council for comment, recommendation, and objections under the Regulatory Review Act. It also would require the council to meet with each executive agency once every 2 years to continue their stakeholder voice in reviewing policies and regulations and making recommendations on those policies. Many times, government may not know the full impacts of its regulations on the small business community. This bill would give the small business community a stronger voice to express how changes affect their own businesses.

Another portion of our small business plan within PA Works would make a stronger commitment to the State's encouragement of businesses to invest in projects which improve the distressed areas through an expansion of the Neighborhood Assistance Act Tax Credit program. Senator Hughes's proposal would allow claimants to claim tax credits against employee payroll taxes. That is a win-win for communities in need of the services that businesses and nonprofits offer, as well as for the businesses and nonprofits in reducing their bottom-line expenditures.

The final portion of our plan would modernize the procurement process for small businesses in the Commonwealth of Pennsylvania. This bill, introduced by Senator Washington, was also introduced last Session with a similar bill in the House, which actually passed overwhelmingly. Her modernization

proposal would establish small business reserves, as well as create a statewide bonding program and mentor-protégé program. It would also create other targeted initiatives to increase the ability of small and disadvantaged businesses to compete for government contracts. That would allow Pennsylvania to more fully realize the established goals under the State Procurement Code for small and disadvantaged business participation.

As you can see, Mr. President, the Senate Democrats' plans put small businesses on the front lines of a strategy for economic success. We believe that the Commonwealth of Pennsylvania is with us on this position, that small business development, small business establishment is the way to go, not only to help solve the budget problems that we have right now in the Commonwealth, but more importantly, to help Pennsylvania move forward. The Senate Democrats are consistently putting out ideas that are getting people back to work, that are moving Pennsylvania forward, and that, Mr. President, is where we believe we should be going.

I want to thank you for the opportunity to speak here, Mr. President, and again, the Senate Democrats welcome the opportunity to engage our colleagues to learn more about these initiatives while we all work to put Pennsylvania first. Thank you.

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

Senator HUGHES. Mr. President, I want to thank my good friend and colleague, Senator Farnese from the 1st Senatorial District, for his focus on driving economic activity to create jobs and put people to work, rebuild communities, and do all the things appropriate and necessary to keep this State and, as the State is so much the foundation, in fact, the keystone of the country, to keep this nation moving forward. I rise again on this day, Mr. President, to remind our colleagues and remind all those who are listening and paying attention to make sure that we do not lose sight of the economic reality and the economic plight that exists for so many Pennsylvania citizens, and that we must be sure that we put them in focus as we try to deal with their reality, because it seems right now, Mr. President, that the policies that are being advocated for here are extremely out of focus from the average reality that exists for so many Pennsylvanians.

Mr. President, I can tell you that after my comments yesterday on the floor, someone came to me this morning and said to me, thank you for painting a clear and distinct picture of what it is that they are confronting. Because they are one of those individuals, Mr. President, who are working almost 20 hours a day to try to make ends meet, and they are not too disconnected from this process that we oversee here in the General Assembly, in the Senate, here in Pennsylvania. I think a lot of folks have lost sight, and maybe they gain a recognition of the reality that the average person is dealing with in Pennsylvania and across this nation every time they fill up their gas tank. Gas prices have gone up 19 percent in the last year, and that number is dated because it comes from information that we received about a week ago. And we all can look at our gas pump, look at our gas tank, and understand exactly what is happening. In fact, in many gas stations around the State, when you leave for work at 7 o'clock in the morning, the price of a regular tank of gas is \$3.73

a gallon, and you come back at the end of the day, 5:30, 6:00, and lo and behold, the gas price is \$3.83.

There has been a 19-percent increase in gas prices. I am not sure that we understand that. I am not sure if we are reflecting the reality that exists for the average Pennsylvania citizen. The ones making the State go, the ones who are making our economy go, the ones who are putting in the hard work, the timeless work, who get up early in the morning, they work the early shift. I think we forgot about those individuals. Or even the ones who work the late shift. They report to work at 11 o'clock in the evening and work all night long. Or some of those individuals who start early, Mr. President, they work one job from 8:00 to 5:00, or 9:00 to 5:00, or 8:00 to 4:00, or maybe even 8:00 to 6:00, and then they leave that job and they go to a second job and work all night long and then have to come back to their first job. They are working 20 hours a day. I think we have forgotten about them, or at least the policies that are presented for this body to address, seems we have forgotten about that reality.

A 19-percent increase in gas prices in the past year, and that number is low; a 10-percent increase in beef prices; for butter, a 23-percent increase. In fact, inflation has been rising for the last several months at a 5.7-percent annual rate, while wages, Mr. President, and this is the real issue, have only gone up 1.3 percent. Prices, 5.7 percent; wages, 1.3 percent. Gasoline, 19 percent; wages, 1.3 percent. Butter, 23 percent; wages, 1.3 percent. And how do our policies that we choose to adopt here in the Commonwealth impact that? Do they complement that? Do they try to address that or do they try to achieve some parity, some balance? So far, that is not the case.

But I will get back to that in a little bit, Mr. President, because what we are seeing here is that wages are being suppressed in this country and in this State. Prices are going up, wages are being suppressed. But one of the other reasons why we have an increase in gas prices, and some folks want to say it is because of the crisis that exists in the Middle East, but that, in fact, is not the case. The fact is that there is a growing middle class in two of the fastest-growing economies in the world, in China and India. The middle class is growing dramatically in those two countries, and as everyone knows, those are sizable, sizable populations with which we are dealing. So China's and India's middle classes are growing, which means incomes are growing there, which means wages are growing, which means prices for oil can increase because it can respond to the growing middle class that exists in these huge populations in these huge countries like China and India.

So their wages are going up, and they can respond to the price increases that are going up accordingly. But wages in this country are suppressed. You remember what I just said, a 1.3-percent wage increase. And now we have the public workers, we have non-public workers, folks working in the private economy, asking to take wage freezes to help contribute to the reality. And then we have average people working two, three, and four jobs. I said very succinctly, someone who comes to work at 8 o'clock in the morning, works a full day until 4:00, 5:00, and 6:00, leaves their job and then goes to a second job and works all night long, and then they wind up working 20 out of 24 hours of the day. And this does not happen once or twice in the course of the week, Mr. President, this is happening 6 days a week and, yes, I said 6 days. Not 3 days, not 4 days, I said 6 days. It is happening to more and more people. What is our

response to this? The response is not: How do we help these individuals? The response is not: How do we try to figure out a way to provide some relief to these individuals to help them through?

I understand that there is a budget crisis that exists all across the country, and especially here in Pennsylvania. We understand that. What we do not understand is that how, Mr. President, we can look at adopting policies that make it only more difficult for average working families to get through in this Commonwealth. Think about it. Think about it. The message that we are sending to young people and their families who are going to college right now is that, you know what, you graduated high school, you got to college, you got accepted, you are in your first year, you finish your first year, here is our gift to you, a 25-percent increase in your tuition. Now, remember, that young person and their family had a wage increase of only 1.3 percent over the last year. Gasoline has gone up 19 percent, butter has gone up 23 percent, but their wages have only gone up 1 percent. The national inflation is at 5.7 percent, but here we are dealing with a situation where we say to these young people and their families, you have a 25-percent projected increase in your tuition.

Right now, those young people were already working through the summer just to make it on what they thought their tuition was going to be, and now we are in a situation where these individuals are looking at a potential 25-percent increase in their tuition. What does it say to them in terms of how much debt they have to take on to get through and pay for all of their college?

Just think about it. Put it in context. Just sit back for a minute and look at what is happening in the fastest growing economies across the world, China and India. Their middle class is growing; our middle class is being suppressed. And the policies that are being looked at to be adopted here in this Commonwealth are only going to suppress that economy even more. Young people are trying to go to college, and not-so-young people who are trying to go to college are in a predicament because they cannot afford to pay for college. We are not making it easy for them. There is even a projection to cut the budget for community colleges. The great bridge from high school, the great bridge to transform your skill set is community college, and now that opportunity is being snatched away, or at least that is the proposal.

All I can say, Mr. President, is this math is not adding up. It is not adding up for thousands, if not millions, of families here in the Commonwealth of Pennsylvania. It is not making sense. The policies do not add up. We have not even talked about basic education, the fact that there are going to be so many local school districts that are probably going to have to raise property taxes to deal with the \$1.2-billion projected cut for basic education funding from Harrisburg.

We have not even talked about that yet. What kind of pressure does that put on average families who are just trying to make it through? Too much. Too much. And all of this in the context of the big problem, that there is no shared sacrifice. There are cuts in basic education, which means increases in local property taxes. There are cuts in higher education, which means increases in tuition. But guess who gets off the hook? One more time. One more time. Guess who gets off the hook? It is our friends in the major corporations. They get a \$200-million tax cut on March 3 and a projected \$350-million to \$400-million tax cut on March 8. Within less than a week's time, about a \$500-million tax cut

for the largest corporations in the Commonwealth. Not for the average corporations, not for the mom-and-pop shops that are in our neighborhood and local community, but the big hitters. They are doing well financially, by the way. They are doing fine. But they get a tax cut. They get a tax break, while the average family, the average individual living, working, struggling, trying to make it through, playing by the rules, they get kicked to the curb, not to mention the 42,000 people who were summarily cut off of adultBasic, the health insurance program put in place to provide healthcare services for working families across the Commonwealth. They get thrown to the side.

So here it is again. I said this yesterday, and I will continue to say it, February 28, 42,000 get kicked off the rolls of adultBasic, just let go; March 3, a \$200-million tax break to the largest corporations; March 8, budget proposal, bling, it comes out, there it is, big headlines, right for everybody to see, right for everybody to see, right there, March 8, headlines, here it is. If you go to school, you are losing money. If you go to grade school, you lose money. If you go to grade school, there are no afterschool programs because there is no money there for you. If you go to grade school, there are no tutorial programs to help you make the grade, get your marks up. If you go to grade school, more than likely, that teacher who was doing a great job may not be back next year. If you go to grade school, there is no more help for you - \$1.2 billion cut right out of your budget. Then added onto that, if you go to college, hey, here is the present for you, a tuition increase. Not just 1 percent, not just 2 percent, not just 4 percent, how about a 25-percent increase. Can you handle that?

To make it round numbers, if you are paying \$1,000 in year one, now you are paying \$1,250 in year two, just to make it easy to understand. That is a 25-percent increase. And to add a little more to it, here is your present, to the big corporations of the Commonwealth of Pennsylvania, a \$500-million tax break. Where is the shared sacrifice? How is it even across the board for everybody? How do we say that we are playing by the same set of rules when, obviously, one group is getting taken care of better than the other?

Well, the numbers are right here, Mr. President, straight from an article from the Washington Post: a 5.7-percent rise in consumer prices, a 1.3-percent increase in wages. Consumer prices are going up, wages are basically flat. There is a big gap there. And by the way, our corporate friends are getting a \$500-million tax cut with no promise, no commitment to turn that tax break back into creating jobs and opportunities for the people who need it the most.

It is not adding up, Mr. President. We have to make this thing work, we have to make this thing work better, we have to make this thing responsive to the needs of the people in the Commonwealth, and at the very least, make sure that there is shared sacrifice, that the hit on education, that the hit on higher education, is not so onerous that families cannot figure out a way to make it through. And make sure that everybody participates in the sacrifice that is supposed to be shared by everyone. Right now, there is a huge imbalance, and we have to fix that imbalance. We have to put it more in balance. We have to put it more in kilter, because right now, working people are getting jammed, and it is not fair.

The average Pennsylvania working person did not cause this budget crisis that we are in. This budget crisis that we are in was

created by our friends on Wall Street. They created this budget crisis. And now, their salaries are going through the roof. They are going through the roof. They are making more now, after we stepped up and bailed that industry out, they are making more now than what they were making 3 years ago. But the wage for average Pennsylvania workers, a 1.3-percent increase. The guys who are already making the money, they are making more. And the way this budget proposal has been laid out to us, they are going to make even more. That is not fair. That is not right. There is no justice here, and we have to make it right for Pennsylvania's working people.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I want to echo some of the themes just talked about by my friend and colleague, Senator Hughes. One of the reasons that I have always been proud to be an American and to be a Pennsylvanian, and what has made us great and made us thrive is a large, mobile, constantly-growing middle class. And that has been why, in many regards, we have been the envy of the world, that you have opportunity in this country no matter what. One of the vehicles to help people succeed has always been our tremendous educational system, our higher educational system, and our ability for government and other sources to recognize that we have to help young people access this education. It is an investment in these young people, which is going to enable all of us in the Commonwealth and in the country to benefit. So I could not agree more with what was just stated.

When we cut higher education to the State-relateds, to the community colleges, basically, what we are saying is that we are not interested in investing in our future, and any successful business that does not invest in its future is sure to go bankrupt. So I think the Governor is on the wrong track in the dramatic cuts to the State-relateds of 50 percent, and probably even more wrong-headed in the 10-percent cut to the community colleges, because those are the folks who are trying to retool. They are folks who, perhaps, are working full-time and see the writing on the wall, knowing that the industry that they have been a part of could be going away, and they are taking that responsibility to get the education and the technical skills to be job-ready for the next big industries.

Time and time again, that is what businesses have said when talking about whether they were going to come to Pennsylvania or not, and sadly, more times it has been not. They have said, in Pennsylvania, we are not job-ready. So, once again, it is wrong-headed to cut higher education. It is wrong-headed to cut the community colleges. I think we all are starting to see that it is important that the opening cuts that the Governor has made, that we try and restore them and that we give people a fair shot.

Now, speaking about the middle class, and my colleague, Senator Hughes, referred to this, as you know, Mr. President, I have been talking for months about the issue of the adultBasic insurance plan that we had here in Pennsylvania. It was started by Governor Ridge, it was a tremendous program, not just a government handout program, but a program designed for working Pennsylvanians to have affordable, low-cost insurance. It has been a lifesaver for so many people. It has enabled people to remain in the middle class to work to be able to take care of

their healthcare needs and eventually to help increase that middle class and get our economy moving in the right direction.

On February 28, that program expired without really much of a fight from a lot of folks around here. I was heartened this week to find that Members of my own Caucus have decided--and I have urged this--to join as parties in an amicus brief to basically sue the Commonwealth to maintain the adultBasic program through any means necessary, and one of the means that we are talking about is through the tobacco settlement money. And guess what, folks? I was at a press conference last week with Auditor General Jack Wagner. One of the points he made is that many people think that the tobacco settlement money, the hundreds of millions of dollars that we rightly and commendably in this Commonwealth used primarily for healthcare issues, that money is still available.

When we talk about the monumental obstacle we have with regard to closing this dramatic and sizable budget deficit, when we talk about \$4 billion or \$4.5 billion, more or less, that is a huge number. When we talk about the adultBasic program, it is still an insurance program that could be run for less than \$10 million a month. And I will tell you what, that is a drop in the bucket compared to the amount of money it is going to cost us in healthcare expenses in the months to come.

It has not been a disaster yet, Mr. President, but the longer folks go without insurance, the closer we get to a disaster, and the first entrance many of these folks are going to have into the healthcare system is going to be through the emergency room doors. Everybody knows, one way or another, that is always the most expensive. People are always really, really sick at that point, and we are all going to have to pay for that.

So I think we have been really going in the wrong direction on the adultBasic program. We here in this Chamber and in the House Chamber have a reserve fund of close to \$200 million that is just sitting there. And my bill, one of the pieces of legislation I have advanced, is using those legislative reserves, or a portion, perhaps in combination with the tobacco settlement money, to fund the adultBasic insurance program and make sure that working Pennsylvanians who are hanging on by a thread, trying to stay in the middle class, can continue to work, be a vital part of our economy, and stay healthy. It is really a very cost-effective thing to do, and I think that we should do it, or consider other ways of saving the adultBasic program.

Now, Mr. President, there are a couple other things I want to say legislatively today that I would like to talk about, too, changing gears for a second. I really believe that we made a huge mistake in passing House Bill No. 377 today, which repealed mandatory sprinklers in new residential construction across Pennsylvania. I know a lot of folks were advocating for the homebuilders. Listen, I have good relations with the homebuilders. I think they do a very good job, and they help build Pennsylvania. Although I like the homebuilders, let me tell you who I love - I love the firefighters of Pennsylvania. They put it on the line every day, and if there is an issue versus who I believe knows a little bit about what causes a fire, although I like the homebuilders, I am going to listen to the firefighters.

I think today's issue was an issue of public safety versus builder profits, and it looks to me like builder profits won today. So that is distressing, Mr. President. It is a fact that the majority of structure fires occur in residential homes. Some of the

statistics are: about 35,000 Americans die each year in fires and about 18,300 are injured. Who says it? Not me. The U.S. Fire Administration reports that the combination of working smoke alarms and home fire sprinklers reduce the likelihood of death from fire by more than 80 percent. That is not small potatoes, Mr. President. That is not de minimis. It is amazing, if you have ever talked to a firefighter or have seen how it happens, how quickly a fire can spread once ignited, and often, people have just seconds to react. Sprinklers dramatically reduce destruction, they minimize damage, and they greatly improve a homeowner's chance to get out alive. If you do not believe me, Mr. President, and if you are watching at home, you can go to YouTube and you can watch fire department demonstrations. It is a scary sight to see, but I recommend that folks who are curious about this issue can see it on YouTube.

Of course, we know the homebuilders won the fight today. They opposed the sprinkler requirement. They said that one of the big reasons was that the homebuilding industry was going to be zapped by an estimated additional \$7,000 cost of buying a home. The estimates I have seen say that is clearly on the high side of an estimate. The Sprinkler Fitters Union, the sprinkler manufacturers and contractors, and the State Fire Commissioner think the number is much smaller. They say that a sprinkler system in the average new home really costs about \$3,200, depending on the size of the home, and when you add this to the cost of a 30-year mortgage, the safety benefits easily outweigh the costs. Plus, you are going to get a lower rate on your homeowner's insurance. Realistically, let us reduce the debate to economics versus human life. How much is a human life worth? Three thousand dollars? Seven thousand dollars? How about the worth of a whole family, the life of a firefighter who goes into that dangerous structure and tries to put out a fire? Listen, for my money, if it saves lives, the cost is cheap. I think we are going to all regret the passage of this bill, and I hope we do not regret it dramatically. I think we are going to have to come back and take a look and change this, and I have seen it before, Mr. President. I have been here 10 years. We have come back and corrected things where we have made a mistake. That is the great part of this Chamber. So, I also wish that we had gotten a chance to spend more time on hearings on this issue. I thought when lives are at stake, you could see during the debate process that there were many more questions than answers. And as I say, I think that was a big problem.

Lastly, Mr. President, another big problem that I have with today's bill was what I considered to be something anti-democratic, and that was the amendment which requires now, at least in the form we have it, a two-thirds vote by the Review and Advisory Committee, which dramatically, I think, changes the Pennsylvania Uniform Construction Code. As you have seen here, Mr. President, in your short time convening over this body, and you know from your experience, it is tough enough to get things done by a majority decision. When you change it to two-thirds, literally, you are going to have a very difficult time changing things, even when we are dead wrong.

So I think that is a big problem, and I really wish we had not done that. I asked many questions during the meeting of the Committee on Labor and Industry, of which I am a Member, how many other States have a two-thirds vote necessary during their Review and Advisory Committee meetings to change things or to repeal things, and I still have not gotten an answer. I believe

it is really—it is not a handful. It could be one or two, and we may be the only State that does it now.

So, Mr. President, in my district, I probably have more firefighters than any other Senator in this body, and I owe them a duty to get the words out that they have been saying. It is unfortunate that I am saying it after the vote was taken and the fact that we lost this issue 33 to 17. But I still felt I had a duty to get that out there, and I want those firefighters to know that their fight on this issue was not in vain, and I think that if we get another bite at the apple, people will listen more closely to this issue and get back to where their focus should be, and that is on the interest of saving lives as opposed to making a big profit.

So, Mr. President, I know I have taken a little bit of time in this Chamber, and I know that this body can make wise decisions, sometimes not the first time, but maybe the last time.

Thank you, Mr. President.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

CLERK OF COURTS,
LANCASTER COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Melanie DePalma, 1024 N. Waterford Way, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as Clerk of Courts, in and for the County of Lancaster, to serve until the first Monday of January 2012, vice The Honorable Ryan P. Aument, resigned.

TOM CORBETT
Governor

CONTROLLER, NORTHUMBERLAND COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Tony L. Phillips, 271 Campbell Road, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for appointment as Controller, in and for the County of Northumberland, to serve until the first Monday of January 2012, vice The Honorable Charles Erdman, Jr., resigned.

TOM CORBETT
Governor

CORONER, HUNTINGDON COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Coroner, in and for the County of Huntingdon, to serve until the first Monday of January 2012, vice The Honorable Ronald Morder, deceased.

TOM CORBETT
Governor

**PROTHONOTARY AND CLERK OF COURTS,
VENANGO COUNTY**

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable *[sic]* Paula M. Palmer, 121 Park Avenue, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as Prothonotary and Clerk of Courts, in and for the County of Venango, to serve until the first Monday of January 2012, vice The Honorable Peggy L. Miller, resigned.

TOM CORBETT
Governor

**PROTHONOTARY, CLERK OF COURTS AND CLERKS
OF ORPHANS' COURT, WYOMING COUNTY**

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Karen Bishop, 1843 SR 4002, Mehoopany 18629, Wyoming County, Twentieth Senatorial District, for appointment as Prothonotary, Clerk of Courts and Clerks of Orphans' Court, Wyoming County, in and for the County of Wyoming, to serve until the first Monday of January 2012, vice Paulette A. Burnside, resigned.

TOM CORBETT
Governor

RECORDER OF DEEDS, BUCKS COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Szafran, 6257 Edge Avenue, Bensalem 19020, Bucks County, Sixth Senatorial District, for appointment as Recorder of Deeds, in and for the County of Bucks, to serve until the first Monday of January 2014, vice The Honorable Edward R. Gudknecht, deceased.

TOM CORBETT
Governor

SHERIFF, WESTMORELAND COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Sheriff, in and for the County of Westmoreland, to serve until the first Monday of January 2012, vice The Honorable Chris Scherer, resigned.

TOM CORBETT
Governor

TREASURER, CRAWFORD COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Christine L. Kryzsiak, 19860 Bear Road, Venango 16440, Crawford County, Fiftieth Senatorial District, for appointment as Treasurer, in and for the County of Crawford, to serve until the first Monday of January 2012, vice The Honorable Frederic Wagner, deceased.

TOM CORBETT
Governor

TREASURER, NORTHUMBERLAND COUNTY

April 12, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable *[sic]* Kevin P. Gilroy, 1343 Mountain Road, Paxinos 17860, Northumberland County, Twenty-seventh Senatorial District, for appointment as Treasurer, in and for the County of Northumberland, to serve until the first Monday of January 2012, vice The Honorable Ronald L. Chamberlain, resigned.

TOM CORBETT
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

TREASURER, CRAWFORD COUNTY

April 12, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 2, 2010, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Treasurer, in and for the County of Crawford, to serve until the first Monday of January 2012, vice The Honorable Frederic Wagner, deceased.

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

TOM CORBETT
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 13, 2011

| | | |
|------------|--|--------------------------|
| 9:00 A.M. | TRANSPORTATION (public hearing on the PA Turnpike Commission) | Hrg. Rm. 1 North Off. |
| 9:30 A.M. | FINANCE (to consider Senate Bills No. 158, 318, 320, 405, 564, 634 and 704) | Room 461 Main Capitol |
| 9:30 A.M. | VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (confirmation hearing for Adjutant General of Pennsylvania, Major General Wesley E. Craig) | Room 8E-B East Wing |
| 10:00 A.M. | AGING AND YOUTH (to consider the nomination of Brian M. Duke as Secretary of Aging) | Room 8E-A East Wing |
| 10:00 A.M. | AGRICULTURE AND RURAL AFFAIRS (the nomination of George Greig as Secretary of Agriculture) | Room 461 Main Capitol |
| 10:00 A.M. | LAW AND JUSTICE (public hearing on legislative proposals from Joe Conti of the PA Liquor Control Board) | Sen. Maj. Caucus Rm. |
| 2:00 P.M. | PUBLIC HEALTH AND WELFARE (public hearing on abortion clinic legislation referred to the committee) | Hrg. Rm. 1 North Off. |

MONDAY, APRIL 18, 2011

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| 2:00 P.M. | LOCAL GOVERNMENT (public hearing on local enforcement of health laws) P O S T P O N E D | Palpack Alumni Ctr. Drexel Univ. Phila, PA |
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WEDNESDAY, MAY 4, 2011

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| 9:00 A.M. | FINANCE (public hearing on the requirements for collecting sales tax on transactions made over the Internet) | Hrg. Rm. 1 North Off. |
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RECESS

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

Senator BROWNE. Mr. President, I move that the Senate do now recess until Wednesday, April 13, 2011, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 8:13 p.m., Eastern Daylight Saving Time.