

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, MAY 11, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 32

SENATE

WEDNESDAY, May 11, 2011

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by Senator JOHN R. GORDNER:

Shall we pray.

Heavenly Father, on this day, I think of last Thursday, when, across this nation, we had our 60th National Day of Prayer. I think of individuals gathering in town squares, gathering on the steps of courthouses, folks of different faiths, folks of different backgrounds, all to do one thing, and that is to gather in prayer.

Heavenly Father, we as legislators are often pulled in so many different directions, and days when we are in Session are so hectic, it is often so comforting that we know that, at least at this point or some other point during the day, through silence and prayer, we can lift our thoughts and our matters to You. It is something that is universal, something that goes across all faiths, and among all people.

The theme of this year's National Day of Prayer was "A Mighty Fortress is Our God," which was a hymn from some 600 years ago. It goes, "a mighty fortress is our God, a bulwark never failing." And, in fact, You are a bulwark, You are never failing; You are here, You are there, You are everywhere.

Dear Heavenly Father, on this day, I ask that You be with us through it; for those of us who are traveling, that you guide us home safely; and that You be with us through the coming week. In Your heavenly name, I pray. Amen.

PLEDGE OF ALLEGIANCE

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

APPOINTMENTS BY THE MINORITY LEADER

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

Senator John Blake as a member of the Local Government Commission Task Force for State Mandates.

Senator Larry Farnese as a member of the Joint State Government Task Force on Real Property Law.

Senator Wayne Fontana as a member of the Joint State Government Task Force on Real Property Law.

Senator Timothy Solobay as a member of the Adult Basic and Literacy Education Interagency Coordinating Council.

Senator LeAnna Washington as a member of the Intra-Governmental Council on Long-Term Care.

Senator Anthony Williams to serve in his stead as a member of the Executive Committee on the Joint State Government Commission.

LEGISLATIVE LEAVES

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

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

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Kitchen and Senator Williams.

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

Senator Costa requests legislative leaves for Senator Kitchen and Senator Williams.

Without objection, the leaves will be granted.

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of April 13, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of April 13, 2011.

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

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

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

YEA-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
Dinniman
Earl
Eichelberger

Kitchen
Leach
McIlhinney
Mensch

Solobay
Stack
Tartaglione
Tomlinson

Yaw
Yudichak

NAY-0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a Republican caucus, also to be held in the Rules room. I expect the caucus to last no more than 15 minutes.

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

Senator COSTA. Mr. President, at the conclusion of the meeting of the Committee on Rules and Executive Nominations, the Senate Democrats will meet in the rear of the Chamber for a very brief caucus. Thank you, Mr. President.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by meetings of the 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.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR PATRICIA H. VANCE PRESENTED TO THE SENATE

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

Senator VANCE. Mr. President, I am particularly proud to present the Cumberland Valley Varsity Cheerleaders, who won the Pennsylvania State Cheerleading Championship in the Super Large Varsity Division in Johnstown in November 2010. But more importantly, they have won this competition for the past 4 years in a row. It is one thing to be a champion for 1 year, but to do it 4 years in a row is wonderful. They are also joined by Junior Red, which is the middle school group, who won the Pennsylvania State championship in 2010 also.

I am very proud to introduce them to the Senate, and I ask that we give them a very warm Senate welcome.

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

(Applause.)

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 27 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

SB 104 (Pr. No. 1187) -- 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 and for reporting of vehicle use.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BOSCOLA offered the following amendment No. A2143:

Amend Bill, page 1, line 30, by inserting after "use":

and for reporting of vehicle use

Amend Bill, page 4, by inserting between lines 6 and 7:

§ 1504-B. Reporting.

(a) Report.--In order to assist the department in implementation of this article, the chief administrative officer of each State agency shall make a report to the department every 90 days concerning mileage claimed by State employees on private vehicles. The report shall contain:

(1) Name of individual making claim.

(2) Either the employing agency or the public office.

(3) Date of travel.

(4) General purpose of travel.

(5) Number of miles claimed.

(b) Posting.--The department shall post and maintain the report under subsection (a) on its publicly available Internet website.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

SB 328 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 468 (Pr. No. 723) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for special registration plates for recipients of the Silver Star, Bronze Star and Bronze Star with Valor.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 612 (Pr. No. 1209) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for causes for suspension and for persons to be suspended.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, employers across the Commonwealth can lay off employees during difficult economic times with one notable exception - school districts cannot control

their costs because they are not allowed to furlough for economic necessity. Companies, large and small alike, have been forced to make difficult decisions to furlough employees or face the even worse prospect of going out of business. Municipalities across the Commonwealth and throughout the nation have been forced to cut costs by considering, and sometimes actually cutting, police and firefighters. Difficult decisions for difficult economic times.

However, in Pennsylvania, there is one class of employer that does not have the ability to even consider controlling its costs through furloughs. Of course, I am talking about school districts, the only employer without the power or the ability to furlough for economic necessity, as the public School Code does not give schools this flexibility. This is what Senate Bill No. 612 seeks to do, to give schools this power and flexibility to reduce or otherwise control their costs by allowing them to furlough professional employees for economic necessity.

Over the past few months, we have all heard from school districts and from the general public about proposed budget cuts to education. While I can understand and appreciate these concerns, the basic problem is that we have a \$4 billion budget deficit, and education accounts for nearly 40 percent of the total State budget. Almost every other program of State government would need to be cut, including the entire General Assembly, and we would still not be able to overcome the \$4 billion sea of red ink without cutting education, welfare, and corrections.

Our basic problem is the simple fact that State revenues have not kept pace with our spending and borrowing. While some have called for tax increases, the taxpayers are saying, enough, State government should live within its means, just like families and business do each and every day. Now, if you disagree, please help me move my Senate Bill No. 324, the tax-me-more fund, for people who do not think we tax or spend enough.

If anyone here thinks schools' problems are bad now, imagine just how bad they will become if we do not give them the flexibility to control their costs through furloughs, just like every other employer, public and private, are able to do, except for school districts. Entire buildings will be closed, entire programs eliminated, and citizens would be at the Capitol doors with pitchforks.

Now, since being introduced, Senate Bill No. 612 has been amended to address some, but not all, of the concerns raised by the Pennsylvania School Boards Association, PSEA, and a number of other parties. But, we are now at the point where we need to decide if we are going to give school districts the additional flexibility they need to control their costs through furloughs, just like every other employer, or if we are simply going to hope they will be able to control their costs without closing buildings, cutting programs, or looking at other potentially unpopular measures. Thank you very much.

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

Senator DINNIMAN. Mr. President, let us understand something about Senate Bill No. 612. It presents us with a Catch-22. Let me use the city of Pittsburgh as an example. We have a program in the city of Pittsburgh where new, young teachers, instead of spending their first year teaching, spend their first year, at public expense, being trained with senior mentor teachers. About \$250,000 has been invested in each of these new teachers. Under this bill, as it is written now, we have a choice. The senior men-

tor teachers will stay, and those new teachers, in whom we have invested all this money, will go.

So what I want you to understand is, while I am going to vote for Senate Bill No. 612, it does not really do what we want it to do, if you are interested in keeping the best teachers, because it is a Catch-22. Some of the best teachers are senior teachers. That is why they are mentors to the new teachers. Some of the best teachers are new teachers.

The problem is, we are putting a Band-Aid on what is the real issue. The real issue is that we have no meaningful system of teacher evaluation in the Commonwealth, and until we get a meaningful system of evaluation, Senate Bill No. 612 and all other bills are not going to accomplish the task of making sure that every student is taught by a great teacher, that every student is taught to the top of the curriculum.

Now, what I and the chairman of the Committee on Education, Senator Piccola, want to do, is we want you to get serious about this. And the way you are going to get serious about this is spending the time and the effort so that we can legislatively--when we get back here in September--finally, at long last, pass a real evaluation bill so that the choice is no longer between a senior teacher or a junior teacher, but the choice is between who are the best teachers.

Now, the Gates Foundation, with Team Pennsylvania Foundation, has provided the Commonwealth and the Department of Education the funding and means to come up with a system of evaluation. We are going to do that. Our committee starts on June 8 to question the Pennsylvania Department of Education about the Gates Foundation evaluation process that is being developed so we can be a model for this nation.

But let me say it again: All right, I will support Senate Bill No. 612, and most of you will, but this is a Band-Aid on the real problem. Someone had to get up today and say--because it bothered me last night--understand that it is only the Band-Aid, that the real solution is going to come when we get an evaluation process that means something in this Commonwealth. We are going to have to stand up to a lot of people when we do it, but we are going to do that, I hope, in this legislature, because every kid is important, and every kid deserves a good education.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-38

Alloway	Eichelberger	Orie	Vance
Argall	Erickson	Piccola	Ward
Baker	Farnese	Pileggi	Washington
Blake	Folmer	Pippy	Waugh
Boscola	Gordner	Rafferty	White Donald
Browne	Greenleaf	Robbins	White Mary Jo
Brubaker	Kitchen	Scarnati	Williams
Corman	Leach	Smucker	Yaw
Dinniman	McIlhinney	Stack	
Earl	Mensch	Tomlinson	

NAY-12

Brewster	Fontana	Schwank	Vogel
Costa	Hughes	Solobay	Wozniak
Ferlo	Kasunic	Tartaglione	Yudichak

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

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

SB 631 (Pr. No. 1033) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the section of State Route 23 that is situated between Chester County's border with Montgomery County and State Route 100 as the Medal of Honor Grove Highway.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 728 (Pr. No. 734) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of Interstate 99 in Freedom Township, Blair County, as the Cpl. Harry Raymond Harr Memorial Bridge.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward

Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

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

BILL OVER IN ORDER

SB 907 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 732 (Pr. No. 1185) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating certain facilities which perform abortions; imposing powers and duties on the Department of Health and the Legislative Reference Bureau; and imposing penalties.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

SB 3 (Pr. No. 218) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for compliance with Federal health care legislation.

Considered the second time and agreed to,

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

SB 9 (Pr. No. 152) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

Considered the second time and agreed to,

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

BILLS REREFERRED

SB 29 (Pr. No. 14) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, further providing for the offenses of weapons or implements for escape and for contraband; and making a conforming amendment.

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

HB 38 (Pr. No. 14) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

SB 52 (Pr. No. 37) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in special vehicles and pedestrians, providing for regulation and operation of neighborhood electric vehicles; and, in inspection of vehicles, further providing for operation of vehicle without official certificate of inspection.

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

HB 78 (Pr. No. 921) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the offense of homicide by watercraft while operating under influence.

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

BILL ON SECOND CONSIDERATION

SB 151 (Pr. No. 125) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for disposition of fees, fines and civil penalties.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 165, HB 218, SB 292, SB 295, SB 297, SB 299, SB 306, SB 308 and SB 314 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 326 (Pr. No. 1176) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

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

BILLS OVER IN ORDER

SB 362, SB 367, HB 373, HB 374 and SB 389 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 405 (Pr. No. 1055) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

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 411 and HB 442 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 448 (Pr. No. 431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in provisions relating to minors, further providing for the offense of purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

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

SB 450 (Pr. No. 433) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for terms of members of the Pennsylvania Fish and Boat Commission.

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

BILLS OVER IN ORDER

SB 460, SB 469, SB 473, SB 502, SB 560, SB 566, SB 595, SB 618, SB 626 and SB 635 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 637 (Pr. No. 992) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility; prescribing penalties; and establishing good faith immunity under certain circumstances.

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

BILLS OVER IN ORDER

SB 638, SB 730, SB 743, SB 750, SB 813, SB 853, SB 894, SB 898, SB 923, SB 933, SB 977, SB 978, SB 979, SB 980, SB 981, SB 982, SB 983, SB 984, SB 985, SB 986, HB 986 and SB 1000 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1030 (Pr. No. 1189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for relief from charges and for establishment and maintenance of employer's reserve accounts; providing for automatic relief from charges; further providing for qualifications required to secure compensation, for rate and amount of compensation, for definitions and for rules of procedure; and providing for shared-work program and for applicability.

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

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

REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE BOARD OF CLAIMS

April 27, 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, Jeffrey F. Smith, Esquire, 763 Arlington Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 2018, and until his successor is appointed and qualified.

TOM CORBETT
Governor

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

February 9, 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, Wallace H. Nunn, 25 Hidden Spring Circle, Newtown Square 19073, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice Lynne P. Fox, Dresher, whose term expired.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF CLAIMS

April 27, 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, Jeffrey F. Smith, Esquire, 763

Arlington Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 2018, and until his successor is appointed and qualified.

TOM CORBETT
Governor

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

February 9, 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, Wallace H. Nunn, 25 Hidden Spring Circle, Newtown Square 19073, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice Lynne P. Fox, Dresher, whose term expired.

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
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 Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators BAKER, ALLOWAY, ARGALL, BREWSTER, BRUBAKER, COSTA, EARLL, ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, HUGHES, KASUNIC,

KITCHEN, LEACH, ORIE, PILEGGI, PIPPY, RAFFERTY, ROBBINS, SCARNATI, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, VOGEL, WARD, WASHINGTON, WAUGH, D. WHITE and YAW, by unanimous consent, offered **Senate Resolution No. 120**, entitled:

A Resolution designating the week of May 15 through 21, 2011, as "Emergency Medical Services Week" and May 18, 2011, as "Emergency Medical Services for Children Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator BAKER. Mr. President, this resolution recognizes emergency medical services in Pennsylvania. It is a vital public service for the Commonwealth. When citizens dial 911, they have an expectation that a trained responder will answer their call for help. The members of these teams provide lifesaving care to those in need, 24 hours a day, 7 days a week.

Access to quality emergency care dramatically improves the survival and recovery rate for those who experience a sudden illness or injury. These teams consist of physicians, nurses, rescue personnel, EMTs, paramedics, emergency responders, and first responders, to name a few. These services and these providers, whether they are career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. So it is appropriate that today we recognize the accomplishments of emergency medical services providers in declaring "Emergency Medical Services Week," and I ask my colleagues to join with me in supporting this important resolution.

Thank you, Mr. President.

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

Senator WAUGH. Mr. President, I rise, certainly, to support this resolution, and I would like to thank Chairman Baker for introducing it. We go through this each year, and I think, after a while, Members start to believe that it is simply another exercise in recognizing a group or an individual through a resolution. This is extremely important. As she pointed out, 24/7, there are literally thousands of people out there in literally hundreds of service organizations that provide emergency medical services when an individual is stricken, be it through traumatic injury or any other sort of injury or disease that takes them down.

I think it is important to point out, certainly, we all recognize when we see the ambulances and the rigs running up and down the road, but I would like to take a moment to also incorporate into this just a little bit about our first responders, as she pointed out. That includes average citizens. Many of us are trained in CPR and other immediate response, and we all know that minutes, even seconds, can count, especially when it comes to heart failure, drowning, or electrical shock, those types of incidents that take a person out. It is that immediate attention that makes the difference.

I would like to thank each and every one of our providers, whether they are career or volunteer, and right down the line through the guys and gals in the firehouse and ambulance units, and also the average citizen out there who takes that little bit of

time out of their day to train in basic life support. It is so vitally important. Again, I thank Senator Baker for recognizing each and every one of them on this special week. Thank you.

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

Senator SOLOBAY. Mr. President, I also rise with my colleagues to express my deep gratitude to all of those emergency service providers across the Commonwealth who, as Senator Baker and Senator Waugh said, do what they do each and every day, going in harm's way with no fear of what it is that they have to accomplish. Not only with the time and dedication they give, but also the billions of dollars they literally save the Commonwealth residents in taxes each and every year for all that they do, so I also ask for a resounding affirmative vote for the resolution.

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

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

Senators TARTAGLIONE, KITCHEN, FERLO, DINNIMAN, FONTANA, KASUNIC, STACK, ORIE, FARNESE, SOLOBAY, PIPPY, WASHINGTON, BOSCOLA, PILEGGI, EARLL, RAFFERTY, M. WHITE, LEACH, COSTA, ALLOWAY, ERICKSON, HUGHES, GREENLEAF and SCHWANK, by unanimous consent, offered **Senate Resolution No. 121**, entitled:

A Resolution designating the month of May 2011 as "Law Month" in Pennsylvania and urging lawmakers, lawyers, judges and schools to participate.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, with this resolution, I am asking that the month of May 2011 be designated as "Law Month" in Pennsylvania. As part of its annual celebration, the Pennsylvania Bar Association and the local bar associations across this Commonwealth sponsor activities throughout the month of May. The primary purpose of the celebration is to teach children about their legal rights and responsibilities and to share with them the essence of being an American citizen. Schools, attorneys, and judges are encouraged to work together to arrange for classroom visits as part of the celebration.

Mr. President, the annual observance of Law Month is part of the Pennsylvania Bar Association's continuing partnership with the Pennsylvania Department of Education. I ask my colleagues for their support of this resolution to designate the month of May 2011 as Law Month in Pennsylvania.

Thank you, Mr. President.

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

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

Senators LEACH and COSTA, by unanimous consent, offered **Senate Resolution No. 122**, entitled:

A Resolution designating the week of May 16 through 22, 2011, as "Juror Appreciation 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 Dr. Eric C. Eshbach, Gerald T. Sajer, Theresa M. Warren, Robert L. Warren, Robert S. McCreary, Patsy B. Fiorenza, Michael S. Thompson, Kevin R. Shealer, Larry D. Freeman, Gary A. Bretzman and to Alecia Kraus by Senator Alloway.

Congratulations of the Senate were extended to Matthew J. Hoff, Kathleen Anne Bosak, James Klock and to Beacon Diner, Inc., of Tamaqua, by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Bernard Slusarz, Mr. and Mrs. Thomas C. Janezic, Ryan Murphy, Stuart E. Terrel, Connor Michael Pellington and to Paul William Gulmy by Senator Baker.

Congratulations of the Senate were extended to Thomas G. Speicher by Senator Blake.

Congratulations of the Senate were extended to Kimberly Owens by Senator Boscola.

Congratulations of the Senate were extended to Ronald Marich by Senator Boscola and others.

Congratulations of the Senate were extended to Samuel Edward Fanelli and to Healthy Start, Inc., by Senator Brewster.

Congratulations of the Senate were extended to Timothy W. Schleicher, Andrew Paul Derhammer, Taylor Rizzolino and to Bernadette S. Schwarz by Senator Browne.

Congratulations of the Senate were extended to Stanley Gallon, Sean White, Jr., Sarah Helwa, Evakeno Antiaobong, Sonya Whitman, Janell Rabinowitz, Rebecca Hughes, Kaitlyn Gonzalez, Morgan Brown, Jennifer L. Meyers, Michelle M. Minnich, Amanda A. Eck, Autumn J. Eckhart, Raul E. Estrella, Joseph R. Fahler, Corey A. Frizzell, Tasha L. Harwick, Devin A. Heckman, Shani L. Hohneck, Esme M. Molina, Jarelyn Ortiz, Ryan J. Patino, Ebony S. Rivera, Logan D. Terry, Rebecca R. Ulshafer, Tyler R. Weaver, Alyssa A. Werner, Ryan S. Williams, Ryan P. Wisser, Alex R. Korn, Joseph M. Kray, Zachary C. Kunkel, Edward S. Laky, John Luke Laube, Kristopher W. Longley, Christal A. Majestic, Victoria N. Mercado, Fred M. Meschonat, Kayla M. James, Kelsey L. Antonition, Alexander J. Barnas, Rachel Birk, Archie E. Brotzman IV, Samantha N. Cancro, Kenny I. Cedona, Jaleesa M. Davis, Ryan A. Davis, Leona L. Deschler and to SkillsUSA Council of Allentown by Senator Browne and others.

Congratulations of the Senate were extended to Helen Branning and to Nancy W. Wile by Senator Brubaker.

Congratulations of the Senate were extended to Matthew J. Trowbridge, Wendy M. Swartz, Brittany Etters, Larry W. Woormer, Jerry T. Griffith, Rebecca Martin, Zachery Andrew Campbell and to Michael Vincent Gleason by Senator Corman.

Congratulations of the Senate were extended to Penn Hills Senior Service Center and to the Theta Beta Chapter of Delta Sigma Theta Sorority, Inc., by Senator Costa.

Congratulations of the Senate were extended to the Reverend Floyd Randolph Wheeler, Sr., Matthew Herbst, Matthew Dong, Dylan James Collette, Volunteer English Program in Chester County and to the Nancy Hollywood Community Garden at Saint Paul's Episcopal Church of Exton by Senator Dinniman.

Congratulations of the Senate were extended to Rose Grobstein and to Troop 1 of the Boy Scouts of America of Wayne by Senators Dinniman and Leach.

Congratulations of the Senate were extended to Benjamin Paul Buckholtz and to Patrick Joseph Pasqualicchio by Senator Earll.

Congratulations of the Senate were extended to Matthew William Judd, Tyler James Fisher and to Michael W. McLanahan by Senator Eichelberger.

Congratulations of the Senate were extended to Roberto Capucci by Senator Farnese.

Congratulations of the Senate were extended to Derek Jeffrey Horneman and to Daniel James Horneman by Senator Ferlo.

Congratulations of the Senate were extended to Sally Brunner and to Penn-Bernville Elementary School by Senator Folmer.

Congratulations of the Senate were extended to the citizens of the Borough of Coraopolis by Senator Fontana.

Congratulations of the Senate were extended to Bill Enders, Lori Martino-Schwartz, Luke Brown, Andy Mills and to Jacob Bower by Senator Gordner.

Congratulations of the Senate were extended to Frank M. Henry by Senators Gordner and Baker.

Congratulations of the Senate were extended to Henry Dick Sayer III, Clayton A. McLemore, Matthew J. Scott, Steven P. Tyrrell, Alexander V. Crotinger, Ryan Tyrrell, Huntingdon Valley Fire Company No. 1 and to the Peter Becker Community of Harleysville by Senator Greenleaf.

Congratulations of the Senate were extended to Chestnut Hill Academy of Philadelphia by Senators Greenleaf and Washington.

Congratulations of the Senate were extended to Galen L. Beachy, Erica Lynn Harvey, Sydney Alexandra Marks, Chelsea Marie Smetanka, Gabrielle Kay Muzina and to Saint John the Baptist Byzantine Catholic Church of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Shaun Roberts, Ile Ife Black Humanitarian Center of Philadelphia and to the Women's Christian Alliance of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Daniel C. Marsh, Lawrence F. Conroy, Thomas J. Trainor and to Maxx Suchowicki by Senator Leach.

Congratulations of the Senate were extended to Jeffrey Christian Wolf, Morgan Huth, Kathleen McKeever, Lori McKenzie, Joan Andersen, Barbara Zickler, Paul McKenzie, Terence McKeever, Randy Stradling, Colin Andrew McIntosh and to Dublin Technology Enterprise Center, Inc., by Senator McIlhinney.

Congratulations of the Senate were extended to Robert Anckaitis and to Gareth David by Senator Mensch.

Congratulations of the Senate were extended to Mr. and Mrs. George D. Reinhardt, Reverend Kenneth Kezmarsky, Reverend Edward Hoffmann, Dr. Rory Cooper, Seneca Valley Middle School and to the Ingomar Garden Club of Pittsburgh by Senator Orie.

Congratulations of the Senate were extended to Glen Alexander Burkhardt and to Nicholas Lindell Jones by Senator Pileggi.

Congratulations of the Senate were extended to Sean Gentle, Eric Zachary Trylko, Joyce A. Bender and to Achieving Student Success Through Excellence in Teaching, Inc., of Pittsburgh, by Senator Pippy.

Congratulations of the Senate were extended to Captain Nick Saccone by Senators Pippy and Brewster.

Congratulations of the Senate were extended to Joyce Velma Dodge Cluley, Ethan M. Kingsley, Cecil W. Bean, Corbin Lucas Pettit, Justin Tyler Gould, Jacob Evan Greenawalt, Jonathan B. Herflicker, Alex Tyler Lauderback, James H. Burke, Christopher B. Burke, Matthew Roy Lindgren and to Jason R. Swanson by Senator Rafferty.

Congratulations of the Senate were extended to Zachary Stafford, Janeen Victoria Berger, Michael S. DePaul, Stephen Christopher Wolford, Gennifer Brandes, Makayla Neely, Jody Roberts, Alexander Phillip Langer, Anthony DeNoi, Don Bee, Michael Giroski and to the New Apostolic Church of Greenville, by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Penvose, Mr. and Mrs. Paul Uplinger and to Mr. and Mrs. Benedict DePrater by Senator Scarnati.

Congratulations of the Senate were extended to William G. Koch, Sr., Matthew F. Daub, C. Thomas Work, Nancee Lemmerhart and to the Berks County Office of Aging by Senator Schwank.

Congratulations of the Senate were extended to Daniel C. Koch and to Kunzler and Company, Inc., of Lancaster, by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Donald H. White, Mr. and Mrs. Robert Bell, Mr. and Mrs. Jim Bain, Mr. and Mrs. William Earl Phillis, Dr. Roberta DiLorenzo, Mary Frances MtJoy, Jean Roberts, Greene County Emergency Management Agency, Weavertown Environmental Group, Waynesburg Volunteer Fire Company, Wayne Township Volunteer Fire Company, Richhill Township Volunteer Fire Company, Rices Landing Volunteer Fire Company, New Freeport Volunteer Fire Company, Nemacolin Volunteer Fire Company, Mt. Morris Volunteer Fire Company, Morris Township Volunteer Fire Company, Jefferson Volunteer Fire Company, Greensboro/Monongahela Township Volunteer Fire Company, Graysville Volunteer Fire Company, Crucible Volunteer Fire Company, Clarksville Volunteer Fire Company, Center Township Volunteer Fire Company, Bobtown Volunteer Fire Company, Carmichaels/Cumberland Township Volunteer Fire Company, Carmichaels Borough Police Department, Cumberland Township Police Department, Greene County Sheriff's Office, Pennsylvania State Police, Waynesburg Barracks, Waynesburg Borough Police Department, Richhill Township Volunteer Fire Company Emergency Medical Services Unit, Rices Landing Volunteer Fire Company Emergency Medical Services Unit, Nemacolin Volunteer Fire Company Emergency Medical Services Unit, Mt. Morris Medical Squad, Jefferson Volunteer Fire Company Emergency Medical Services Unit, Greensboro/Mongahela Township Volunteer Fire Company Emergency Medical Services Unit, Emergency Medical Services Southwest of Waynesburg, Clarksville Volunteer Fire Company Emergency Medical Services Unit, Monongahela Valley Hospital, Bobtown Volunteer Fire Company Emergency Medical Services Unit and

to Alpha Natural Resources, Inc., of Greene County, by Senator Solobay.

Congratulations of the Senate were extended to the Butler County Fire Chiefs Association by Senator Solobay and others.

Congratulations of the Senate were extended to the Reverend James R. Day, Bob Gieda, Christopher Devlin Shepherd, Alexander Reid Landis, Jake Andrew Meyers, Daniel Bachman-Gregori, Bruce A. Tomlinson and to the Rotary Club of Langhorne by Senator Tomlinson.

Congratulations of the Senate were extended to the citizens of the town of Saumur, France, by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Hollywood Ruch, Jared Anthony Ross, Zachary Spaulding, Sandra R. Smith, Pritesh Pathak, Cumberland Valley High School Boys' Under 15 Rugby Team and to the Rotary Club of Carlisle by Senator Vance.

Congratulations of the Senate were extended to Michael B. Harle, Thelma Davina Haffa Jones and to the Imhotep Institute Charter High School Boys' Basketball Team by Senator Washington.

Congratulations of the Senate were extended to Warren M. McDonald, Eric J. Baumgardner, Caleb N. Crizer, Joshua N. Pittman, Ron Smith, BettyLou M. Smith, Connie Patterson, Tim Stein, Dale E. Richardson, Dale L. Dubbs, Edward A. Bailey, Mark A. Pinamonti, Mary C. Dalpezzo, Daniel D. Blake, Jr., Anthony J. Clousher, Franklin P. Duck, Jeffrey P. Gormley, Jeffrey A. Griffith, Anthony I. Hall, Joseph Myers, Sr., David Richards, Terry A. Smith, James A. Startzel, John L. Trout, Park L. Armagost, Steven N. Bowers and to John L. Davids by Senator Waugh.

Congratulations of the Senate were extended to Roxanne Price and to the United Way of York County by Senator Waugh and others.

Congratulations of the Senate were extended to Jason Nolf by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Aloysius Gatesman, Sr., by Senator M.J. White.

Congratulations of the Senate were extended to William Hewlings, Michael J. Baer, Diane Ward and to the Scottish Rite House of Philadelphia by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Howard D. Welshans, Mr. and Mrs. Samuel R. Myers, Dr. Richard Somiari, Dr. Kathy Keafer, Dr. Mary B. Berge, Eileen T. Fiorina, Tammy Bernstein, Mary Anne Rizzo, Trish A. Corle, Mike Lamb and to James J. Smithmyer by Senator Wozniak.

Congratulations of the Senate were extended to Brian Edmond Wolfe and to Joshua Michael Spencer by Senator Yaw.

Congratulations of the Senate were extended to Pierina Pennisi and to Frank S. Bangor and to the Weatherly Hillclimb Association by Senator Yudichak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Charlton Kase, Jr., by Senator Baker.

Condolences of the Senate were extended to the family of the late Miles B. Slack by Senator McIlhinney.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late James A. Stranahan III was extended to the family by Senator Robbins.

A posthumous citation honoring the late Walter C. Flatt, Jr., was extended to the family by Senator Schwank.

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS**
THURSDAY, MAY 12, 2011

11:00 A.M.	STATE GOVERNMENT (joint hearing with the House State Government Committee to consider Congressional Redistricting)	PA Convention Ctr., 105AB, 12th St. Concourse 1101 Arch St. Phila., PA
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THURSDAY, MAY 19, 2011

12:00 P.M.	JUDICIARY (public hearing to receive testimony on the issue of joint and several liability including Senate Bills No. 2 and 500)	Phila. Bar Assn., 1101 Market, St 11th Floor Phila., PA
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RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Monday, May 23, 2011, at 1 p.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 12:07 p.m., Eastern Daylight Saving Time.