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TUESDAY, JUNE 14, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 39

SENATE

TUESDAY, June 14, 2011

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

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

PRAYER

The Chaplain, Reverend MARY KONOPKA, Pastor of Redemption Lutheran Church, Philadelphia, offered the following prayer:

As I begin this invocation, I ask that you take a moment to speak in your hearts and minds, using the many names with which we call upon God, or calling upon the power or force that rules what you hold most dear.

Spirit of life, as we come together this afternoon from many walks of life, many traditions, both sacred and secular, we invoke Your presence upon those gathered here to govern, as they debate, deliberate, and act the precious rule of law for the benefit of our Commonwealth.

On this Flag Day, we give voice to our thanksgiving for the gift of democracy and the freedoms which it guarantees and protects. As the Senate moves forward with the difficult decisions they are charged to make, let their actions and efforts be guided by a spirit of justice and compassion, directed by a spirit of prudence to provide for the social prosperity of the people they have been elected to serve, and tempered with a generous measure of wisdom and common sense. We bless them for their service and commend them to Your care this day. So be it. Amen.

The PRESIDENT. The Chair thanks Reverend Konopka, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1006**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 1006 and certain nominations.

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:

June 14, 2011

Senators FERLO, COSTA, TARTAGLIONE, FARNESE, ERICKSON, BREWSTER, FONTANA, HUGHES, YUDICHAK and LEACH presented to the Chair **SB 681**, entitled:

An Act amending the act of July 9, 2008 (1st Sp.Sess., P.L.1873, No.1), known as the Alternative Energy Investment Act, providing for the definition of "residential building"; and further providing for the Commonwealth Financing Authority.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 14, 2011.

Senators DINNIMAN and MENSCH presented to the Chair **SB 1082**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for dissemination to emergency service organizations.

Which was committed to the Committee on JUDICIARY, June 14, 2011.

Senators FARNESE, FONTANA, COSTA, RAFFERTY, ERICKSON, FOLMER, BREWSTER, HUGHES, WOZNIAK and FERLO presented to the Chair **SB 1102**, entitled:

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for oath of office, bond and recording, for notarial seal, for determining identity of person appearing, for register and copies of records and for fees of notaries public; providing for revocation of commission for notarizing fraudulent deeds or acknowledgments; and imposing penalties.

Which was committed to the Committee on STATE GOVERNMENT, June 14, 2011.

Senators WASHINGTON, BREWSTER, BROWNE, COSTA, ERICKSON, FARNESE, FERLO, KITCHEN, RAFFERTY,

FERTY, WILLIAMS and YUDICHAK presented to the Chair **SB 1104**, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for funding for victims of domestic violence from marriage and divorce fees; and making a related repeal.

Which was committed to the Committee on JUDICIARY, June 14, 2011.

Senators BRUBAKER, D. WHITE, SCHWANK, ALLOWAY, ORIE, ARGALL, PICCOLA, YUDICHAK and MENSCH presented to the Chair **SB 1132**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in special funds, providing for the Pension Obligation Reserve Fund.

Which was committed to the Committee on FINANCE, June 14, 2011.

Senators D. WHITE, ALLOWAY, GREENLEAF and MENSCH presented to the Chair **SB 1133**, 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 purposes and general powers.

Which was committed to the Committee on EDUCATION, June 14, 2011.

Senators CORMAN, SCARNATI, BROWNE, BRUBAKER, ERICKSON, FOLMER, ORIE, RAFFERTY, SOLOBAY, TOMLINSON, WASHINGTON, WAUGH, KASUNIC, ROBBINS, PICCOLA, D. WHITE and MENSCH presented to the Chair **SB 1134**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for compulsory school attendance; providing for the regulation of religious child-care facilities and religious child development facilities; and imposing penalties.

Which was committed to the Committee on EDUCATION, June 14, 2011.

Senators CORMAN, BRUBAKER, GORDNER, COSTA, ALLOWAY, BLAKE, BOSCOLA, BREWSTER, ERICKSON, FONTANA, GREENLEAF, LEACH, RAFFERTY, EARLL, MENSCH, SOLOBAY, TARTAGLIONE, TOMLINSON, VOGEL, M. WHITE, WOZNIAK, YAW and YUDICHAK presented to the Chair **SB 1135**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

Which was committed to the Committee on FINANCE, June 14, 2011.

Senators MENSCH, ARGALL, COSTA, FONTANA, ERICKSON, EARLL, RAFFERTY, YUDICHAK, WASHINGTON, BREWSTER, VOGEL, PICCOLA and BOSCOLA presented to the Chair **SB 1138**, entitled:

An Act establishing the Pennsylvania Community College Affordability Task Force within the Department of Education; and providing for its powers and duties and for administrative support.

Which was committed to the Committee on EDUCATION, June 14, 2011.

Senators YUDICHAK, RAFFERTY, FONTANA, BREWSTER, SOLOBAY and FARNESE presented to the Chair **SB 1142**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in inchoate crimes, providing for the offense of possession of vehicle with false compartments; and, in forfeitures, providing for vehicle with false compartments forfeiture.

Which was committed to the Committee on JUDICIARY, June 14, 2011.

Senators HUGHES, TARTAGLIONE, FERLO and WILLIAMS presented to the Chair **SB 1146**, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for definitions and for alternative energy portfolio standards; and making a related repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 14, 2011.

Senator ARGALL presented to the Chair **SB 1147**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for permit for movement during course of manufacture.

Which was committed to the Committee on TRANSPORTATION, June 14, 2011.

Senators WILLIAMS, RAFFERTY and FOLMER presented to the Chair **SB 1148**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a parent trigger.

Which was committed to the Committee on EDUCATION, June 14, 2011.

Senators BRUBAKER, BROWNE, D. WHITE, MENSCH, KASUNIC, YAW, ORIE, SOLOBAY, WASHINGTON, KITCHEN, BOSCOLA, SCHWANK, ALLOWAY and SMUCKER presented to the Chair **SB 1149**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions and for exclusions.

Which was committed to the Committee on FINANCE, June 14, 2011.

RESOLUTION INTRODUCED AND REFERRED

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

June 14, 2011

Senators BRUBAKER, ERICKSON, FONTANA, ALLOWAY, SOLOBAY, WASHINGTON, D. WHITE,

SCHWANK, WAUGH, BREWSTER, MENSCH, YAW and YUDICHAK presented to the Chair **SR 140**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to review the Commonwealth's sewage facilities management program authorized under the Pennsylvania Sewage Facilities Act.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 14, 2011.

BILLS REPORTED FROM COMMITTEES

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

HB 1336 (Pr. No. 2091) (Amended)

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

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

SB 100 (Pr. No. 1329) (Amended)

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in Pennsylvania Commission on sentencing, further providing for powers and duties and for publication of guidelines; in sentences, further providing for sentences for second and subsequent offenses, for sentencing generally and for sentence of county intermediate punishment; providing for court-imposed sanctions for offenders violating probation; further providing for county intermediate punishment programs; in visitation, further providing for general provisions; in inmate prerelease plans, providing for time eligibility for prerelease; in motivational boot camp, further providing for definitions and for selection of inmate participants; in State intermediate punishment, further providing for definitions and for referral to State intermediate punishment program; in recidivism risk reduction incentive, further providing for definitions; establishing the Safe Community Reentry Program; and providing for the powers and duties of the Pennsylvania Board of Probation and Parole and the Department of Corrections.

SB 1131 (Pr. No. 1322)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in general provisions relating to civil actions and proceedings, amending provisions relating to comparative negligence.

HB 40 (Pr. No. 1038)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in general principles of justification, for definitions, for use of force in self-protection, for use of force for the protection of other persons, for grading of theft offenses and for licenses to carry firearms; and providing for civil immunity for use of force.

HB 396 (Pr. No. 1525)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death and for sentences for second and subsequent offenses.

Senator GORDNER, from the Committee on Labor and Industry, reported the following bills:

SB 1128 (Pr. No. 1321)

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for the definitions of "department" and "secretary," transferring the administration of the Pennsylvania Conservation Corps from the Department of Labor and Industry to the Department of Conservation and Natural Resources.

HB 440 (Pr. No. 2084) (Amended)

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for insurance for different forms of business; repealing provisions on logging; and further providing for assessments and transfers from the Administration Fund.

Senator WARD, from the Committee on Aging and Youth, reported the following bill:

HB 463 (Pr. No. 1522)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further providing for determination of eligibility.

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bill:

SB 1100 (Pr. No. 1328) (Amended)

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, imposing a natural gas impact fee and providing for a model zoning ordinance.

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

HB 562 (Pr. No. 2092) (Amended)

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for purchase of agricultural conservation easements; and abrogating a regulation.

HB 1424 (Pr. No. 1852)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for the establishment, registration, licensing and use of a Pennsylvania Preferred trademark; establishing the Pennsylvania Preferred Trademark Licensing Fund; and providing for penalties and for enforcement.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator McIlhinney, Senator Piccola, Senator Folmer, Senator Smucker, and Senator Corman.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Dinniman, Senator Ferlo, Senator Leach, and Senator Williams, who are at a hearing.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator McIlhinney, Senator Piccola, Senator Folmer, Senator Smucker, and Senator Corman.

Senator Costa requests temporary Capitol leaves for Senator Dinniman, Senator Ferlo, Senator Leach, and Senator Williams.

Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 2, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of May 2, 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	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.

The PRESIDENT. The Journal is approved.

SPECIAL ORDER OF BUSINESS GUEST OF THE PRESIDENT PRESENTED TO THE SENATE

The PRESIDENT. The Chair takes note of the presence of the 44th Governor of the Commonwealth of Pennsylvania, and his much more important title, the 28th Lieutenant Governor of the Commonwealth of Pennsylvania, Governor Mark Schweiker. He is in the back.

(Applause.)

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators BAKER, SOLOBAY, SCARNATI, ALLOWAY, TOMLINSON, ARGALL, STACK, BREWSTER, VANCE, BRUBAKER, DINNIMAN, EARLL, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, MENSCH, ORIE, PILEGGI, PIPPY, RAFFERTY, ROBBINS, SCHWANK, TARTAGLIONE, VOGEL, WARD, WASHINGTON, WAUGH, D. WHITE, YAW, YUDICHAK and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 139**, entitled:

A Resolution commemorating the 256th anniversary of Pennsylvania's first militia law and designating June 14, 2011, as "National Guard Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator BAKER. Mr. President, it is fitting that we are celebrating "National Guard Day" on another important civic holiday, Flag Day. This past weekend, I had the privilege of listening to a veteran speak about what our flag means. Command Sergeant Major Mike Urban joined the Pennsylvania Army National Guard in 1970 and spent his 41-year military service with the 109th Mechanized Infantry Battalion.

In Bosnia, he said, it was not until the American flag arrived that the massive slaughter of innocents was stopped. In Iraq, he said, "I saw the true meaning of courage as many soldiers went into harm's way every day with temperatures reaching 140 degrees in the most dangerous place on the planet at that time." And in America, he described the folded flag as it was removed from each coffin and reverently presented to the survivors: "I saw how carefully it was grasped by the loved one and held tightly to their hearts. It was as though the flag when it was folded encased the very soul of the soldier it had just left."

Of the many outstanding Pennsylvanians honored in this Chamber, few are more deserving of our admiration and appreciation than the citizen-soldiers of the Pennsylvania National Guard, who are willing to lay their lives on the line to preserve our freedom. Senator John Pippy and Senator Mike Stack are among the distinguished members of this elite freedom force. Although today is dedicated to honoring the National Guard, I would like to take a moment to acknowledge and applaud all Members of the General Assembly who have served in the military. They include 6 State Senators and 21 State Representatives. Today, we pause to salute them and all of their fellow Americans in uniform, past, present, and future.

Pennsylvania was the first State in the nation to form a militia, led by Ben Franklin. Two hundred and fifty-six years later, Pennsylvania's National Guard is one of the biggest, and it is the very best. Our National Guard is an expertly trained, highly dedicated force that is prepared and passionate about defending freedom around the globe and protecting citizens here at home. More than 20,000 soldiers and airmen are now serving in the National Guard, and more than 600 are deployed in critical areas around the world. Our guard has been supporting NATO air operations in Libya. Twenty countries were involved in that effort and, proudly, a Pennsylvanian led it.

Since 9/11, our Guard has been sent repeatedly to combat zones and disaster areas, adding up to 25,000 individual deployments. In carrying out their dual mission, most have been deployed overseas two or three times, and they have participated in the Hurricane Katrina clean-up and flood relief right here at home. Whether our Guard members are on peacekeeping missions, cooperating in counter-drug operations, or responding to a tornado's devastation, they are ready and willing to serve, to sacrifice, and to fight for a flag they love and protect so fervently.

But the price of liberty is steep, and the debt is often paid with some of our best and brightest young lives. Since 9/11, 36 National Guardsmen have been killed in Iraq or Afghanistan. Many more have been seriously wounded. We cannot forget their sacrifice, nor can we forget our legal and moral obligation to care for them.

We must fully fund our veterans homes and fortify the educational assistance program. Our State's fiscal pressures may be great, but our obligations to our veterans are even greater. Just as the threads of our flag hold together the red and white stripes and the white stars on a blue field, our military heroes bring together and demonstrate our finest qualities as Americans. They knit our diverse nation together, making it one nation, under God, with liberty and justice for all. I ask for unanimous approval of the resolution.

Thank you, Mr. President.

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

Senator SOLOBAY. Mr. President, I, too, stand and concur with my colleague's statements on this very momentous occasion, on this day celebrating our Pennsylvania National Guard. We all here in the Commonwealth know the excellent work they do, and as the gentlewoman said, not only the nation, but the world, recognizes the importance, the dedication, and the greatness that our Pennsylvania National Guard has shown across the world, as they have been out there to protect not only the residents of the Commonwealth, but the residents of this country and of the world.

I echo the comments made, but I will also say that a very special occasion will occur this Saturday afternoon. Those in the western Pennsylvania area will be able to report out to the 171st Air Refueling Wing, where General Uptegraff and his crew, who have been so willingly and very effectively handling refueling missions across the Middle East, will be coming home from yet another successful mission. I, too, ask for an affirmative vote on this resolution.

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, it is my privilege to introduce one of these distinguished heroes, Major General Wesley Craig, our 51st Adjutant General, who will present to the Members of the Senate some leaders among leaders. General Craig has served our Commonwealth and our country for nearly four decades. During his time as commanding general of the 28th Infantry Division, 8,000 soldiers were mobilized and deployed to peacekeeping missions in Kosovo and to combat missions in Iraq and Afghanistan. He commanded 15,000 troops from 8 nations in a multinational training mission in Egypt in 2005. So it is my distinct honor and privilege to present the Adjutant General of the Commonwealth of Pennsylvania, Major General Wesley Craig.

(Applause.)

Adjutant General CRAIG. Thank you very much. Please take your seats. Thank you, Senators. It is indeed my honor to be here today, for June 14 holds meaning to all of us in the military.

As mentioned, it is Flag Day, and for those of you who remember the words of Major Dick Winters of Easy Company, 506th Parachute Infantry Regiment, 101st Airborne Division, when, after 30 days of intense combat after the Normandy invasion, he and what was left of Easy Company got to Utah Beach, where they were about ready to be evacuated back to England for resetting and refitting, and he and his company came to that beach, and he said, when I got to the beach, which was the first time I had ever been there, and saw those ships all across the horizon, and the power and determination of my country that that represented, it made me weak at the knees and brought tears to my eyes, and from that day on, every time I saw the American flag, those memories came rushing back to me.

So for all of us who serve in the military and all of you in public service, I am sure we all have similar thoughts of our flag. June 14 is also the Army's birthday, as well as Pennsylvania National Guard Day here in our Capitol in Harrisburg.

So to make this more personal and probably explain a little better what we actually do in the military, I have brought along three members of the National Guard whom I would like to introduce to you. The first is Sergeant First Class Dana Graham. Sergeant Graham, if you would. Sergeant Dana Graham was voted the Noncommissioned Officer of the Year and the winner of this region's Best Warrior Competition, an extremely difficult and demanding competition. She now goes on to Fort Benning, Georgia, as our region's winner.

She spent 13 years in military service to date, including 12 years in active duty. Sergeant Graham has earned the Meritorious Service Medal, four Army Commendation Medals, five Army Achievement Medals, a Combat Action Badge, and a Purple Heart for wounds received in combat in Iraq. But among her many decorations, the Drill Sergeant Identification Badge on her pocket is perhaps the one that best sums up her service and dedication. Sergeant Graham uses her experience and knowledge to teach, mentor, and develop other sergeants and noncommis-

sioned officers at our NCO School at Fort Indiantown Gap. If any of you Senators want to know what a noncommissioned officer leader looks like, what makes our Army the envy of the world, you need go no further than Sergeant Graham. Sergeant Graham, thank you.

(Applause.)

From our Air National Guard comes Master Sergeant Renee Chikotas. She is the Pennsylvania Air National Guard Honor Guard Member of the Year. She has served our country and the Pennsylvania National Guard for 28 years. She has served in support of Operation Enduring Freedom for the Pennsylvania Air National Guard's 201st Red Horse Squadron, the Air National Guard's military engineers. She started her career in an Army uniform, served in the Army for 6 years, and has continued to wear an Air Force uniform for the last 22 years. But one thing that has not changed throughout her career is that Sergeant Chikotas has continuously served on honor guard teams at parades, veterans events, and funerals for our service members.

Honor guards are the ones who carry the flag, or carry the rifles that protect the flags. By taking time to honor these heroes, Sergeant Chikotas has embodied the qualities of selfless service and honor that we all respect and admire, but many in our population fail to meet. So, Sergeant Chikotas, thank you.

(Applause.)

Finally, we have an additional member, also a proud honor guard member, Mr. Myer Kurgan, a resident of the Delaware Valley Veterans Home. He was born in the great city of Philadelphia, my hometown, on May 11, 1917. Yes, that means he is 94 years old. He joined the Army on February 21, 1942, at Fort Meade, Maryland, and served as a corporal in the campaigns in the Rhineland, central Europe, Iceland, and France. He received the Good Conduct Medal--not sure exactly how he earned the Good Conduct Medal--but also the European-African-Middle Eastern Campaign Medal, two Bronze Star Medals, and the World War II Victory Medal.

He was honorably discharged on November 23, 1945. He became a resident of the Delaware Valley Veterans Home 4 years ago and helped the commander of that home to found both the Peer Group of Counselors and the Delaware Valley Veterans Home Honor Guard.

Joining him in the gallery are several more members of the honor guard in similar uniforms from the same home. They all perform honors for special occasions, including visits of VIPs and me, personally, when I arrived at the home last month, and in remembrance of any residents who pass away. I present to you, Mr. Myer Kurgan.

(Applause.)

Thank you, Mr. Kurgan. For all of us who serve in uniform, or, like Mr. Kurgan, have previously served in uniform, or continue to serve, I thank you for taking the time to recognize these fine citizen-soldiers and former veterans.

Today's Pennsylvania National Guard, as Senator Baker already said in the resolution, numbers some 19,000 soldiers and airmen. They are all volunteers. We have been volunteers since 1972. We have experienced over 27,000 mobilizations for overseas combat or peacekeeping operations. We have been called up for State active duty for as far away as Katrina down in Louisiana, or here at home in Pennsylvania for floods and blizzards.

Today, as the resolution mentions, we are flying missions in support of air operations against Libya, and training teams for

both Afghanistan and Iraqi military and police departments. I can tell you, as your Adjutant General, all of our soldiers and airmen have done absolutely magnificent work.

I will close with remarks going back to the founding of our country. In the play, "Ben Franklin in Paris," Dr. Benjamin Franklin, the founder of the Pennsylvania National Guard, wondered--the Revolutionary War was over, it was 1783, the British had finally left our shores, and he wondered if our new nation would endure. He knew there was one way that we would be able to endure, and he asked his fellow members of the peace commission: Do you think that future generations, for whom the name "American" will not be new, will they be willing to fight for freedom and liberty, if necessary? The answer, Dr. Franklin, is here in this Chamber. It is up there in the gallery. It is with the people over here, my fellow VIPs, the veterans of yesterday, the veterans of today currently serving in uniform. To Dr. Franklin the answer is, yes, we will fight for freedom and liberty if called upon.

So all Pennsylvanians should be proud of the service of your National Guard, and it is my humble honor to be selected as their leader. So thank you all for your recognition here in this Chamber, and thank you all for your continued support of the Pennsylvania Air National Guard. May God bless all of you.

(Applause.)

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Ferlo and Senator Williams have returned, and their temporary Capitol leaves are cancelled.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, I am pleased to welcome today two constituents from the 11th Senatorial District. Prior to my election, my guests had been promised a luncheon and a visit to the Senate and the Capitol by the late Senator O'Pake. When I found out about this, I indicated that I would be pleased to honor them here today.

So I am very, very happy to introduce to you Christopher Boehm, who is the director of admissions and assistant vice president for enrollment management at Albright College, an internationally-known private college in Reading, Pennsylvania. Chris has been an admissions office counselor since 1997, and was named director of admissions in 2006. He supervises a staff of 10 and is a firm supporter of continuous development. He has also served on many national committees, and will be the private college's next government relations committee chair. He brought with him his daughter, Kennedy, who will be a third-grader at Jacksonwald Elementary School in Exeter Township School District this fall. She is a second-grader now. I ask that my colleagues join in welcoming my guests.

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

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

(Applause.)

**GUESTS OF SENATOR VINCENT J. HUGHES
AND SENATOR LAWRENCE M. FARNESE
PRESENTED TO THE SENATE**

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

Senator HUGHES. Mr. President, Senator Farnese will join me here, because I have the opportunity, as was placed on my desk this morning, to comment on and introduce to the Members Miss Black Pennsylvania USA, Jillian Patricia Pirtle.

But, before I even get to her, I am compelled, by looking at her biography, which I was just presented, Mr. President, and completely obligated to acknowledge her mother, Patricia Jackson, who was admitted to Purdue University at the age of 15 years old and has earned a bachelor's degree, a master's degree, and a Ph.D. in industrial psychology. So, before we even get to Miss Black Pennsylvania, I think we are obligated to say something about mom, Patricia Jackson. So, if we could acknowledge mom real quick here, I think that would be great.

(Applause.)

That is pretty significant. Thank you, Senator Costa. I am sorry, she happens to be from Philadelphia, if that is all right, if you do not mind. If you would like to stand with us, that is fine. I am sorry, Mr. President, I do not mean to get distracted, except my good colleague here feels compelled to comment.

Mr. President, Miss Black Pennsylvania USA 2011 received her high school diploma from the High School of Creative and Performing Arts, one of the premier high schools in the city and in the State of Pennsylvania. She is a Marian Anderson scholar, a seasoned vocalist, actress, dancer, and public speaker. She has her BFA in musical theater from The University of the Arts.

She has been featured in many theatrical and musical roles and performances around the country. In the production of "Purlie," she played the character of Luttliebelle; in "Ragtime," she played the character of Sarah; in "Thoroughly Modern Millie," she played the character of Muzzy Van Hosmere--something I know a little bit about; in "Hair," she played Dionne; in "Ain't Misbehavin'," she played Nell; in "The Hot Mikado," she played Katisha; in "Working," she played Maggie Holmes; in "Little Shop of Horrors," she played Crystal; in "Love's Labour's Lost," she played Jaquenetta; and in "Funny House of a Negro," she played Funny Lady/Land Lady. She believes that the arts are a vehicle for empowerment for all communities and a vehicle for bringing all communities together.

Mr. President, it is with a warm feeling in my heart and in the heart of my colleague, Senator Farnese, that we present to the floor of the Senate of Pennsylvania Miss Black Pennsylvania USA 2011, Jillian Patricia Pirtle.

The PRESIDENT pro tempore. Would the guest of Senator Hughes and Senator Farnese please rise to be welcomed by the Senate.

(Applause.)

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. Senator Smucker, Senator Folmer, and Senator Dinniman have returned, and their temporary Capitol leaves are cancelled.

SPECIAL ORDER OF BUSINESS

**GUESTS OF SENATOR DAVID G. ARGALL
PRESENTED TO THE SENATE**

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

Senator ARGALL. Mr. President, in the gallery we are joined by Derek and Barbara Schroeder, who are representing the Pennsylvania State Grange. They are a young couple, residents of Berks County. Also, Jennifer Adams is the Pennsylvania State Grange Youth Ambassador from Hamburg. Will the Senate please welcome them.

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

(Applause.)

**GUESTS OF SENATOR MARY JO WHITE
PRESENTED TO THE SENATE**

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

Senator M.J. WHITE. Mr. President, like Senator Argall, I also have a young Grange person visiting today from Venango County. Daniel Pratt, the Pennsylvania State Junior Grange Prince, from Wesley Grange in Venango County, is here with his father. I ask the Senate to give them a warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Mary Jo White please rise to be welcomed by the Senate.

(Applause.)

**GUEST OF SENATOR JOHN P. BLAKE
PRESENTED TO THE SENATE**

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

Senator BLAKE. Mr. President, I am delighted to welcome a fine young woman to the Senate who is actually serving as an intern for me this summer, Tara Burns. She hails from Archbald, Pennsylvania, my hometown, and is also a graduate of my high school, Valley View High School, back in the 22nd Senatorial District.

Mr. President, she is a wonderful young lady who is doing great work for me this summer. She is a sophomore at Seton Hall University. It is probably appropriate that I make the comment, Mr. President, that she is also a senator of sorts, because she serves as an ad hoc senator for the Student Government Association at Seton Hall University. So please, I ask the Senate to give Tara Burns a warm welcome.

The PRESIDENT pro tempore. Would the guest of Senator Blake please rise to be welcomed by the Senate.

(Applause.)

LEGISLATIVE LEAVE CANCELLED

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE**

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

Senator STACK. Mr. President, I just wanted to take the opportunity to welcome our guest Chaplain today, Pastor Mary Konopka, who is the senior pastor at Redemption Lutheran Church in the Rhawnhurst section of northeast Philadelphia, in my district. Pastor Mary has been in the Lutheran church for 32 years. She has been an integral part of the faith-based community in Rhawnhurst, Philadelphia. Redemption Lutheran was founded in 1929 by German immigrants and second-generation German-Americans. When she first came to Redemption 15 years ago, it was on the brink of closure. Today, it is a thriving 300-member church, and it is growing with great activity. They have a nursing school, a great music program, and youth programs, all thanks to Pastor Mary's energy, positivity, and creativity.

Pastor Mary also helped to co-found an ecumenical interfaith partnership with several other local churches, which has established a center for youth and young adults called Rhawnhurst Turning Point. It just launched a homework help center in January, and the Pastor is very proud to say that over 30 volunteers from the community are helping students with their homework.

Now she is looking forward to the next plan for the center, which includes an arts and music program. When she is not ministering, Pastor Mary enjoys playing the accordion. With all of her involvement, Mr. President, it really is a wonder that she was able to come and join us and say a prayer for us here in Harrisburg, but it is clear she has answered God's calling and is serving with faith and enthusiasm.

So, not even breast cancer could stop Pastor Mary. We congratulate her and thank God that she is a 5-year survivor of the disease. I want to thank her for her continued contributions to Redemption Lutheran Church and for being such an involved member of the community. I am so glad that she is helping to make northeast Philadelphia such a great place to live. Hopefully, Mr. President, she will come back--I am looking at you now, Pastor--and visit us again with her accordion and serenade us in the Chamber. So, I ask my colleagues to give Pastor Mary Konopka our usual warm Senate welcome.

Thank you, Mr. President.

The PRESIDENT pro tempore. Would the guest of Senator Stack please rise to be welcomed by the Senate.

(Applause.)

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a meeting of the Committee on Appropriations also to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room. I expect the caucus to last no more than 1 hour.

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

Senator COSTA. Mr. President, at the conclusion of the two meetings referenced by Senator Pileggi, the Senate Democrats will meet in the rear of the Chamber.

The PRESIDENT pro tempore. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be fol-

lowed by a meeting of the Committee on Appropriations, both to be held in the Rules room, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Robbins and Senator Browne.

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

Senator COSTA. Mr. President, it is important that I put the following Members on temporary Capitol leave: Senator Williams, Senator Hughes, Senator Farnese, Senator Stack, Senator Kitchen, Senator Washington, and Senator Tartaglione. They are conducting a meeting in their office.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Robbins and Senator Browne.

Senator Costa requests temporary Capitol leaves for Senator Williams, Senator Hughes, Senator Farnese, Senator Stack, Senator Kitchen, Senator Washington, and Senator Tartaglione.

Without objection, the leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Williams, Senator Washington, Senator Stack, and Senator Farnese have returned, and their temporary Capitol leaves are cancelled.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATIONS BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1062 (Pr. No. 1325) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 299, HB 373 and HB 374 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 442 (Pr. No. 2083) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, prohibiting private transfer fee obligations; and providing for notice and disclosure of existing private transfer fee obligations.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

SB 469 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 732 (Pr. No. 1326) -- 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, the Legislative Budget and Finance Committee and the Legislative Reference Bureau; and imposing penalties.

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 Montgomery, Senator MENSCH.

Senator MENSCH. Mr. President, I would like to offer a few brief comments. First of all, and I do not want to sound facetious about this, but I do recognize that I am a male. I am a father. I am a husband. I have never been pregnant, I could never be pregnant, but I do believe that this bill is about my interest and my belief in women's health issues, as a father and as a husband.

I do want to say that I think that Senator Vance and I, when we began discussions on this bill--and she would say the same--that we have failed in part of our commitment, and that was that we wanted to keep this debate about women's health. We never wanted it to get to the point where we were arguing more about pro-life or pro-choice than we were about the issue of women's health.

I do believe that this bill, in its inception as well as in its amended form, deals very much with women's health and women's health issues. The bill is solely about insuring the health and safety of women who undergo abortion procedures. Despite what some are saying, a public health crisis will not ensue when Senate Bill No. 732, as amended, becomes law. On the contrary, we have a public health crisis right now because in the past, the Commonwealth has failed to treat later-gestational-term abortions as the true surgical procedures they are.

A study of the American College of Obstetricians and Gynecologists cites the risk of death in legal abortions increases exponentially by 38 percent for each additional week of gestation. Yes, Mr. President, that is indeed about women's health. Abortion providers themselves even acknowledge that there are health risks with each additional gestational week, and they reflect this

knowledge in pricing schemes, charging more for late-term abortions than they do for early-term abortions. Even a doctor as reprehensible as Dr. Gosnell recognized that.

Yet, the argument is that this is only about Dr. Gosnell, and that people went there because he was cheap. The reality is, he was actually charging more in 2005 than many of our abortion clinics today are charging for the same procedures. So it is a myth. Dr. Gosnell was not cheaper.

Dr. Gosnell built his business on two primary points. One, he located in an area where there was a much larger critical mass, a much greater population density. Therefore, he was going to be able to do a lot more abortions. But where he really made his mark was that he offered late-term abortions. It is recognized that abortions should not be performed after 17 weeks, and most, if not all, of the abortion clinics in our State do not perform abortions past 17 weeks, but referrals were made for Dr. Gosnell to be able to do abortions after 17 weeks. It was clearly an issue of women's health, Mr. President. When the risk increases exponentially by 38 percent each week of pregnancy, when you have someone such as Dr. Gosnell doing abortions post-17 weeks, it is indeed a women's health issue.

So let me close, Mr. President, by saying that some people have called the amended bill restrictive of abortion clinics. I remind my colleagues that today we regulate Lasik surgery facilities as ambulatory surgical facilities. It is more difficult to go into a dermatologist's office and have a mole removed than it is to have an abortion, because we treat that dermatologist as an ASF facility. And if we pass the legislation for tanning salons, we will have more restrictive legislation for tanning salons than we have today for abortion clinics.

This is, Mr. President, in closing, about women's health. It is about trying to provide safeguards and security for women's health in the abortion process. We want to provide the same consideration, the same level of service that we do for colonoscopies, for removal of moles, and so forth, Mr. President.

Thank you very much.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senators Hughes, Senator Kitchen, and Senator Tartaglione have returned, and their temporary Capitol leaves are cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator VANCE. Mr. President, I rise to state a few things for the record. I must tell you, I have agonized over this for the last several days. Gosnell is a criminal and a terrible, terrible man, and had the Department of Health and the Department of State done their jobs, there would be no need for us to stand here and even talk about corrections. However, they did not. My original legislation was set to protect women, yes, but it was mostly aimed at the clinics, making sure that the clinics did what they were supposed to do and what the Department of Health and the Department of State should have done.

I think there is no need, at this point, to rehash our differences. I do believe that, in Texas, they were closed down when

they were all made ambulatory surgical centers. We have had some disagreements with the Department of Health's interpretation of waivers, but that is past tense now.

My original bill will still apply, since the Mensch amendment went in for at least the first 9 weeks. I think it is important, if any clinics are able to survive and stay open, that there will still be healthcare for poor women. I think that Senator Mensch and I do not disagree, necessarily, on our end game, but the way that we would achieve that end game.

I have some questions whether the Mensch amendment can survive a challenge of constitutionality, but I am willing to give it a chance, especially after we were willing to do a survey and find out exactly what it will do. So, I reluctantly rise to say that I will support my own legislation.

Thank you very much, Mr. President.

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

Senator BOSCOLA. Mr. President, I have agonized over this bill as well, and I am reluctantly, very reluctantly, supporting this bill. The only reason is because this bill has some positives. Mainly, it addresses concerns about making clinics safer for women. And by these unannounced inspections, this will help prevent another Gosnell.

On the flip side, however, it is unfortunate that we have had to choose between access to care and preserving the right for women to choose. We have had nearly 40 years of activism by women and men. The courts in this country have allowed a woman's right to choose. And the amendment that went into this bill basically strikes all those years of activism. All those years have been washed away in just a couple of weeks.

Now, as a woman, this bill--I almost feel I have a gun to my head in some respect, because you want to do the right thing, but you know that after this amendment went in, some of these clinics are going to close, and these clinics provide care for breast examinations, pregnancy tests, HIV testing, and a whole host of gynecological exams. Who is going to have this available to them when these clinics close?

Now, I know that women with a very good support group and women who are wealthier are probably going to be able to find a way to have access to this care, but women of little means or with no support group are going to have limited access or no access at all to this type of healthcare. It is not surprising to me that, in the last several months, this legislature has been having this tone when it comes to access, especially for poor women's health and other bills that will be coming through this body.

But, Mr. President, one thing I do know for sure is that we are women, we are strong, we will wake up, we will rise up, and we will overcome yet another obstacle that was placed in our way today. I am confident about that moving forward in our future. For that reason, I will be supporting this bill, but you can guarantee that you just ticked somebody off today, and I am going to turn that little bit of anger and angst into activism, because I am good at it.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, I have talked about this issue numerous times over the past several days and the past week. The first thing, I think, that we should all recognize in this Chamber is that what has transpired over the last several days is

something that, in my short time in this Chamber, I have not seen very often, and that is the opportunity for meaningful, spirited, and learned debate on important issues that affect every citizen in the Commonwealth of Pennsylvania.

The lesson that I hope we take from what has transpired with this bill is that there are many issues which are important to the people of Pennsylvania. There are many issues on which we, as a body, do not agree, but each and every one of them deserves the opportunity to be heard on this floor, to be debated, to be voted upon, to let people understand that the work we do here is important and that we are here talking about issues that are relevant to each and every one of us across the Commonwealth.

The debate was spirited. At times, it was loud. But the process was vital, and it should occur more often than not. I hope that when we move forward, and we look at issues that, at first blush, may be prickly, may be something we do not want to touch, that we allow them to come to this floor, because it is only here that the people who send us here are heard. If those issues do not get on this floor--and there are lots of them, there are lots of them that we choose as body not to bring to this floor for debate. I think if we do that, then we deprive the people of Pennsylvania of their voice.

I want to commend one of the other speakers, Senator Vance, for the work that she has done. I know that what she has done on this bill was very, very heartfelt. I heard her comments, both in committee and on the floor, and I have the utmost respect for her and what she has done.

Finally, let me close with this. A lesson I learned in this Chamber is that what starts off, sometimes, with the best intentions, quickly has a way of changing. And let me just give you an example, because I probably can give you a better example than I could articulate. The first speaker, who spoke about what this bill is and how it is not an abortion bill, but is really for women and access to healthcare. The reality of the situation is a reality that I learned very early here when I came to the Senate. It was a bill--I will never forget it--Senate Bill No. 711, a bill on which I worked tirelessly to get passed. It was a gaming reform act, and a lot of people worked on it, good work, good intentions. I stood here, and I said, if we amend it to expand gaming, it will never be known again as the gaming reform act. And to this day, if you ask what Senate Bill No. 711 is, people do not remember it as the gaming reform act. They remember it as what it is, the table games bill. That is, unfortunately, Mr. President, what we have done here today.

As we go forward, the good intentions with which this bill started off - to make women safer, to make their access to healthcare better, to prevent the horrible, horrible situation that occurred so that it will not happen again - I hope that it is not lost, but I can look at the example that I have from my short time here. When things are amended -- and that is the process, not the people, it is the process that, at times, is flawed. We allow ourselves to get caught up in the process, and the process, unfortunately, dictates history.

So, that is where I am on this. Again, I know many people have great intentions and have put great work into this bill, and they should be commended. But let us not forget, let us not fool ourselves about how history will remember this debate, how history will remember this legislation as we move forward. It does affect a woman's right to obtain an abortion in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, it is indeed about women's health and safety, because now, a number of women will probably not receive safe abortions because of some of the overreaching language in Senate Bill No. 732. Mr. President, I agree that Dr. Gosnell's situation was a horrible, terrible act against women, but Senator Vance's bill, unamended, took care of all of the situations that occurred, or will occur in the future. I think it was more than adequate.

I think it is a sad day when we use our power to place so many obstacles in the way so that a law is not followed in the way that it is intended. Women have the right to choose, but without access to safe clinics, women will continue to suffer. The amendment added to this bill is really an assault on women, because the Dr. Gosnell situation is going to play itself out in the back alleys of old. Mr. President, I do think that this bill, though it may have been well-intended, will not help women, in the end, to get a safe abortion.

Thank you, Mr. President.

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

Senator WASHINGTON. Mr. President, I certainly want to thank Senator Boscola, because she has stood up for women throughout this Commonwealth, not just today, but always. I also want to thank Senator Vance, Senator Earll, and the women on the Republican side for the work that they have done for women, but this time, it is not a good thing.

Basically, we know that Dr. Gosnell's clinic was unfit, unhealthy, and in a poor neighborhood, but all kinds of people went there for services. If people do not have a place to go, then clinics like the Gosnell clinic will surface all over, in my district, in your district, because we know that women who want abortions will have abortions, whether they are legal or illegal. We would prefer that they would have the opportunity to have benefits that would allow them to have legalized abortions so that these kind of places do not crop up.

So, I am going to have to cast a "no" vote. I cannot support it. I know that the purpose and the method had a good intention, but the end result is just something that we cannot do. We women who sit in this Chamber on a daily basis, we know this is wrong. Regardless of the intent, it is wrong. So for that reason, I ask the women in this Chamber--at least the women in this Chamber--to vote "no."

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

Senator HUGHES. Mr. President, I rise consistently with my colleagues - Senator Washington, Senator Kitchen, Senator Farnese, and others - to speak in opposition to this bill. We had a relatively early interaction on the Gosnell situation when we first heard about it. I cannot remember the exact date, but if I remember correctly, Senator Vance and I held immediate meetings with the Pennsylvania Department of Health and Department of State to discuss the situation, to figure out what was going on, and why the lack of activity. Continued from those early conversations that occurred in my office and in other offices, Senator Vance's office being one of them, we have tried to address the failings that allowed that situation to occur, but, quite frankly, Mr. President, I do not know if there is anything that

anyone could have done to prevent Kermit Gosnell from performing the atrocities that he performed.

I have said this before, and I will say it again, that Kermit Gosnell was way out of bounds, in terms of what he did to hundreds, if not thousands, of women on almost a daily basis. There is no situation anywhere else in the Commonwealth, nor probably anywhere else in the country, that comes anywhere close to what Kermit Gosnell was doing. As a result of the legislative activity over the last several months, we are now in a situation where we are not responding to the Gosnell situation because, quite frankly, probably no one could have responded to those atrocities. No matter what the law is, was, or will be in the future, his behavior would have probably continued because of his failings as an individual.

Now we are in a situation, as my previous colleagues have said, voting on legislation which could very well close down quality healthcare service delivery systems in neighborhoods that need them the most. Now we are in a situation where we may be about to pass legislation that would only create a worse environment for women to get quality healthcare services. What is performed in these facilities is not just abortion services, but cervical testing, Pap smears, other reproductive healthcare services, other kinds of healthcare services that these facilities have provided for decades without any significant problem. Now we are in a situation where we are creating a barrier so high for them to perform those services that, more than likely, they will have to shut down, and the women who need access to these services so badly will not be able to access them.

So here we are, allegedly responding to the Gosnell issue, when, in fact, what we are doing right now--if this legislation becomes the law of the Commonwealth, its effect will deny women the access to quality healthcare services, because the facilities that historically have provided them with no problem will probably be forced to shut down. I hope that that is not really what we want to do. I hope that, in some way, shape, or form, we could figure out a way around this, figure out some other methodology to make sure that the women who need these services the most get access to them, access being an important word here.

Mr. President, if we claim that we want to provide quality healthcare services, accessible and affordable--and affordability is a direct connection to accessibility--if we claim we want to provide those services to those women, then we should not be for this bill, because the effect of this bill will shut down those services and make them unaccessible to the women who need them the most. This is not a response to Kermit Gosnell's situation. This is an attempt, an unfortunate attempt, if you will, at best, to shut down women's access to all kinds of reproductive healthcare services. That is not right, and this bill and these women deserve a "no" vote from this body. Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-38

Alloway	Eichelberger	Pileggi	Vogel
Argall	Erickson	Pippy	Ward
Baker	Folmer	Rafferty	Waugh

Blake	Gordner	Robbins	White Donald
Boscola	Greenleaf	Scarnati	White Mary Jo
Browne	Kasunic	Smucker	Wozniak
Brubaker	McIlhinney	Solobay	Yaw
Corman	Mensch	Stack	Yudichak
Dinniman	Orie	Tomlinson	
Earll	Piccola	Vance	

NAY-12

Brewster	Ferlo	Kitchen	Tartaglione
Costa	Fontana	Leach	Washington
Farnese	Hughes	Schwank	Williams

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

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

BILLS OVER IN ORDER

SB 828, SB 829, SB 830, SB 831, SB 832 and SB 1000 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 117 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

HB 140 (Pr. No. 2047) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Methadone Death and Incident Review Team and providing for its powers and duties; and imposing a penalty.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 148 (Pr. No. 2049) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for issuance, transfer or extension of hotel, restaurant and club liquor licenses, for sales by liquor licensees and restrictions, for sale of malt or brewed beverages by liquor licensees, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for distributors' and importing distributors' restrictions on sales, storage, etc., for retail dispensers' restrictions on purchases and sales, for malt or brewed beverages manufactured outside this Commonwealth, for brand registration, for limiting number of retail licenses to be issued in each county, for licenses not assignable and transfers, for revocation and suspension of licenses and fines and for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries.

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.

BILL OVER IN ORDER

SB 276 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 321 (Pr. No. 1247) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in weights and measures, further providing for definitions, for specific powers and duties of department and regulations, for general testing and inspections and for prohibited acts; abrogating regulations; and making an inconsistent repeal.

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

SB 341 (Pr. No. 317) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, establishing an Automotive Fuel Testing and Disclosure Program.

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

SB 349 (Pr. No. 331) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of indoor tanning facilities and for penalties.

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

SB 361 (Pr. No. 342) -- 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, further providing for disclosure of records.

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

BILL OVER IN ORDER

HB 385 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 388 (Pr. No. 1290) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, adding definitions; and providing for professional liability insurance.

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

BILLS OVER IN ORDER

SB 458, SB 549, SB 550, SB 626, SB 707, SB 709, SB 776 and SB 777 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 800 (Pr. No. 1324) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, further providing for the composition of the State Horse Racing Commission and the State Harness Racing Commission.

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

BILLS OVER IN ORDER

SB 896, SB 1007 and SB 1095 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

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

SB 200 (Pr. No. 1332) (Amended) (Rereported)

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

SB 1086 (Pr. No. 1333) (Amended) (Rereported)

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, providing for State-aid for 2011-2012.

SB 1096 (Pr. No. 1291) (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for purpose, for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for surplus lines licensee's duty to notify insured, for exempt risks, for surplus lines advisory organizations, for licensing of surplus lines licensee, for surplus lines licensees may accept business from insurance producer, for surplus lines tax, for tax on independently procured insurance and for suspension, revocation or nonrenewal of surplus lines licensee's license.

SB 1097 (Pr. No. 1279) (Rereported)

An Act amending the act of July 6, 1917 (P.L.723, No.262), entitled "An act imposing a tax on premiums of insurance and reinsurance in foreign insurance companies and associations not registered in this Commonwealth; providing the method of collection of such tax, and imposing penalties," further providing for tax on contracts with unauthorized companies and deductions.

SB 1122 (Pr. No. 1305)

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

SB 1123 (Pr. No. 1334) (Amended)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh--Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1124 (Pr. No. 1307)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1125 (Pr. No. 1308)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1126 (Pr. No. 1309)

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 38 (Pr. No. 14) (Rereported)

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.

HB 915 (Pr. No. 1388)

An Act amending the act of July 6, 2010 (P.L. , No.1A), known as the General Appropriation Act of 2010, by further providing for the appropriation of Federal funds to the Department of Education.

HB 960 (Pr. No. 2048) (Rereported)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for fraud detection system, for income eligibility verification system and for inmate medical costs.

HB 1485 (Pr. No. 1880)

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2011, to June 30, 2012, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Oil and Gas Lease Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2011; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

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

SB 1006 (Pr. No. 1304) (Rereported) (Concurrence)

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for Schedule I controlled substances.

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

SB 172 (Pr. No. 1330) (Amended)

An Act establishing the MESA Initiative; providing for duties of the Department of Education; and establishing the State MESA Commission.

SB 391 (Pr. No. 393)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for definitions; and providing for training of school employees in diabetes care and management and for possession and use of diabetes medication and monitoring equipment.

SB 1087 (Pr. No. 1267)

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 rating system.

SB 1127 (Pr. No. 1317)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for voting following a primary or municipal election.

SB 1129 (Pr. No. 1319)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for liability for tuition and enforcement of payment.

SENATE RESOLUTIONS ADOPTED

Senator BLAKE, by unanimous consent, offered Senate Resolution No. 141, entitled:

A Resolution honoring the borough of Clarks Summit, Lackawanna County, on the 100th anniversary of its founding.

On the question,
Will the Senate adopt the resolution?

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

Senator BLAKE. Mr. President, it is with great Lackawanna County pride and 22nd Senatorial District pride that I introduce this resolution honoring the borough of Clarks Summit on the 100th anniversary of its founding. Throughout its history, Clarks Summit, in northeastern Pennsylvania, has contributed much to the rich tapestry of our Commonwealth.

First incorporated as a borough on August 30, 1911, Clarks Summit was the local hub for the Delaware, Lackawanna, and Western Railroads. Mr. President, Clarks Summit was named in the honor of Deacon William Clark, an early settler and Revolutionary War soldier who fought with George Washington at the Battle of Trenton. Deacon Clark cleared a triangular plot, known as "the green," and it went to a point, being at the summit of the grade on the northern division of the Lackawanna Railroad out of Scranton.

Hardworking, blue-collar industry workers were the first to call Clarks Summit home, and 100 years later, Clarks Summit is still home to great, hardworking Pennsylvanians. Right now, Mr. President, I am proud to say that it is actually led by its first female council president, Gerry Carey, and the Honorable Harold P. Kelly. I extend my most sincere, best wishes to the local government officials, as well as the entire borough of Clarks Summit, for achieving this great milestone of 100 years as a borough. 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 BLAKE, STACK, TARTAGLIONE, DINNIMAN, FARNESE, FONTANA, ERICKSON, RAFFERTY, ALLOWAY and BOSCOLA, by unanimous consent, offered Senate Resolution No. 142, entitled:

A Resolution congratulating the Republic of Hungary on the adoption of its first national constitution in its 1,000-year history.

On the question,
Will the Senate adopt the resolution?

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

Senator BLAKE. Mr. President, the most important work that we do, of course, in this Chamber is on behalf of the 12.5 million Pennsylvanians. But every now and then, something happens outside of our State borders that is worthy of our consideration and our accommodation. I had to offer this resolution in the Senate, quite simply because a close friend of mine, who heads up the Institute on Religion and Public Policy in Washington, D.C., actually worked with the Hungarian government to write the preamble to its new constitution. The organization is a Nobel-nominated organization out of D.C.

If anyone ever doubted the presence or power of democracy, Mr. President, they should look no further than the recent adoption of Hungary's first national constitution in its 1,000-year history. When communism fell in the late 1980s, Hungary was the only post-Soviet state not to immediately establish a new constitution. Mr. President, on April 18, the Hungarian National Assembly adopted the new national constitution, officially ending more than 60 years of governing by a Soviet-drafted constitution.

The drafting of Hungary's national constitution was not only highly democratic, with more than 1 million residents returning questionnaires asking for input on basic laws, but also extraordinarily high-tech, as it was drafted on an Apple iPad. The power of democracy cannot be overstated, and I congratulate Prime Minister Viktor Orban and the people of Hungary for persevering and working together to adopt a new national constitution that is truly democratic and historic.

Mr. President, I am proud to say that this new constitution, after the 1,000-year proud history of Hungary, incorporates many of the most important rights that even we have enshrined in our own Constitution. I leave the resolution at the desk for further

cosponsorship by Members. Again, I want to congratulate Hungary on its first national constitution in its 1,000-year history.

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.

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 Frederick D. Gerhard by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Chebro by Senator Baker.

Congratulations of the Senate were extended to Bjorn Fratangelo by Senator Brewster.

Congratulations of the Senate were extended to the Allentown Police Department by Senator Browne.

Congratulations of the Senate were extended to Cheryl Mazza by Senator Costa.

Congratulations of the Senate were extended to Stephen Lawler Whitman, Jr., and to the Conestoga High School Boys' Lacrosse Team by Senator Dinniman.

Congratulations of the Senate were extended to Barbara M. Shadell by Senator Erickson.

Congratulations of the Senate were extended to Wesley R. Waugh by Senator Folmer.

Congratulations of the Senate were extended to Ian M. Ferguson by Senator Leach.

Congratulations of the Senate were extended to DELCORA of Chester by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Koehler, First Baptist Church of McDonald and to the Chartiers-Houston High School Softball Team by Senator Solobay.

Congratulations of the Senate were extended to Joseph Daniel Turner by Senator Tomlinson.

Congratulations of the Senate were extended to Master Sergeant Crawford A. Wilson III by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. George Baker by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Merle Conner, Mr. and Mrs. Ronald Gritzer and to Alma A. Goehres by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Lyle H. Szupinka by Senator Solobay.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 100, SB 172, SB 391, SB 1087, SB 1100, SB 1122, SB 1123, SB 1124, SB 1125, SB 1126, SB 1127, SB 1128, SB 1129, SB 1131, HB 40, HB 396, HB 440, HB 463, HB 562, HB 915, HB 1336, HB 1424 and HB 1485.

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 Stack.

Senator STACK. Mr. President, the outcry over the Governor's and the House Republicans' budget cuts to education is getting louder. Teachers, students, and parents are writing letters, they are calling our offices, and many are even traveling here to the Capitol to oppose the cuts to basic and early education.

Now, the military has joined in the battle cry for the restoration of education funding. Retired military leaders from the organization Mission: Readiness are asking us to maintain funding for the accountability block grants, Pre-K Counts, and Head Start. These programs are, as you recall, the ones that help our kids receive a high-quality early education. The accountability block grants specifically help many school districts fund full-day kindergarten.

Well, you might ask, what do the military and early education have in common? Well, if you want to be part of the greatest military in the world, you have to have an education. Joining the military is not only a noble choice, but it is also a stable, secure, and beneficial life and career choice for many young men and women. They receive beneficial training to be courageous warriors and, more importantly, disciplined citizens, training that will help them with a long-term career in the military or in any private sector career they might choose. But before they can even sign up, they have to have a basic, solid education. What we know about success in life is also true in the military. Success is based on strategic investments in education and training.

Early education programs give our kids the basic skills they need to take the right steps toward achieving a high school diploma and a successful career, whether they go to college, to work, or whether they join the military. Right now, our children are not receiving the training they need in the classroom to prepare for training in the military. The Department of Defense estimates that three out of four young adults are not fit to join the military. One of the biggest disqualifying factors is poor educational achievement.

To be specific, one in four high school students does not graduate from high school on time. Of those students who do not finish high school and who try to join the Army, nearly one in four cannot enlist because they scored too low on the military's exams in basic math, literacy, and problem solving. Just like cadets need training before they go on the battlefield, our children need the basic educational skills to succeed academically, and that training starts at ages 3 and 4 in preschool and kindergarten.

As a member of the Armed Forces, I have deep respect for the men and women who have served before me. I respect their service, and I have really learned to respect their opinions. We should listen to our military leaders and make sure that early

education programs are well funded in this budget. It is a wise investment in our youth, in our military, in our national defense, in the future of our Commonwealth, and also, of course, in our nation. Mr. President, I look forward to continuing the work to make sure that we fund early education, as this budget negotiation comes to an end.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, along the same lines as some of the cuts that have been spoken about on education and military funding, I would like to just talk very briefly about some cuts in other line items that may not be as well known in the budget. One that comes to mind that is very important, both to the city of Philadelphia and, of course, to the Commonwealth, is the public library subsidy, which will be cut by over \$1 million in both Governor Corbett's and the House Republicans' budget proposals.

Just by way of background, Mr. President, public libraries today are not simply for going to pick up books. I say that because I know from my own experience that my parents are folks who use the library, literally, on a consistent basis. But I also know from my legislative experience, as an elected official within the city of Philadelphia, that libraries serve so many, many other outlets for folks besides just picking up books and taking them back. They provide Internet access and computer training. They provide places for children to go after school to continue their learning experience. They provide opportunities for job placement and career training, places where individuals can go to work on their resume and, again, utilize the computer services and help themselves to not only better their education, but their careers.

Mr. President, often, these libraries serve, for many, many people across the Commonwealth, as one of their only resources at a time when the job market is so difficult, and it is so important that they have the tools that they need to make themselves attractive in a very, very difficult and competitive marketplace. Without the Free Library of Philadelphia within the city of Philadelphia, 11,000 people could not have learned to read; 14,000 people could not have taught another person to read. The Free Library of Philadelphia has made an economic impact on its community of over \$21.8 million. Nearly 1,000 individuals have found jobs directly because of the library, totalling a \$6 million economic value. Homes in close proximity to the library are worth an average of \$9,000 more than homes further away, producing another \$18 million in additional tax revenue. Even with the 30-percent cut the library has had to endure over the past 2 years, it has managed to still make such a huge impact on its community.

We must support full funding to the public library subsidy. In times of economic downturn, Mr. President, people turn to the free services and entertainment that should be available across the Commonwealth to each and every citizen. Without adequate funding, our libraries will have to scale back their hours. They will be unable to purchase new books, new CDs, new computers, DVDs, research, and databases on which the community depends. The people we are affecting with our budgetary cuts, who need our services the most, are going to be hurt not only by the first impact of those cuts, but by the second, sometimes even

more indirect, which is cutting off their lifeline to job placement services and additional educational subsidies.

So I am calling on my colleagues to recognize the real importance of public libraries to families and communities. We must protect library funding for the thousands of people who depend on the services that they provide. We cannot make a bad situation even worse by hurting those people who need these services the most at such a critical time.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, we are about, I guess, 16 days short of June 30, and we are standing here, hopefully coming to some closure on our budget situation, and we want to make sure that it is not lost on this body, and we want to make sure it is not lost on the millions of individuals who live in the Commonwealth of Pennsylvania and, for that matter, those who are watching what Pennsylvania is doing, because we still remain the Keystone State, and folks around the country still pay attention to the affairs of this Commonwealth. We want to make sure that folks do not lose sight of the reality in which we are operating.

And if I can speak very specifically about that, I can just walk through a series of issues with which most people, far too many people in this Commonwealth, are dealing. There are far too many teachers, Mr. President, who have just received layoff notices within the past several weeks, and they are fearful as to whether they will be able to return to their jobs in September.

There are knowingly about 42,000 individuals who used to receive healthcare services provided by the Commonwealth's adultBasic healthcare program. They are clearly paying attention to what we are doing here in the Commonwealth because on February 28, they lost their healthcare services. There are individuals who were working to create new businesses, to do economic development projects in distressed neighborhoods, individuals who were looking to realize their dreams in terms of technology, in terms of life sciences, biosciences, and new technology development, who are wondering if the engine that drives those development opportunities, those job-creating opportunities in the Commonwealth of Pennsylvania, whether that engine is going to have enough fuel in it come June 30 to keep that mission going and to help so many thousands of individuals across the Commonwealth realize their dreams and be saviors for so many millions of people across the nation in terms of the new technology, the new job ideas that they come up with.

With respect to healthcare services, there are individuals who work in many hospitals across the Commonwealth of Pennsylvania who are wondering whether they will have the opportunity to continue that work when July 1 comes to meet them, because our hospital institutions are threatened by a significant lack of funding that has been proposed by the House Republican budget proposal, House Bill No. 1485.

So, Mr. President, that is just a short list of Pennsylvania citizens who are waiting for the State to enact its new State budget and hoping that the State will enact a budget that really reflects the true economic condition of this Commonwealth. As of May 31, we are sitting on a budget surplus of operating dollars of over \$538 million. Many of us did anticipate that the surplus would occur, and some of us chose to ignore the economic reality of the State and say the surplus would not occur. But the fact is, on

June 14, 2011, Flag Day, the flag of economic prosperity is flying a little bit higher in the Commonwealth because we do have an operating surplus of \$540 million. Quite frankly, Mr. President, that surplus will probably go up to over \$600 million when we get to June 30, because we all know that June, historically, has been the third-best tax receipt month of the entire 12 months of the year, and we expect that surplus to rise, and rise dramatically, to at least \$600 million, maybe even more.

The two relate, Mr. President, because we need to make sure that we create a budget in this Commonwealth that utilizes all of the resources that are available to it, that utilizes the \$600 million budget surplus that will be available to it, and maximizes the funding for areas that are extremely important, like basic education funding, higher education funding, and funding for our healthcare and job creation programs. We should make sure that we utilize all of the resources that are available, because that is what the people of this Commonwealth want us to do. They want us to write a budget, create a budget, craft a budget, that allows us to live within our means, but to also, at the same time, do the right thing with respect to putting people to work, educating Pennsylvania citizens, and making sure that they have access to quality healthcare services.

So, on this day, Flag Day, June 14, once again, we rise to make sure that this issue is not lost on Pennsylvania citizens. For that matter, the fact is that we tried earlier today--and we will continue to try today--to make sure that the process allows for us to utilize every dollar available so we can make the appropriate decisions. You know, Mr. President, it really pains me and causes me to have great question when we seem to be able to have within our grasp, within our mind, within our heart, the ability to find it appropriate to increase the funding for the Department of Corrections by \$200 million and, at the same time, cut out important education programs and, at the same time, while we are cutting the important education programs, ignore the \$600 million budget surplus that is available that we could utilize to help fund those education programs so that folks do not wind up in our prison system. That seems to be the right thing to do, the appropriate investment.

We made an attempt today to try to get the process in order to allow for Democratic and Republican Senators to make appropriate amendments, to make sure that we can take advantage of the economic prosperity that does exist in the Commonwealth so that the people can take advantage of it. How can we say to Pennsylvania's people, how can we say to 11,000 teachers across the Commonwealth of Pennsylvania, that that is right, we have a surplus over here, but we are not going to fund education, and you are out of a job? That is right. You heard it right. You can believe what it is that you read in the paper, that you are losing your job, even though the State has a budget surplus. How can we say that to them?

How can we say to our folks who are looking for high-quality healthcare services, who do not have health insurance, but who are, in fact, working, they are employed, how do we say to them, we have some extra dollars here. We can craft a program to help provide you the healthcare services that you deserve to have and still keep the Commonwealth going forward, not furthering the budget deficit, but building upon the appropriate investment.

Mr. President, those 42,000 people who were cut off of the adultBasic program were working individuals in this Commonwealth. They still had a job. They were working. They were

making a contribution on a daily basis. They were, if you will, playing by the rules. Yet, the decision was made on February 28 to not continue that program, and it is further exacerbated by the fact that now, we are in a budget surplus situation where we can do some creative funding to get those people the insurance they need and help them through this very difficult economic circumstance.

So we tried earlier today. We will keep trying as the days go forward. And over the next 16 days, before we get to June 30, we will hopefully come up with a resolve that will make the appropriate investments in the people of the Commonwealth, not by raising taxes, not by frivolous, exorbitant spending, but by spending within our means and spending the dollars appropriate and necessary to make sure that we take care of the needs of Pennsylvania's people.

I might add, Mr. President--and I have spoken on this several times in the past--that it really seems troubling to many Members, Democrats and Republicans, that we can go down a path that is still utilized, with that existing surplus, it seems at the same time that we want to create or provide these huge tax breaks for large corporations in the Commonwealth and, at the same time, also ignore the necessary assessments for the Marcellus Shale industry. It is just not adding up. It is math that does not equal itself out when we finish that equation.

We would put 11,000 people out of work, but we would let the shale industry off the hook without any assessments, without any taxes, without any fees. How can we say to those 11,000 people that you are out of a job, but we leave this industry off the hook? How can we say to the 42,000 people who had healthcare, who were working every day, most of them are women, most of them are trying to take care of their families by working every day, making a contribution to the Commonwealth of Pennsylvania, how do we say to them, do you know what, no more health insurance for you, and by the way, the Marcellus Shale industry is off the hook?

How do we justify--how does that math add up? How does it equal itself out? Quite frankly, it does not equal itself out, Mr. President, not only in the Marcellus Shale industry, but also in the tax breaks that we are providing, or that have been proposed, to Pennsylvania's largest corporations. You know, those are some of the worst tax breaks you can put in place if you want to stimulate the economy.

Now, if you want to give some folks a tax break, that is fine. Someone showed me an article yesterday from the Wall Street Journal, not necessarily your most liberal publication, that had the CEO salary of one of the shale companies--I could not believe it--his pay for, I think, 2 years' worth of service as CEO was over \$150 million. That included stock transactions, and bonus pay. In fact, in 1 year, I think he was paid a \$75 million bonus. Now, this did not come from Mother Jones magazine, this did not come from the Washington Post, this did not come from The Nation magazine, this did not come from the New York Times, this came straight out of the Wall Street Journal.

Now, that is a \$75 million bonus, and he is CEO of one of the shale companies, and we cannot find it in our consciousness to provide some kind of a fee or some kind of an assessment or some kind of a tax on that industry, when the CEO, in 1 year, got a \$75 million bonus. And the company is not doing that well. I could understand if the company's stock was soaring--well, actually, I really cannot not understand it. I am not quite sure how

you make that kind of bonus. But the fact of the matter is, his salary scale over a couple-year period was over \$150 million, and in 1 year, he got a \$75 million bonus. He is the CEO of one of the shale companies. But we cannot find it in our hearts to put a fair assessment on them.

It is true: the rich are getting richer, the poor are getting poorer, and those in the middle class are getting squeezed out, forced down. Many economists raise the question, do we even have a middle class anymore? So, in the context of fairness, Mr. President, as we go forward, as we try to get a budget done, we need to be mindful of the true reality that exists for Pennsylvania's people. Although our economy is better than most States across the nation and, in fact, most States in the region--we are producing more jobs than most States in the region, and that is a good thing, but we are not fully healed yet. And if we do not make the appropriate investments, we could scale back the clock and scale back the progress that has been made.

I do not understand how you can take a \$600 million budget surplus and cut funding for education, which essentially forces 11,000 teachers onto the street, in addition to probably about another thousand or so support staff who exist in most of those school buildings. When I say support staff, I am talking about secretaries, janitors, bus drivers, and individuals like that. How does that make sense? It does not. But hopefully, Mr. President, we can figure out a way to come together with our Republican colleagues, connect with our colleagues in the House, and connect with the Governor to try to craft a budget solution that is truly reflective of the needs of Pennsylvania's people and to make sure that we put them first.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 15, 2011

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bills No. 162, 354, 355 and 356; and Senate Resolution No. 10)	Room 8E-A East Wing
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WEDNESDAY, JUNE 22, 2011

9:30 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on the requirements for carbon monoxide (CO) alarms)	Senate Maj. Caucus Rm.
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RECESS

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

Senator WAUGH. Mr. President, I move that the Senate do now recess until Wednesday, June 15, 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 4:24 p.m., Eastern Daylight Saving Time.