

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, JUNE 20, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 42

SENATE

MONDAY, June 20, 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 REED MOORE, of First Unity Church of God in Christ, Jeannette, offered the following prayer:

Let us pray.

Eternal Father, most gracious God, we thank You again for Your grace and mercy. We thank You, Lord, for the Senate coming together, and we ask You, Father, in the name of Jesus, that we truly be guests of this place. Father, we ask that You bless everyone, for we ask the blessings of the Lord to provide and to keep us. Lord, help us to make the right decisions, for we ask this in the name of the Father, the Son, and the Holy Ghost, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Moore, who is the guest today of Senator Ward.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

REAL PROPERTY DISPOSITION PLAN No. 1 of 2011

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

June 15, 2011

Mr. Mark R. Corrigan
Secretary-Parliamentarian
Senate of Pennsylvania
462 Main Capitol Building
Harrisburg, PA 17120

Mr. Anthony Barbush
Chief Clerk
House of Representatives
129 Main Capitol Building
Harrisburg, PA 17120

Re: 2011 Real Property Disposition Plan

Dear Mr. Corrigan and Mr. Barbush:

In accordance with Act 48 of 1981, as amended, 71 P.S. Section 651.1 et seq., I am hereby transmitting to you the 2011 Real Property Disposition Plan (June 13, 2011 Version) for consideration by the General Assembly. The Plan was prepared by the Department of General Services and reviewed by the House and Senate State Government Committees. Please be advised that the Plan, as submitted, is approved by me as Governor. Additional copies of the Plan are available on the Department of General Services website at www.dgs.state.pa.us.

Thank you for your cooperation in this matter. Should additional information be required, please contact Secretary Phillips at 787-5996.

Sincerely,

TOM CORBETT
Governor

The PRESIDENT. This will appear on the Calendar as Real Property Disposition Plan No. 1 of 2011.

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

June 20, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian Bentley, 992 Worthington Mill Road, Newtown 18940, Bucks County, Sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward Cernic, Jr., Johnstown, whose term expired.

TOM CORBETT
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

June 20, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 18, 2011, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Edward Cernic, Jr., Johnstown, whose term expired.

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

TOM CORBETT
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 17, 2011

HB 424 -- Committee on Banking and Insurance.

HB 735 -- Committee on Game and Fisheries.

HB 807 -- Committee on Environmental Resources and Energy.

HB 958 -- Committee on Public Health and Welfare.

HB 1164 -- Committee on Finance.

HB 1458 -- Committee on Transportation.

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 20, 2011

Senators WOZNIAK, ORIE, ALLOWAY, EARLL, FONTANA and BREWSTER presented to the Chair **SB 1160**, entitled:

An Act requiring the provision of a child's birth certificate, which shows the names and Social Security numbers of the child's father and mother, to receive benefits.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 20, 2011.

Senators WOZNIAK, WASHINGTON, RAFFERTY, FONTANA and BREWSTER presented to the Chair **SB 1161**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, prohibiting fraud on marriage license application.

Which was committed to the Committee on JUDICIARY, June 20, 2011.

Senators WOZNIAK, D. WHITE and FERLO presented to the Chair **SB 1162**, 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 incorporation.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, June 20, 2011.

Senators WOZNIAK, ALLOWAY and FONTANA presented to the Chair **SB 1163**, entitled:

An Act authorizing the Department of Conservation and Natural Resources, Department of Transportation, Department of Environmental Protection and Cambria County Transit Authority, on behalf of the Commonwealth, to agree to hold and save the United States Army Corps of Engineers free from certain damages arising from certain construction projects.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 20, 2011.

Senators WOZNIAK, FONTANA, M. WHITE, ALLOWAY, BREWSTER and HUGHES presented to the Chair **SB 1164**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for assessment of mobile homes and house trailers.

Which was committed to the Committee on LOCAL GOVERNMENT, June 20, 2011.

Senators WOZNIAK, FONTANA, M. WHITE, BREWSTER, ALLOWAY and HUGHES presented to the Chair **SB 1165**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for removal permits for mobile homes and house trailers.

Which was committed to the Committee on LOCAL GOVERNMENT, June 20, 2011.

LEGISLATIVE LEAVES

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

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

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

Senator WILLIAMS. Mr. President, I request a temporary Capitol leave for Senator Ferlo, and legislative leaves for Senator Costa and Senator Stack.

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

Senator Williams requests a temporary Capitol leave for Senator Ferlo, and legislative leaves for Senator Costa and Senator Stack.

Without objection, the leaves will be granted.

SENATE CONCURRENT RESOLUTION**WEEKLY RECESS**

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

In the Senate, June 20, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, June 27, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, June 27, 2011, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

LEGISLATIVE LEAVE CANCELLED

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

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

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

YEA-50

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

NAY-0

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

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

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator WILLIAMS. Mr. President, Democrats will also caucus following the meeting of the Committee on Rules and Executive Nominations.

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

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Tomlinson, Senator Costa, and Senator Stack have returned, and their legislative leaves are cancelled.

SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR DOMINIC F. PILEGGI
PRESENTED TO THE SENATE

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

Senator PILEGGI. Mr. President, we have a guest in the gallery today from Seoul, South Korea, Ms. Sally Ku. She graduated from Korea National Open University with a degree in law in 2009, and is currently a legislative counselor for the Legislative Counseling Office of the National Assembly of the Republic of Korea. The Legislative Counseling Office is the legislative drafting office for the Korean legislature. She is a resident fellow studying our Federal legislative system in Washington, D.C., for 3 months, and she is visiting with us in Pennsylvania for 2 days to study our legislative system here. Mr. President, I ask that the Senate give a warm welcome to Ms. Sally Ku.

The PRESIDENT. Would the Senate join me in welcoming Senator Pileggi's guest.

(Applause.)

CALENDAR**THIRD CONSIDERATION CALENDAR****HB 373 CALLED UP OUT OF ORDER**

HB 373 (Pr. No. 338) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 373 (Pr. No. 338) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 1485 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

SB 1122, SB 1123, SB 1124, SB 1125 and SB 1126 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Scarnati and Senator McIlhinney.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Tartaglione, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Scarnati and Senator McIlhinney.

Senator Costa requests a temporary Capitol leave for Senator Tartaglione, and a legislative leave for Senator Williams.

Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 40 (Pr. No. 1038) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-45

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

NAY-5

Farnese	Kitchen	Tartaglione	Washington
Hughes			

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

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

BILL OVER IN ORDER

SB 299 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 374 (Pr. No. 713) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VANCE offered the following amendment No. A3320:

Amend Bill, page 2, line 22, by inserting after "**PURCHASED**":
medical professional

Amend Bill, page 2, line 24, by inserting after "**(3)**":
medical professional

Amend Bill, page 2, line 26, by inserting after "**(4)**":
medical professional

Amend Bill, page 2, line 29, by inserting after "**of**":
medical

Amend Bill, page 3, line 3, by inserting after "**of**":
medical professional liability

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 469, SB 800, HB 960 and SB 1000 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

SB 1131 (Pr. No. 1322) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A3169:

Amend Bill, page 2, line 21, by striking out "a" and inserting:

the

Amend Bill, page 3, lines 1 through 3, by striking out all of said lines

Amend Bill, page 5, lines 15 through 20, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, just briefly, Senate Bill No. 1131 is a version of a bill that I introduced earlier this year, Senate Bill No. 2, which is referred to as the Fair Share Act. It also mirrors House Bill No. 1, which passed the House earlier this year. This is a bill that has been around this legislature for some time. It passed back in 2002 and also in 2006, and, unfortunately, due to a court hurdle and a Governor's veto, we were not able to get it to completion. But it is an issue which has been around for some time and which we have voted on several times that attempts to amend the joint and several liability statute here in Pennsylvania.

Senate Bill No. 1131, which is sponsored by my colleague from Montgomery County, is very similar to Senate Bill No. 2, although it adds two exemptions to it. Those exemptions, as well-meaning as they are, would dramatically reduce the impact of what we are trying to accomplish with Senate Bill No. 2 and House Bill No. 1. So my bill would just amend those two new exceptions out of the bill and return it back to the original Fair Share Act that was passed by this legislature in two earlier Sessions.

Thank you, Mr. President.

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

Senator GREENLEAF. Mr. President, first of all, let me say that I certainly respect my colleague, Senator Corman, and his many years of working on this issue. This is his issue, certainly. We all recognize that.

I have always thought that we should have some adjustment in joint and several liability. I have always advocated that, said that, and I think it is important for us to even the scales. But I think that this amendment and the original bill go too far, because it, in effect, has a de facto repeal of joint and several liability. Even though the concept has been vilified, the fact is that this concept provides a very important social function in

regard to dealing with victims who are injured in civil suits. And to repeal it completely, other than some minor exceptions, I think we should not be going that way.

We are not that far apart at this point, but I think that the changes in this amendment would take out the balancing factor. I am chairman of the Committee on Judiciary, and we spent the last 2 months looking at this issue and holding hearings in Philadelphia and Harrisburg. We had stakeholders' meetings for hours, trying to reach a consensus and discussing the issues, the pros and cons of what we should do.

If you look at the bill itself, and all of the bills, what they do is repeal joint and several liability and then provide certain exceptions, because it is important to have those exceptions for important issues in our society. Because when you have joint and several liability, what that means is that when there is an innocent victim who has to be compensated, when there is not enough money from one person, but they are all found negligent -- let me say, they are not in this mix because they have not done some negligent act which has been the proximate cause of the injury to the victim. That is not an issue. They are here because they have been determined by a jury to be negligent, let me repeat that again, and are the proximate cause of the injury to that victim.

So what happens here is that joint and several liability provides funding for that victim, and then the defendants, if there is a disparity between the defendants, can then reach out to each other and try to even out that process. What this bill does, if we repeal joint and several liability, is now, instead of long-standing decades of policy where we favor the victim--they are not at fault. They are the ones who were injured, and so we have always, in Pennsylvania, given the advantage to the plaintiff. The policy is to protect the victim. This will suddenly put the defendants, the wrongdoers, the people found negligent, the ones who caused the injury, all of a sudden, they will have the policy, the Commonwealth of Pennsylvania would give the policy of support to the wrongdoers, the ones the jury found to be negligent.

The bill that was introduced previously had certain exceptions where joint and several liability would apply. They basically deal with intentional actions, hazardous waste, and liquor control issues. So, all that I propose is a compromise, to modify and to moderate the legislation so that at least, in certain areas, we in Pennsylvania would stand up and say, the victims in these particular instances need to be treated fairly, and to provide for the partial, if not full, recovery of their injuries needs to be provided. And those two exceptions, along with others in this bill, are that economic damages would be covered by joint and several liability, and also that minors would be covered by joint and several liability.

What does that mean? That means if a child is injured, they are going to be given the advantage of having their injuries fully funded as dictated by the case and by the people involved in the case. We would not put them out and basically say to them, well, you can go on welfare. I have heard someone say that, not Senator Corman, he would never say that, but I heard someone say, well, is that not what welfare is for? Put them on welfare if they are not fully funded. In fact, that is what happens. When States have repealed joint and several liability, do you know what happens to many of the claims from Medicare or Medicaid? They go up.

I think it is important for us to provide protection for children, as well as for economic damages. Not noneconomic damages, but economic damages. And what are they? Economic damages with joint and several liability would provide for, in those cases, doctor bills, hospital bills, wheelchairs--some of these people are quadriplegic and need wheelchairs--loss of wages, and other things, very specific damages. They are not subjective damages, they are very objective damages. As a result, I think it is important that we continue to provide for the medical bills of these injured people and make sure that they are fully covered.

Other States have done this, such as California, Hawaii, Iowa, Nebraska, Nevada, New York, and Ohio. They all have some form of using economic and noneconomic damages. So, it is not just some idea that I came up with. Actually, I asked my staff to do some research to see what other States have done with regard to joint and several liability, and they came up with a number of different ideas where States have tried to balance the scales, to be as fair as possible, and those States have used the approach of economic and noneconomic damages.

So what we are doing is changing the policy of the Commonwealth of Pennsylvania. Instead of protecting the victim, we are going to be protecting the defendants who have been found to be negligent. In addition, when we have uninsured or underinsured defendants, that burden then falls not only on the victim, but on the Medicaid funds, as I just indicated, and there are approximately \$400 million worth of liens filed against lawsuits. What happens during these lawsuits, the victims are pulling down money from those programs, and there is a lien against the suit. If the suit is successful in their funds, those liens are satisfied. Now, not all \$400,000 is collectable. Not all of that money will be recoverable, but some of it will be. Workers' compensation liens, health insurance liens over the employers -- this will also have an impact on small businessmen and on doctors, because if there is not enough money, who is going to be holding the bag at the end of the day for the deficiency judgment? It will be the small businessman and the doctors, both in the payment of the money due, but also in the liens, such as workers' compensation and health insurance.

It is my hope that the Senate would vote "no" on the amendment, and accept and go ahead with the compromise that, I think, will end up protecting all Pennsylvanians. Thank you very much.

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

Senator COSTA. Mr. President, I rise to join my friend and colleague from Montgomery County, Senator Greenleaf, the longtime, longstanding chairman of the Senate Committee on Judiciary, in asking for a negative vote on the Corman amendment.

Mr. President, as Senator Greenleaf stated, and I agree, this amendment goes too far. While we recognize that the discussion about joint and several liability, across this Commonwealth and across this country, must take place, at the end of the day, it is imperative that we look to a responsible and reasonable compromise that does not have an impact, as he stated, on economic damages, on the ability of children to recover damages that were rightfully awarded to them.

Mr. President, Senate Bill No. 1131, Senator Greenleaf's legislation, represents a carefully negotiated compromise that addresses the issue of joint and several liability in a very modest way, to allow us to make the changes necessitated. As he indicated, it is a very important concept in this Commonwealth and in our American jurisprudence system that we recognize and value. We value the ability of victims to be able to recover damages that are awarded to them.

Mr. President, this is a pretty important issue. We are making a significant change to the doctrine of joint and several liability, and I hope I can get the attention of the Members as I go forward.

The PRESIDENT. The Senate will come to order. The gentleman may continue.

Senator COSTA. Thank you very much, Mr. President.

Mr. President, this doctrine has been around for a couple hundred years, and it is one that we should not take lightly in terms of the changes that we are talking about implementing today. Mr. President, it is about victims, in my opinion. It is about individuals who have been awarded damages by a jury or by a judge, and it is about their ability to collect the damages rightfully awarded to them. When you think of the scales of justice, Lady Justice, where she is blindfolded and her scales are supposed to be equal, this amendment will tip those scales of justice in favor of the tortfeasors, the wrongdoers, the individual defendants who have been found to be neglectful or are responsible for committing a tort against an innocent victim, a victim who needs to recover.

Mr. President, something, I think, that we need to recognize as a very important concept, as Senator Greenleaf indicated, is we cannot go down this path without recognizing what is going to take place. This is one of the core values in our legal system that needs to be addressed. At the end of the day, if we adopt this amendment, what we will be doing is making it easier for defendants who have been found to be tortfeasors, wrongdoers, to escape responsibility for what they were part and parcel to in terms of the damages that occurred. This amendment will make it more difficult for individuals to recover damages that were rightfully awarded to them.

Mr. President, a number of my colleagues on this side of the aisle want to provide remarks as well, and I will defer to them as we go forward. But I ask my colleagues for a negative vote on this amendment. As Senator Greenleaf said, and I agree, it goes too far. We recognize that changes need to be made to the joint and several liability doctrine, but this particular amendment goes too far. I ask that we support Senate Bill No. 1131 without the Corman amendment, which, as I stated earlier, was a carefully crafted, negotiated compromise, quite frankly, to a compromise version that was Senate Bill No. 500, which Senator Greenleaf put into place.

Thank you, Mr. President.

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

Senator LEACH. Mr. President, I will try to be brief, because I know there is a lot to discuss, and a lot of people want to discuss things. Mr. President, I rise in opposition to this amendment for a couple of reasons. In a perfect world, when there is an accident or an injury, everyone would go to court, and the jury would determine who was at fault, what percentage, and everyone would pay their percentage of fault. When

there is a defendant who is unable to pay that percentage of fault through insufficient assets, or because they are no longer an entity, or that they are bankrupt, a perfect result is no longer possible. So, we have an imperfect result. And the question we have, with which we have wrestled for centuries, is, what is the risk of that imperfection? Who should bear the risk of that imperfection?

Historically, we have said that it is better for a guilty party, a tortfeasor, a party who has done wrong, to bear the risk of an imperfect result of a defendant who is unable to pay than it is for an innocent, injured victim to bear the risk. We have said that across this country, and we have said it for many, many decades.

What this amendment would do is essentially eliminate the doctrine of joint and several liability, and it would say that 100 percent of the risk, not 20 percent, not 50 percent, but 100 percent of the risk of a nonsolvent defendant would be borne by the victim, the person who had the least to do with being in that position, the person who is least at fault, the person who would suffer the greatest consequences of that risk. We are not talking about an insurance company, a corporation, a hospital, or a big company. We are talking about average people, middle-class people, poor people, who would have to then suffer the risk, 100 percent. All of it would be on them.

What are the consequences of that, Mr. President? The consequences of that, I think, are stunning. It is interesting, because I have debated this issue before, and I have always asked the same question—I have never gotten an answer—which is, what happens to these people? What happens to these victims who do not get compensated? What happens to the person who can no longer work and support their family? What happens to their mortgage? Who pays their mortgage if they do not get compensated by the people who did them wrong? What happens if they need ongoing medical care? Suppose they need ongoing nursing care, maybe for years, maybe for life. Who pays for that if the entity that is in the wrong does not? Who pays for the medical bills? Should it be the hospital? Should it be the taxpayer? Should the person go bankrupt? What happens to those medical bills? What happens to the injured person's kids' college education that he or she can no longer provide? What happens to those people? I have never heard an answer as to what happens to these people. I think it is highly irresponsible to do away with the doctrine of joint and several liability without at least addressing that question.

Now, when we heard testimony on this in the hearings of the Committee on Judiciary, there was an interesting argument made by the proponents of this, which is that there is no evidence that anyone will suffer. There is no evidence that anyone will be undercompensated if we pass this. Again, Mr. President, that argument defies mathematics. I am not talking about opinion. I am talking about mathematics. The reason the people who are for this are for it is because they do not want to pay if they have done someone wrong. So, if they are not paying, someone is not receiving. That is a Newtonian tautology. That is an indisputable fact. Who is the person who is not receiving? It is the victim. There is no other way around that.

Now, sure it does not lead the evening news, the people who cannot pay their mortgages, the people who cannot pay their medical bills, the people who lose their homes, and the

people whose families fall apart, yes, there are not a lot of news stories on that, but that is a real consequence of this amendment.

I further add that the supporters of this amendment often argue in terms of rhetoric that this does not match the substance of the amendment. What we often hear is, it is unfair for people to be 1 percent at fault and have to pay 100 percent of the damages. Of course, that never happens. It virtually has never happened in the history of this country, but we always hear the rhetoric of 1 percent or 5 percent or 10 percent, 10 percent being the highest I have ever heard argued. It is outrageous that someone who is 10 percent at fault has to pay the rest. But this bill does not set the threshold for joint and several liability to kick in at 10 or 15 or 20 percent, to take care of egregious cases where there is a tiny, tiny speck of fault. This goes up to 60 percent, Mr. President. Have you ever heard anyone argue, my gosh, we were only 55 percent at fault, yet we had to pay the whole verdict? We were the majority of fault, we were the primary tortfeasor, we were the primary cause for this victim's suffering, we should not have to pay. That is just grossly unfair. You never hear that argument, but that is what this amendment would do. This amendment would set the threshold at 60 percent, which is the highest in the nation. The only other State that has set up a percentage is New Jersey.

I remember arguing other issues related to this. One of the issues we argued was caps on medical malpractice cases, and caps on torts generally. Do you remember those arguments? I remember people who supported caps, saying, this is fair, we should have caps because it is only on noneconomic damages. Everyone is going to get their bills paid. Of course, everyone should get their bills paid. This is on noneconomic damages. Well, what Senator Greenleaf's bill does is bifurcate economic and noneconomic damages, just like they did in the caps debate. But the amendment offered by my friend, Senator Corman, does not bifurcate this. So, literally, not only are pain and suffering involved, but so are economic damages. People would not even get their bills paid, which is supposed to be a great evil that the supporters of caps legislation said that we could not tolerate.

Mr. President, this is not, I think, accurately known as the Fair Share Act, because not everyone gets their fair share. The victim does not get their fair share, by definition. The taxpayer does not get their fair share, because a lot of these awards go to compensate programs like Medicare or Medicaid. There is a lien on the file for every one of those programs where there has been an expenditure of money. All of that money will be lost to the Commonwealth. So, the victim and the taxpayer are not given their fair share.

Mr. President, this is a very important issue because this is our justice system. This is what replaced what used to be in the old days where people would just go out and shoot each other. There has to be some sort of sense of fairness, and there has to be some sort of sense that the system is working and that people are being compensated. But this amendment goes too far in insuring that people who have legitimately been hurt--there is no dispute about that, if you are not hurt, if there is no verdict, you do not get any money--are not paid by the people who hurt them. And that is not in dispute either, be-

cause if you are not found to be liable at all, joint and several liability does not kick in.

So, Mr. President, I ask for a "no" vote on the Corman amendment. Thank you.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Scarnati and Senator McIlhinney have returned, and their temporary Capitol leaves are cancelled.

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

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

Senator BOSCOLA. Mr. President, let me start by saying that I do support the concept of reforming joint and several liability. For me, it is an issue of fairness, and I believe in the last several years, I voted for this legislation about two times.

Now, as we all know, Senate Bill No. 1131 is identical to the Corman amendment, with two distinct differences. It preserves the concept of joint and several for economic damages, and preserves it in cases where minors have a beneficial interest. So, I remember sitting in this Chamber as the body debated caps on liability awards, and at that time, many advocates for caps said, we have to cap noneconomic damages. These are the real cost drivers in liability cases. In fact, many of them have said individuals deserve a right to economic damages while they were seeking to cap noneconomic damage awards.

So, Mr. President, many of these same advocates oppose preserving joint and several liability protections for economic damages, but which is it? Are the noneconomic damages the problem, or are the economic damages the problem? I do not think you can have it both ways. Apparently, it is probably all of the above that is going on today.

So, Mr. President, the real reason why I am struggling with this vote today on the amendment is because I do believe we need joint and several liability reform. Another protection that was contained in the Greenleaf compromise is the protection of children. Specifically, the preservation of joint and several liability in the cases that are of beneficial interest to minors. While the first thought that comes to my mind is the protection for children who are injured, let us not forget that those who also fall into the provision are children who have lost a parent or a guardian.

Now, I know firsthand what these kinds of tragedies do to a family. My brother was a quadriplegic with a 1-year-old son. This was not only financially devastating, but emotionally as well for the entire family. But believe me, many things happened in my family as a result of this issue, and the child, to this day, who is 20 years old, needed many, many things to happen in his life and a big support group in order to make him whole again.

Even to this day, we have problems with him now and then, maybe some character issues and law issues. But a lot of it has stemmed from the fact that his father was a quadriplegic when he was 1 year old, and there was a lot of emotion in our family. We tried to do the right thing. I think the kid is on the track

of being a wonderful, wonderful kid, but because of my personal experience with this kind of thing with children, I am not going to support the Corman amendment today.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, just briefly, my colleague from Allegheny County mentioned that this was a carefully negotiated compromise. I take a little bit of issue with that statement. It was an attempt by my colleague from Montgomery County to do a compromise, but the word "compromise" implies that two people agreed or that two sides agreed to a product, and that did not happen. It was an attempt by my colleague from Montgomery County to find some middle ground.

Many people who are advocating for this bill and this amendment believe this is already a product of a compromise that took place back in 2002. Some of the exceptions that are in the bill already were a part of that compromise then. So, as much as I credit my colleague from Montgomery County for trying to find that sweet spot--as a matter of fact, I do not know that either side of this debate ultimately agreed to any part of any version that we have seen so far.

Having said that, Mr. President, you know, obviously, there has been a lot of discussion about victims, and I certainly understand that, and that is forefront in most of our minds, if not all of our minds, but we also do not want to create new victims, Mr. President, by holding people to a higher account than what they were supposed to be. If someone has some fault here, they certainly should pay their fair share and should clearly be responsible for what they are, quote, responsible for.

But, Mr. President, I do not think that we should compensate one by taking from another who was not found by a jury to have that level of responsibility. So, I do not know that we should create new victims as a way to help current victims. Mr. President, this is not new legislation or new science. I do not need to tell you that we have been through this process a few times ourselves, but other States, about 40 States have some form of joint and several liability reform. Mr. President, those States have now lived with this for a number of years. If there was a huge problem with uncompensated victims, you would imagine that those States would go back and amend their statutes and make up for this happenstance of a number of victims being uncompensated.

In fact, not one State has gone back and undone any of the reforms which they have put into place. It appears that they feel it is working, that they are not having an issue with uncompensated victims, and so, therefore, they have let the statute alone and did not go back and reform it. There is no better evidence than that, Mr. President, those who are actually living this type of reform. I do not know where we could find better evidence that this is not going over the top.

Mr. President, I think all of us, whether we are Republicans or Democrats, whether we are from rural, urban, or suburban Pennsylvania, we all came to Harrisburg for this Session with the idea that job creation was our number-one task, that the way out of this recession was people getting back to work, people getting family-sustaining jobs that could pay taxes, which would drive revenue to the Commonwealth, would drive revenue to other places, would create wealth in our com-

munities, which would make more stable homes and stable families. That was our goal. I think we all said that. And there is no Republican or Democratic way of creating jobs. We all just try to find a way to create that climate, so that the private sector will invest in Pennsylvania.

If you look at some of these job creators, organizations such as the Pennsylvania State Chamber, the National Federation of Independent Businesses, the Pennsylvania chapter of NFIB, the Pennsylvania Manufacturers Association, and many other business groups, local chambers of commerce, this is their number one item to get accomplished this year in Harrisburg. This is what they see as a major barrier to creating jobs in Pennsylvania.

So, we are at a time when we are going through a struggle of economic development, Mr. President, because quite frankly, we do not have the revenue in State government we once had. So, our old process of subsidizing companies to come and locate in Pennsylvania, you know, we do not have that ability to do it nearly at the level that we once did. So, now we have to be who we are.

What is the business climate of Pennsylvania? Why do companies and small businessmen want to invest and grow their companies here in Pennsylvania? And again, by an almost unanimous decree, they have all said that this is a major provision to help them create jobs here in Pennsylvania, by reforming this statute and putting in a fairness system to our tort law, that this would go a long way to help them create more jobs.

If you are not spurred on by economic development, look at healthcare. Pennsylvania Hospital Association, this is their number-one issue to get done in this legislative cycle. All our hospitals are under major stress with the cutbacks and the other issues going on, the national healthcare debate that are causing stress, particularly in our high Medicaid hospitals in our urban and rural settings. This is their number-one issue. Why are they coming to the table? Because obviously, they are brought into a lot of deep-pocket type of lawsuits, and because they are hospitals, because they are large, this is the big issue to them.

So if it is not economic development, then it is healthcare, Mr. President, that these folks are all standing up and saying this is what we need to get done and get done today. So I certainly appreciate everyone's different viewpoints on this, Mr. President, but as I said, this has been around for some time, and I think for the reasons I stated - job creation, healthcare, and just setting up a sense of fairness. It is called the Fair Share Act for a reason. If you are considered to be liable for something, you should pay your fair share, but you should not pay someone else's fair share.

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

Senator ORIE. Mr. President, I heard both sides, the maker of the bill and the maker of the amendment, allude to this as a careful compromise. Whether it is or whether it is not a careful compromise, whether or not you agree with this compromise or you agree with the bill, for me this issue is bigger than that, when we are not making an exception for children in Pennsylvania. This battle should not leave children in Pennsylvania high and dry. I have spoken to supporters of the amendment, and I have spoken to supporters in favor of the bill itself. And

the question I have is, how do we leave Pennsylvania's children behind? Look at the exceptions in the bill. You have exceptions for environmental, exceptions for dram shop, exceptions for misrepresentation, exceptions for intentional torts, but we cannot afford to put in children as exceptions. And when I am referring to children, I am referring to children under the age of 18.

So I rise in opposition to the Corman amendment for only one reason, one compelling reason: the exception for children that is not provided. I have been a strong supporter of joint and several in the past, but in good conscience, without this amendment involving children, I cannot vote for the Corman amendment. I look at the children's exception from many perspectives, from a personal perspective as an aunt and as a daughter, and as a legislator and a strong advocate for children in Pennsylvania. I look at all of these exceptions that are included, and I am left with the quandary of why we cannot protect Pennsylvania's children.

I ask my colleagues to listen to just a few real-life stories of Pennsylvania's children who will be affected by this amendment, and I ask my colleagues to draw on their everyday experiences and happenings to determine whether this is the right thing to do for children in Pennsylvania. I ask you, before I read these stories, to ask yourself, if your child was faced with the wrongful death of a parent or if your child was involved in a catastrophic injury, whether you could answer this question as quickly as we are here on the Senate floor.

For example, an 8-year-old lost his father in a trucking accident. It was a rear-end collision at a highway construction site, and the car in which he was riding burst into flames. The collision happened in large part because the highway contractor was working around a blind curve with inadequate signs warning of the work ahead. The trucker had a policy of only \$3,000, which was not even enough to pay the liens. Because of joint and several for children, this child was able to obtain a future, and this child now is in college. I ask you, Mr. President, and I ask my colleagues in this hallowed Chamber, why we are excluding children in Pennsylvania.

Another example is, a 14-year-old girl was a passenger in her grandfather's vehicle which was defective because it had no shoulder belt in the rear center seat, only a lap belt. Her grandfather's vehicle was struck head-on by another motorist who crossed the center line. Because of the absence of the shoulder portion of the belt, her head hit the front seat console, rendering her a quadriplegic. The other motorist only had a \$15,000 policy. The injury was caused by both the other motorist's negligence and the defectively designed car in which she was a passenger. The Commonwealth was on the hook for her 24-hour-a-day skilled nursing care, which by trial was over a million dollars. Because of joint liability, this child was protected. Without joint liability, the car company would have pointed its finger at the other driver, who would have been off the hook for whatever percentage was apportioned to that driver. The case would have resulted in an uncollected verdict for this child.

Mr. President, I ask, why does an innocent child have to face the repercussions of what we are doing here today? And on top of that, if you are not going to protect the child, and you hear this instance where a child is a quadriplegic, why should

that fall on the burden of the taxpayers? Why can we not make an exception for children here in Pennsylvania?

Another example, a 36-year-old police officer in the city of Pittsburgh was injured in the line of duty. He had five children. His injuries were not life-threatening, but because he was immobilized, he was at risk of blood clots. He was discharged with blood thinners, even though he had chest pain and shortness of breath, and collapsed in front of his wife. Again, Mr. President, I ask, why are these five children not entitled to recover damages? These children's lives are forever changed and altered. Their lives will never ever be the same.

One of the arguments that I was told by some of the individuals is that this is creating a whole new claim for children when parents are injured, and I want to set the record straight. The Superior Court, sitting en banc, in *Steiner By Steiner vs. Bell Telephone Company*, 517 A.2d 1348, Pennsylvania Superior Court, 1986, held with only a single dissent that an injury to a parent does not give rise to derivative claims on behalf of a child. This ruling was subsequently upheld by the Supreme Court.

Mr. President, the Supreme Court rejected an argument that failure to recognize such claims on behalf of a child violates the Pennsylvania Constitution. In short, minors do not have beneficial interests merely because a parent is injured. This language is necessary because when a parent is killed, a child does not have a direct claim, nor does he have a derivative claim, either as a beneficiary of the estate. The only way you can get this is through a wrongful death action, and that wrongful death action, Mr. President, covers that child's lost guidance, tutelage, and upbringing from that parent. In this Chamber, we are going to say that that child is not afforded that right, that that child whose whole entire life has been altered, transformed, never will be the same, is not entitled to that wrongful death action.

Mr. President, I was also told that this is unconstitutional. There are 48 States that have special statutes for minors, including Pennsylvania. None of them have been declared unconstitutional, which again, reverberates as to why we cannot make an exception for children in this bill. I was also told that this would include nieces and nephews, who would be able to go after and sue on behalf of a wrongful death. That is categorically false. Even a child whose parents are injured has no direct claim except in cases of wrongful death.

The language is clear on beneficial interests, and the fact that this child is not going to be afforded that type of protection from our State causes me great consternation, it causes me great weight and worry, as well as my conscience is very disturbed by it. When you look at minors, they do not have control over their legal decisions in the same way that adults do. That is why there are enhanced protections from wrongdoers for children. That is why, like other States, we make protections for children. There is no reason, whether it was a compromise or not, that we cannot recognize that children should be protected in Pennsylvania. This is the right thing to do for Pennsylvania's children, and for us to ignore it and to get into a debate as to whether it was agreed upon or not agreed upon is unconscionable.

I would take the rights of the child over any other of these exceptions that are given in this bill or in this amendment. We

in this Chamber owe it to Pennsylvania's children to protect and shield them, and unfortunately, this amendment does not do that.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I intended to speak in response to my friend and colleague from Centre County, but I would be remiss if I did not recognize the comments of the gentlewoman from Allegheny County and the outstanding job she did laying out exactly what this legislation does and its impact on children. So I want to commend Senator Orie for very articulately telling us and explaining to us what the dramatic impact would be and asking the questions that have yet to be answered as to why we are going down this path. I want to thank the gentlewoman.

Mr. President, I also want to speak about a couple of comments raised by my colleague, specifically the comments that were attributed to me, dealing with the issue of the way I described Senate Bill No. 1131 as being a carefully crafted, negotiated document. Mr. President, it is my understanding that there were a number of participants in that process. The fact of the matter is, we would not have needed Senate Bill No. 1131 had there been a willingness by a number of parties and interests to sit down at the table and negotiate, and to not take a hard-and-fast position that it was going to be one bill and one bill only.

Mr. President, that necessitated what I believe Senator Greenleaf provided for, as I indicated earlier, a reasonable, responsible modification to the joint and several liability doctrine. That is how we ended up with Senate Bill No. 1131, not that it was crafted by only one or two parties--that was part and parcel to what took place--but it was more driven by the fact that there were parties that work in this building in various industries that were unwilling to participate in the compromise to allow us to move the process forward.

The second point, Mr. President, that I want to respond to deals with the issue of new victims. Mr. President, we are not creating new victims with the joint and several liability doctrine. The fact of the matter is, when a company or an individual goes into business, they recognize that they must operate under the laws of this Commonwealth. They recognize that they are responsible for those laws and must be able to administer what needs to be done along those lines. To suggest that a victim who is determined to be a victim and entitled to damages by either a jury or a judge would now have with them a tortfeasor, who would be viewed as a new victim, to me, is offensive.

Mr. President, we are not creating new victims in this process. We are letting people off the hook. That is what we are doing. We are allowing tortfeasors, people who are responsible for a wrong against an individual, off the hook, and we are allowing them not to be responsible. We need to make certain that individual is able to recover the damages to which they are entitled.

Let us be clear. This is a situation where you have an individual, a plaintiff who must go to court and have a finding by a judge that there were individual, more than one tortfeasor, more than one wrongdoer who is involved in this discussion.

They should be responsible to make certain that victim is made whole, and that is what this is about.

Finally, to craft this legislation as an economic generator--I suggest to you that there are a number of other bills that are in place in this Chamber that would go much further in terms of trying to create jobs in Pennsylvania. Senate Democrats, back in January and early February, rolled out our PA Works program, a series of six points, six areas that we would look at to be able to create jobs in this Commonwealth. We would create tens of thousands of jobs if this legislation would be given the opportunity to be aired in committee.

Mr. President, six points, our six-point plan. One of them was business tax fairness, dealing with the issue of the Delaware loophole. Many of the States that are creating jobs in this country provide for combined reporting. They also have a Marcellus Shale tax, by the way. But, Mr. President, I will tell you, there are a number of other things that Senate Democrats talk about in their tax fairness plan and their business development plan, increasing, for example, the sales factor and a variety of other things that we have talked about, and there will be an opportunity for us to do that.

When we look at what this legislation does in trying to create jobs, let us look to States that have a joint and several liability law in place that is similar to what is being offered today in this amendment. We all need to look to the other end of the State, to New Jersey, which, as I understand it, has a comparable piece of legislation. And guess where New Jersey is in job creation? How about 48th. The State that has the joint and several liability version we are talking about today is 48th in job creation. Where is Pennsylvania? On this same chart, we are 7th in job growth. Is this the direction we want to go? Do we want to be like New Jersey? That is where we are heading.

Mr. President, when we look at how we are outperforming this country in unemployment percentages--the rest of the country is at 9.1; we are at 7.4. This is not about creating jobs. It is about taking well-deserved, earned damages away from victims and allowing the tortfeasors and the wrongdoers to walk away from what they did.

To call this economic development flies in the face of I do not know what. It is disgusting that we are thinking about making this important issue, a doctrine about fairness, which has been around for more than 200 years, about making certain that victims are compensated when they need to be compensated, and saying it is about job growth, when we have a variety of different bills with which we could be talking about job growth.

Last week, it was an attack on women's health. This week, it is an attack on victims and children. What is it going to be about next week? I know we are coming in next week, it sounds like. What is it going to be next week? Whose rights are we taking away next week?

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Mr. President, I rise in strong support of the Corman amendment to Senate Bill No. 1131. Establishing the principle of joint and several liability in Pennsylvania has been discussed since the day I walked in this Chamber 11 years ago. Shortly after I was here, Senator Piccola and Senator Corman recruited me on a case, Crown Cork and Seal. It was an educational process. I did not know what joint and

several meant prior to that. I come from a private business background, an insurance broker. But I know this: this is long overdue in becoming law. We have passed it twice with identical language. The Corman amendment represents one of the single most pro-consumer and pro-job creation initiatives that this General Assembly could pass, and to say that it is not is, at the least, disingenuous.

This is a basic platform that we need in this Commonwealth. I have to talk about my colleague, Senator Costa, who said we are seventh in job growth. That is news to me. In every poll I have seen, we rank in the bottom 5 percent in job growth and job opportunities. So I think this is a very basic plank for what this State needs to do to get on the right track as far as creating a business-friendly environment, where people want to come and utilize the skills and training that we have right here in our backyards. We have the work ethic, but with the tort environment that we have in this State, why would you come here?

You know, this is about jobs, jobs, and jobs. To say this is not part—we have been talking all the way around it. We keep talking about uncompensated victims. Where was that 5 years ago? Where was it 7 years ago? Mr. President, all of these people who say that it is not about economic development, when they vote "no" on the Corman amendment, I want them to go back to their people and make sure that they justify their vote, when they want to talk about job creation and job opportunities. We can talk about all of the other stuff, and the victims this and the victims that. I think this needs to be done, and it needs to be done now. Thank you.

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

Senator GREENLEAF. Mr. President, I would like to first address the issue of uncompensated victims, in that if there were such a thing, the other States that did seriously modify joint and several liability would be crying out for repeal. But that is not how it works, and here in the legislature, we know how it works and how it does not work. It takes years to pass legislation. As has been indicated here, there is a very, very active group of people on both sides who are very interested in this issue, and even that has taken this long.

Can you imagine, if some other speaker said, well, you are not going to have it? When the verdict comes in, and it is not sufficient, and the division is not sufficient, they do not end up on national news, that is for sure. That just does not happen.

But we do have some statistics about that, and I will refer to Missouri. Missouri developed a plan where it modified joint and several liability, and it established a fund, which was supposed to come out of punitive damages, I believe. It started—the chart that I have started with 2001-02. Okay, so no uncompensated victims? Well, Missouri had \$61 million in claims, and do you know how much it paid out? Four million, eight hundred thousand dollars, 7.9 cents on the dollar. In 2003, it had \$6 million in claims, and it paid out \$928,000. That is 14.2 cents on the dollar. In 2004, it had \$7 million in claims, and it paid out \$100,000, 1.4 cents on the dollar. In 2005, it had \$5.4 million in claims, and it paid out \$470,000, 8.7 cents on the dollar. In 2006-07, it had millions of dollars in claims, and it paid out nothing. In 2008, it had \$4 million in claims, and it paid out \$2 million. That was the highest, 21 cents on the dollar. Then, the last we have record of is 2009,

when it had \$7 million in claims, and it paid out \$2.4 million. In total, if you take all of those years up to 2009, it paid out about 11.3 cents on the dollar.

What it points out is not the failings of this plan, but it points out that there were that many claims, not that Missouri did not pay it. That is another issue for Missouri to address, but those are the statistics where, specifically, a fund was set up which came nowhere near paying for the uncompensated victims. As was said before, you do not have to be a mathematic genius to figure that one out. If you take less money from a suit and take it away from that victim, obviously, you are going to have less money to give to that victim. We do not have to argue that much.

Job creation. As was indicated, Pennsylvania is 17th in the nation in unemployment, out of 50. It is close—1 is the top. So its unemployment rate is higher than 33 other States in the nation that have repealed joint and several liability. Many of them have repealed joint and several liability, and we have less unemployment here than in those States. So much for job creation.

If we vote against this amendment—many of us feel that there should be some modification of this doctrine, and I offered I do not know how many different versions of this. I offered a version to let the jury decide. The jury decides liability. The jury decides the comparative negligence, and it decides the division of the fault after they are determined to be negligent. Why not have the jury decide that issue? Why not have it decide who has to pay the division of the moneys? But that was not acceptable.

Then I came up with an idea about comparative negligence. The jury decides on the negligence of the individual, and then it decides how it should be divided up among those defendants. Not that they are any less responsible for the injury. They are. You cannot be found negligent in a civil case unless your negligence was the proximate cause of the injury of the victim. So let us do it with comparative negligence, too. If it is good enough to decide liability, why not do that? And that was not acceptable.

We could go on and on about the other versions and discussions. I am not going to do that and belabor this. But I will say this, that voting against this amendment does not mean we will not have a reform of joint and several liability, but that reform will be a true Fair Share Act, and that reform will be a compassionate Fair Share Act that will address children's needs, workers, people who have been injured in other areas, and they will be compensated fairly.

We will, and we should, have joint and several liability reform, but it has to be measured. All too often, we pass things without knowing what the consequences are, the unintended consequences. I have been here long enough to know that I have participated in it. And when we identify these unintended consequences, we should take steps to avoid them. So I ask, again, for a negative vote on the amendment.

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

Senator LEACH. Mr. President, briefly, this amendment is not about jobs, jobs, jobs. This amendment is about profits, profits, profits. Again, when we had hearings on this, there was a lot of discussion about how bad we were in comparison to other States that had passed similar laws, laws that did not

even go as far as the Corman amendment, but had passed joint and several liability reform, and that was going to be a big job creator. And they said, you know, Ohio and Indiana—I remember the witness said Mississippi, a strong supporter of joint and several liability reform, is a paradise now. They passed this completely egregious law down in Mississippi.

So as they were going through the States, I took the liberty of looking at my BlackBerry, and I got on the U.S. Bureau of Labor Statistics, and it turned out that Pennsylvania had a lower unemployment rate than every one of those States. Pennsylvania has a lower unemployment rate than every one of those States that passed joint and several liability reform. Now, is that because of joint and several liability? I cannot make that case. I do not have the evidence to make that case. But certainly, there is no evidence to make the opposite case, and I said that in the hearing, and someone said, oh, we will get you evidence. I will send you evidence, empirical evidence that this creates jobs. I have never received any such evidence, nor have I been able to find any such evidence that this creates jobs. There is no empirical evidence about that whatsoever.

Now, I understand that certain interest groups that support this make the claim that, oh, this will create jobs. It is easy to make that claim. I will also note that this is a claim that most of the same interest groups make about everything. We cannot have worker safety rules because that will kill jobs. We cannot have consumer protection because that will kill jobs. We cannot raise the minimum wage, we cannot have anti-discrimination laws, we cannot have a whole host of laws that protect the little guy in our society because all of them will cost jobs. And that is an argument—I have spent 6 years in the House and 3 years here—that is made every single time there is a bill that causes someone to do something they do not want to do.

So, after a while, it is like the boy who cried wolf. Where is the evidence of this? Certainly, on this issue, the fact that our unemployment rate is lower and our job creation rate is higher than States that have done this suggests that this is not some job creation panacea, and this is not about the creation of jobs.

I will also say, even if it were about creating jobs, which it is not, we never get the other half of the argument, which is at whose expense? Again, the gentlewoman from Allegheny County spoke about the children. Senator Greenleaf spoke about innocent victims. These are the people at whose expense we are creating this job creation paradise of which there is no evidence.

I will also suggest that the argument that other States have not repealed their joint and several liability laws is not valid. First of all, almost all of them are not as egregious as this one. Putting that aside, it is never difficult to support the wishes of large corporations and wealthy interests in our society. That is never politically difficult. There is no lobby for uncompensated victims. Someone could say, well, the trial lawyers support victims, but once the case is over, a verdict is in, and the victim is not compensated, there is no longer a lobby that supports that person.

Overcoming the objections of groups like the Chamber of Commerce and others is not going to be politically easy. So to say that no one has repealed this does not really go to the merits of this. I think what goes to the merits of it more is what the chairman of the Committee on Judiciary just said about one

State's experience, one State that actually passed joint and several liability reform, took some responsibility, and set up a fund to compensate victims. We are talking about \$61 million in claims. That is what happens here. That is where the actual empirical evidence is.

And I will just note, my good friend from Centre County did not engage—maybe he will if he speaks again—on the question to which I keep saying I do not get an answer, which is, who pays these people's bills? Who pays the hospital bills? Who pays the doctor bills? Who pays the mortgage? Who pays for the rehab? Who pays for the nursing? Who pays for kids' education? Who pays for that? What happens to these people? At whose expense is this done? Again, I have never heard an answer to that. Maybe one is forthcoming.

I will conclude with this: One of the interesting things at the hearing was that I asked almost all of the witnesses who supported this, what would you want to see happen if it were you? Because, unlike a lot of things we debate, where we can say, well, that is those people. This is never going to affect me. This could affect anybody. Keep in mind, this is not just about doctors or hospitals. This protects drunk drivers, this protects everybody. So any one of us could be walking out here this afternoon, get hit by a car, fall down an elevator shaft, whatever it is. Any one of us could be laying in a hospital bed, unable to work, unable to provide for our families. That could happen to any one of us.

So I ask the people, what is it that you would want the justice system to do for you? Would you want the justice system to make you whole? Would you want the justice system to make sure your bills are paid, or would you be willing to sacrifice the financial future of yourself and your family, taking comfort from the fact that Pennsylvania has a good business climate? Would that be what you would hope for from the justice system?

It was very interesting, because every single person to whom I asked that question answered it the same way. All the supporters of joint and several liability reform, they all said, well, of course I would want to be compensated, but your job is to go beyond my individual story and do what is right. And that is true, you know. Everybody in this room would want to be compensated.

I ask each of you, as you contemplate your vote, to, just for 30 seconds, put yourself in that hospital bed, put yourself in that paraplegic's wheelchair, put yourself in that situation. Think of your family, and think, what would I hope that the justice system would do for me? And I think if we are honest with ourselves, we are all going to say the same things, which is that we hope the justice system, A, gives us justice, B, gives us compensation, and, C, is fair to us, does not discard us, and does not kick us to the curb. I just ask that if you feel that way, that you vote that way.

Thank you, Mr. President.

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

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

YEA-28

Alloway	Earll	Piccola	Tomlinson
Argall	Eichelberger	Pileggi	Vance
Baker	Erickson	Pippy	Vogel
Browne	Folmer	Rafferty	Ward
Brubaker	Gordner	Robbins	Waugh
Corman	McIlhinney	Scarnati	White Donald
Dinniman	Mensch	Smucker	White Mary Jo

NAY-22

Blake	Fontana	Orie	Williams
Boscola	Greenleaf	Schwank	Wozniak
Brewster	Hughes	Solobay	Yaw
Costa	Kasunic	Stack	Yudichak
Farnese	Kitchen	Tartaglione	
Ferlo	Leach	Washington	

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

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 200 (Pr. No. 1332) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 38, SB 100, SB 117, SB 162, SB 172, SB 276, SB 354, SB 355, SB 356, HB 385, SB 391 and HB 396 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 440 (Pr. No. 2084) -- The Senate proceeded to consideration of the bill, entitled:

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

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.

BILLS OVER IN ORDER

SB 458 and HB 463 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 549 (Pr. No. 652) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for persons required to report suspected child abuse, for reporting procedure and for immunity from liability; providing for false reports of child abuse; and further providing for release of information in confidential reports, for school employees, for administration, for investigation, for responsibilities of county agency for child protective services and for investigation of reports.

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

SB 550 (Pr. No. 653) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for immunity from liability, for complaint files and for amendment or expunction of information.

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

BILLS OVER IN ORDER

HB 562 and SB 626 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 707 (Pr. No. 694) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

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

SB 709 (Pr. No. 730) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for funds of volunteer firefighters' relief associations.

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

SB 776 (Pr. No. 789) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military leave of absence, further providing for educational leave of absence.

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

SB 777 (Pr. No. 790) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 14, 1919 (P.L.18, No.9), entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public, declaring the effect thereof; validating notarial acts heretofore performed by judge advocates, and declaring the effect thereof," providing for applicability, fees, signature and title as prima facie evidence and for definitions.

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

BILL OVER IN ORDER

SB 896 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 915 (Pr. No. 1388) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL REREFERRED

SB 1007 (Pr. No. 1121) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the First Industries Program.

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

BILL OVER IN ORDER

SB 1087 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1095 (Pr. No. 1281) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing an independent informal dispute resolution process for long-term care nursing facilities to dispute Department of Health survey findings; and providing for the powers and duties of the Department of Health.

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

BILL OVER IN ORDER

SB 1100 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1127 (Pr. No. 1317) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1128, SB 1129, HB 1336 and HB 1424 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

RECESS

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

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

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

AFTER RECESS

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

COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE PHILADELPHIA
SCHOOL REFORM COMMISSION**

June 16, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 10, 2011, for the appointment of Bryan Troop, 224 E. King Street, Apt. 204, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, as a member of the Philadelphia School Reform Commission, to serve until January 18, 2014, and until his successor is appointed and qualified, vice The Honorable David F. GirardiCarlo, Philadelphia, resigned.

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

TOM CORBETT
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

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

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

**MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS**

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eric M. Lehmayer, 8 Elmwood Boulevard, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Valentino H. Pasquarella, Jr., Philadelphia, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

May 25, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karie M. Davies, 5 Cottage Hill East, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Kimberly Nesmith, Berwyn, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendy Lee Farrell, 332 East Orange Street, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Emilio Cornacchione, Pittsburgh, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elaine M. Gowaty (Public Member), 3912 Gun Club Road, Murrysburg 15668, Westmoreland County, Forty-first Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until June 2, 2012, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Tiffany Howard, Pittsburgh, forfeiture of seat.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendy Rieland, 234 Delaware Street, Glenshaw 15112, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Susanne M. Philo, Dalton, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bernard A. Labuskes, Jr., Esquire, 1711 Lincoln Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

June 2, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew J. Behnke, M.D., F.A.C.E., 130 Kerrsville Road, Carlisle 17015, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ollice Bates, Jr., M.D., Danville, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE MILK MARKETING BOARD

May 3, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lynda J. Bowman, 96 Deer Ford Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 2017, and until her successor is appointed and qualified, vice Barbara A. Grumbine, Myerstown, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA
CONVENTION CENTER AUTHORITY**

June 1, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Kroll, 778 South Front Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Michael Masch, Philadelphia, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA
CONVENTION CENTER AUTHORITY**

June 1, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Robert C. Wonderling, 855 Haldeman Road, Lederach 19450, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Gregory Fox, Rydal, whose term expired.

TOM CORBETT
Governor

**COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS**

April 4, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Katie True, 2962 Kings Lane, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve at the pleasure of the Governor, vice The Honorable Basil L. Merenda, Philadelphia, resigned.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth Lawrence, Jr., 351 Knoll Road, Plymouth Meeting 19462, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2014, or until his successor is appointed and qualified, vice Preston C. Green III, State College, whose term expired.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angela Marks, 330 Cherry Bend, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2014, or until her successor is appointed and qualified, vice Ann R. Schweighofer, Honesdale, resigned.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lee Ann Munger, 232 Ingram Avenue, Pittsburgh 15205, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2013, or until her successor is appointed and qualified, vice Marcia E. Reeves, Harrisburg, whose term expired.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mitchell J. Yanyanin, 4110 Marion Hill Road, New Brighton 15066, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2015, or until his successor is appointed and qualified, vice David A. Shipula, Hanover Township, whose term expired.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS***EXECUTIVE SESSION***

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS**

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eric M. Lehmayr, 8 Elmwood Boulevard, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Valentino H. Pasquarella, Jr., Philadelphia, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

May 25, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karie M. Davies, 5 Cottage Hill East, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Kimberly Nesmith, Berwyn, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendy Lee Farrell, 332 East Orange Street, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Emilio Cornacchione, Pittsburgh, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elaine M. Gowaty (Public Member), 3912 Gun Club Road, Murrysburg 15668, Westmoreland County, Forty-first Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until June 2, 2012, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Tiffany Howard, Pittsburgh, forfeiture of seat.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendy Rieland, 234 Delaware Street, Glenshaw 15112, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Susanne M. Philo, Dalton, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE ENVIRONMENTAL
HEARING BOARD

April 15, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bernard A. Labuskes, Jr., Esquire, 1711 Lincoln Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

June 2, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew J. Behnke, M.D., F.A.C.E., 130 Kerrsville Road, Carlisle 17015, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ollice Bates, Jr., M.D., Danville, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
CONVENTION CENTER AUTHORITY

June 1, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Kroll, 778 South Front Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Michael Masch, Philadelphia, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
CONVENTION CENTER AUTHORITY

June 1, 2011

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of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Robert C. Wonderling, 855 Haldeman Road, Lederach 19450, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Gregory Fox, Rydal, whose term expired.

TOM CORBETT
Governor

COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS

April 4, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Katie True, 2962 Kings Lane, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve at the pleasure of the Governor, vice The Honorable Basil L. Merenda, Philadelphia, resigned.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth Lawrence, Jr., 351 Knoll Road, Plymouth Meeting 19462, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2014, or until his successor is appointed and qualified, vice Preston C. Green III, State College, whose term expired.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angela Marks, 330 Cherry Bend, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2014, or until her successor is appointed and qualified, vice Ann R. Schweighofer, Honesdale, resigned.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lee Ann Munger, 232 Ingram Avenue, Pittsburgh 15205, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2013, or until her successor is appointed and qualified, vice Marcia E. Reeves, Harrisburg, whose term expired.

TOM CORBETT
Governor

STATE CHARTER SCHOOL APPEAL BOARD

April 27, 2011

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mitchell J. Yanyanin, 4110 Marion Hill Road, New Brighton 15066, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2015, or until his successor is appointed and qualified, vice David A. Shipula, Hanover Township, whose term expired.

TOM CORBETT
Governor

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

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEE

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

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

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

SB 638 (Pr. No. 1390) (Amended) (Rereported)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for definitions; and, in public assistance, providing for mileage reimbursement for individuals receiving methadone treatment.

SB 717 (Pr. No. 701) (Rereported)

An Act designating and adopting the Piper J-3 Cub as the official airplane of the Commonwealth of Pennsylvania.

SB 995 (Pr. No. 1391) (Amended) (Rereported)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in Commonwealth services, requiring that the operator of each permitted unconventional oil and gas well within Pennsylvania post certain 911 response information at the entrance to each well site.

HB 148 (Pr. No. 2144) (Amended) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, 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, for local option, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries.

HB 986 (Pr. No. 1849) (Rereported)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for powers and duties of secretary; and providing for reports.

SENATE RESOLUTIONS ADOPTED

Senator FONTANA, by unanimous consent, offered **Senate Resolution No. 149**, entitled:

A Resolution congratulating Scott Township in Allegheny County on its 150th anniversary.

On the question,
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, it gives me great pleasure to offer this resolution today. Scott Township in Allegheny County was established in 1861, and is celebrating its 150th birthday this summer. The township board of commissioners is holding a birthday bash on the Fourth of July this year so that the residents can celebrate this milestone.

Scott Township encompasses about four square miles and is situated just outside the city of Pittsburgh. It is rich in mineral resources. Early on, Scott Township was a farming and mining community. The first coal mine opened in Scott Township in 1883. Mining created one of the first job booms in the area and contributed to the township's population growth.

The township has since grown into a community of tight-knit, hardworking families. More than 17,000 people call Scott Township their home. Today, Scott Township is a modern day suburban enclave with many urban amenities, including plenty of parks and recreational activities and a terrific public school system. Representing the residents of Scott Township is a privilege and an honor, and I congratulate them and the Scott Township Board of Commissioners on its 150th anniversary.

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 SOLOBAY, BAKER, COSTA, BOSCOLA, BROWNE, FARNESE, ALLOWAY, ERICKSON, FONTANA, KASUNIC, DINNIMAN, FERLO, GREENLEAF, KITCHEN, MENSCH, ORIE, PILEGGI, RAFFERTY, SCHWANK, STACK, WARD, WAUGH, D. WHITE, BRUBAKER, PIPPY and EARLL, by unanimous consent, offered **Senate Resolution No. 150**, entitled:

A Resolution recognizing the week of June 19 through 25, 2011, as "Safety, Health and Survival Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator SOLOBAY. Mr. President, given the lateness of the hour, I will not belabor with comments that I have. Briefly speaking, this resolution is somewhat of an honor to those men and women across the Commonwealth who serve their communities and their fellow men and women across the State. "Safety, Health and Survival Week" is basically a program that has partnered with 20 other national fire service organizations.

Simply put, what this does is call on those men and women who are emergency service providers to take a little time out this particular week and look at what they can do for their own safety. Day after day, they worry about everyone else. This gives them an opportunity to look at their own well-being, and basically, fire ground survival is the focus of this week's safety program. So, I ask for unanimous adoption of 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.

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 Bill Motsavage by Senator Argall.

Congratulations of the Senate were extended to Reverend and Mrs. John Recene by Senator Baker.

Congratulations of the Senate were extended to Ana Vega, Robin Wolak, Alan Ellis, Nacci Printing of Allentown, Klunk and Millan of Breinigsville, Keystone Nazareth Bank Trust of Bethlehem, Tallman, Hudders and Sorrentino, PC, of Allentown, Kirkland Knitters of Bethlehem and to the Allentown Area Office of the Occupational Safety and Health Administration by Senator Browne and others.

Congratulations of the Senate were extended to Sister Regina Clare Donohue, Thomas Fitzgerald, Keith Johnson, Andrew Rychlak and to the coach and members of Owen J. Roberts High School Odyssey of the Mind Team by Senator Dinniman.

Congratulations of the Senate were extended to Conestoga High School Baseball Team by Senator Dinniman and Erickson.

Congratulations of the Senate were extended to Fairview Evergreen Nurseries, Inc., by Senator Earll.

Congratulations of the Senate were extended to Renee Smith by Senator Kitchen.

Congratulations of the Senate were extended to Seneca Valley Senior High School Baseball Team by Orie.

Congratulations of the Senate were extended to Janet Bush and to Alexander Colin Spangler by Senator Piccola.

Congratulations of the Senate were extended to Erin Sebastian by Senator Pippy.

Congratulations of the Senate were extended to Shawn Patrick Kates by Senator Stack.

Congratulations of the Senate were extended to William Karley by Senator Tartaglione.

Congratulations of the Senate were extended to Northern High School Baseball Team by Senator Vance.

Congratulations of the Senate were extended to Sharon Patton-Thaxton by Senator Washington.

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 Angelo Paul Grasso by Senator Baker.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, JUNE 20, 2011

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 386, 638, 717 and 995; and House Bills No. 143, 144, 148 and 986)	Rules Cmte. Conf. Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Room

TUESDAY, JUNE 21, 2011

10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 394, 401, 402 and 1130; and House Bills No. 1448, 1449, 1459, 1460 and 1461)	Room 8E-A East Wing
10:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 926, 992 and 1043; Senate Resolution No. 57; and House Bills No. 66, 145, 312, 390, 399, 438, 589, 712 917, 1173, 1219 and 1255)	Room 8E-B East Wing
11:00 A.M.	LABOR AND INDUSTRY (to consider the nomination of Julia K. Hearthway as Secretary of Labor and Industry)	Hrg. Rm. 1 North Off.
11:30 A.M.	JUDICIARY (to consider the nomination of Harris Gubernick as a member of the Board of Pardons)	Room 8E-B East Wing
12:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 10)	Room 8E-A East Wing
Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 1007; and House Bills No. 143, 144 and 440)	Rules Cmte. Conf. Room

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.
10:00 A.M.	FINANCE (to consider Senate Bill No. 1091; and House Bill No. 15)	Room 8E-A East Wing

RECESS

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

Senator BROWNE. Mr. President, I move that the Senate do now recess until Tuesday, June 21, 2011, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:53 p.m., Eastern Daylight Saving Time.