

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 21, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 43

SENATE

TUESDAY, June 21, 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 ALEXANDER MASLUK, of Saint Martha's Parish, Philadelphia, offered the following prayer:

Let us remember the holy presence of God. Let us adore His divine majesty.

Blessed are You, Lord, God of all creation. All times and seasons are of Your making. All creation is subject to Your eternal and immutable law. You alone are the source of all wisdom and authority.

As the earth prepares to embrace the warmth of summer, we ask You to bless those entrusted with the responsibility to legislate and govern. Fill them with Your all-embracing wisdom so they might respect the dignity of every person, from the first moment of their being. Provide the good things to which all are entitled, and fashion a society which proclaims Your divine justice. Allow them to hear Your gentle voice in the depths of their hearts so that all of their deliberations may be guided not by political expediency and polls, nor the expectation of accolades or reelection, but by Your loving will for all people as expressed in Your holy word.

As these servants of the people work ardently for true justice, may they be a sign of Your command, that every burden should be lifted and every obstacle to true peace be removed, until at last we all gather in the kingdom of Your glory, where You live and reign forever and ever. Amen.

The PRESIDENT. The Chair thanks Father Masluk, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 358**, **SB 360** and **SB 450**, with the information the House has passed the same without amendments.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

June 21, 2011

HB 1567 -- Committee on State Government.

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 21, 2011

Senators **STACK**, **RAFFERTY**, **SOLOBAY**, **WASHINGTON**, **D. WHITE**, **BRUBAKER**, **MENSCH**, **BOSCOLA** and **FARNESE** presented to the Chair **SB 1157**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for attachment of income, for State income tax intercept and for lottery winnings intercept.

Which was committed to the Committee on JUDICIARY, June 21, 2011.

Senators **BAKER**, **SOLOBAY**, **BRUBAKER**, **RAFFERTY**, **FOLMER**, **GORDNER**, **GREENLEAF**, **HUGHES**, **COSTA**, **MENSCH**, **ERICKSON**, **ORIE**, **SCHWANK**, **TARTAGLIONE**, **TOMLINSON**, **WAUGH**, **WILLIAMS**, **YUDICHAK**, **FONTANA**, **BOSCOLA**, **FARNESE**, **BROWNE** and **FERLO** presented to the Chair **SB 1167**, entitled:

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing orders and for child custody proceeding during military deployment; and providing for assignment of custody rights during military deployment and expedited or electronic hearing.

Which was committed to the Committee on JUDICIARY, June 21, 2011.

Senators **BROWNE**, **RAFFERTY**, **BAKER**, **ORIE**, **ERICKSON**, **FOLMER**, **PIPPY**, **MENSCH**, **FARNESE**, **BLAKE**, **SCHWANK**, **YUDICHAK** and **EARLL** presented to the Chair **SB 1170**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for sole source procurement and for competitive selection procedures for certain services.

Which was committed to the Committee on STATE GOVERNMENT, June 21, 2011.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 21, 2011

Senator McILHINNEY presented to the Chair **SR 148**, entitled:

A Concurrent Resolution adopting the population data certified by the Legislative Reapportionment Commission for use in congressional redistricting legislation.

Which was committed to the Committee on STATE GOVERNMENT, June 21, 2011.

Senators VANCE, BAKER, PILEGGI, PIPPY, CORMAN, WAUGH, RAFFERTY, ROBBINS, ALLOWAY TARTAGLIONE, ERICKSON, EICHELBERGER, FOLMER, FONTANA, GORDNER, PICCOLA, D. WHITE, M. WHITE, BLAKE, FARNESE and BROWNE presented to the Chair **SR 151**, entitled:

A Resolution urging the Congress of the United States to reconsider the establishment of the "National Museum of the United States Army" in Fort Belvoir, Virginia, and to continue the development of the Army Heritage and Education Center in Carlisle, Cumberland County, as an asset for Army outreach efforts and education of citizens on the contributions of the United States Army and its soldiers.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 21, 2011.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bills:

SB 358, SB 360, SB 450 and HB 40.

BILLS REPORTED FROM COMMITTEES

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

SB 394 (Pr. No. 378)

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for definitions and for local taxing options.

SB 401 (Pr. No. 383)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, providing for agreements with municipal authorities; and further providing for review of agreement by Local Government Commission.

SB 402 (Pr. No. 384)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Local Government Capital Project Loan Fund provisions, further providing for assistance to municipalities and for ranking of applications.

SB 1130 (Pr. No. 1320)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for purposes and powers.

HB 1448 (Pr. No. 1738)

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

HB 1449 (Pr. No. 1739)

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

HB 1459 (Pr. No. 1765)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, in civil service, further providing for promotions.

HB 1460 (Pr. No. 1766)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

HB 1461 (Pr. No. 1767)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

SB 926 (Pr. No. 1396) (Amended)

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for board composition.

SB 992 (Pr. No. 1067)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in fees, further providing for exemption of persons, entities and vehicles from fees.

SB 1043 (Pr. No. 1161)

An Act designating a bridge crossing Mill Lane in Old Lycoming Township, Lycoming County, as the Trooper Gary Rosenberger Memorial Bridge.

HB 66 (Pr. No. 30)

An Act designating a bridge on that portion of S.R. 1012 over the Lackawanna River, Archbald Borough, Lackawanna County, as the Police Chief Thomas J. Malone Memorial Bridge.

HB 145 (Pr. No. 85)

An Act designating State Route 18 in Big Beaver Borough, Beaver County, as the "Vietnam Veterans of America Memorial Highway."

HB 312 (Pr. No. 267)

An Act designating U.S. Route 62 in Mercer County as the Mercer County Veterans Highway.

HB 390 (Pr. No. 354)

An Act designating Route 202 Parkway on State Route 202 connecting State Route 63 in Montgomery Township, Montgomery County, and State Route 611 in Doylestown Township, Bucks County, as the George A. Penglase Memorial Parkway.

HB 399 (Pr. No. 365)

An Act designating the Shenango River Bridge, which carries State Route 322 over the Shenango River in Jamestown Borough, Mercer County, as the Staff Sergeant David M. Veverka Veterans Memorial Bridge.

HB 438 (Pr. No. 615)

An Act amending the act of December 18, 2007 (P.L.464, No.71), entitled "An act designating a portion of State Route 145 in Northampton County as the Battle of the Bulge Veterans Memorial Highway," further providing for the Battle of the Bulge Veterans Memorial Highway.

HB 589 (Pr. No. 573)

An Act designating U.S. Route 1 in Bucks County from mile marker 66.8 to mile marker 80.2 as the Detective Christopher Jones Memorial Highway.

HB 712 (Pr. No. 726)

An Act designating State Route 997 within the limits of the Borough of Mont Alto, Franklin County, as the Sgt. Edward W. Shaffer Memorial Highway.

HB 917 (Pr. No. 980)

An Act designating the bridge carrying State Route 2014 over the Beaverdam Branch of the Juniata River in Hollidaysburg Borough, Blair County, as the Sgt. 1st Class Daniel Lightner Memorial Bridge.

HB 1173 (Pr. No. 1279)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for metropolitan transportation authority powers relating to alternative means of raising revenue or reducing expenses.

HB 1219 (Pr. No. 1329)

An Act designating a bridge on that portion of State Route 2011 over the East Branch of Sideling Hill Creek, Monroe Township, Bedford County, as the Donald H. Clark Memorial Bridge.

HB 1255 (Pr. No. 1664)

An Act designating the bridge crossing Marsh Creek on Business Route 15, joining Freedom Township and Cumberland Township, Adams County, as the Wildlife Conservation Officer David L. Grove Memorial Bridge.

RESOLUTION REPORTED FROM COMMITTEE

Senator RAFFERTY, from the Committee on Transportation, reported the following resolution:

SR 57 (Pr. No. 1397) (Amended)

A Resolution memorializing the Congress of the United States to reauthorize a provision which would permit states to use toll credits as matching funds with Federal dollars to build highways such as the Appalachian Development Highway System.

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

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 Corman.

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 a temporary Capitol leave for Senator Corman.

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

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 9, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of May 9, 2011.

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

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

The PRESIDENT. The Journal is approved.

SPECIAL ORDER OF BUSINESS 2011 NATIONAL SPELLING BEE CHAMPION PRESENTED TO THE SENATE

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

Senator BLAKE. Mr. President, I rise to welcome some very, very special guests here to the Senate. As you may recall, in the not-too-distant past, this Senate unanimously adopted a resolution acknowledging and commending Sukanya Roy, who is an eighth-grade student at Abington Heights Middle School in my district. She is Pennsylvania's seventh National Spelling Bee champion, Mr. President. Her very proud parents, Dr. Abhi Roy and Mrs. Mousumi Roy, are here with her. I would like to ask them to stand, if they could, so they can be greeted by the Pennsylvania State Senate.

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

Senator BLAKE. Mr. President, I am going to ask Sue, as she is known by her friends, to say a few words of thanks to the Senate and to talk to us a little bit about her experience since becoming the National Spelling Bee champion.

Miss ROY. Honorable Lieutenant Governor, Senator Blake, and esteemed Members of the Pennsylvania State Senate, it is an honor to be here today, so thank you for inviting me and my family. I felt it was a privilege to represent Pennsylvania at the National Spelling Bee.

At the spelling bee, I had the opportunity to learn a lot about the intricacies of language and the networks between English and other languages. Another invaluable lesson I learned is the importance of setting goals and working diligently to achieve them. I also have many great memories from bee week. It was a privilege to represent Pennsylvania, and thank you again for inviting me here today. It is an honor to be here. Thank you.

(Applause.)

GUESTS OF SENATOR MICHAEL J. STACK PRESENTED TO THE SENATE

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

Senator STACK. Mr. President, it is a pleasure today to welcome our guest Chaplain, Father Alexander Masluk, who is pastor of Saint Martha's Catholic Church in my district, in northeast Philadelphia. Father Al has been pastor of Saint Martha's for nearly 11 years. As pastor, he led the effort to build a parish center, which was on the top of the parishioners' list.

He is a good public official. He knows that when his constituents want something, he delivers it. So he started that in 2002 and, after a lot of hard work and taking a very strong leadership role, the parish center was dedicated in 2004. Today, parishioners enjoy the center's gymnasium, professional kitchen, seminar room, and storage facilities. The youngsters enjoy the state-of-the-art basketball court, and the seniors no longer have to navigate stairs in order to meet. I can tell you from personal experience that they have a great seniors group there, Mr. President. It is also the voting location for the community. In addition to the church and elementary school, the parish center is just one more way that the Saint Martha's community can gather together.

So I want to thank Father Al for his efforts to help make northeast Philadelphia a great place to live. I am so pleased that he could join us here today and offer blessings on the Senate floor. He is also here with his youngish-looking father. We want to welcome them both. I ask my colleagues to extend their usual warm welcome to Father Alexander Masluk and his dad.

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

(Applause.)

GUESTS OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

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

Senator McILHINNEY. Mr. President, it is my pleasure to introduce guests of mine today, Drew Ferrara and Connie Kaminski. They have lived in Bucks County for more than 35 years. Drew and Connie are very successful in their real estate careers and are both Re/Max agents based in the quaint, historic town of Yardley Borough. They continue to win awards for their high levels of production. While real estate does occupy most of their time, they do enjoy spending time with their combined total of eight children and one grandson, along with traveling into Center City Philadelphia and Atlantic City, New Jersey, for fun. Please join me in giving my guests a warm Senate welcome.

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

(Applause.)

GUESTS OF SENATOR DONALD C. WHITE PRESENTED TO THE SENATE

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

Senator D. WHITE. Mr. President, each year, I sponsor "There Ought To Be A Law" contest for students in elementary schools in the 41st Senatorial District. Since I started this program in 2001, I have received hundreds of great proposals. It is truly amazing how insightful these young people have proven to be, as they have detailed some great issues for legislative consideration. Past winning suggestions for laws have included propos-

als for children's healthcare, giving veterans a day off on Veterans Day, mandatory seatbelts on school buses, and mini-license plates for bicycles. In fact, there have been a number of occasions where it was extremely difficult to pick the very best entry. This year, it was impossible.

This year, we have three students sharing the award, MacKenzie Anderson and Olivia Rayanne McGarry of Curwensville, and Meghan Dressler of Coral. They are in the gallery today. Each of these young ladies wrote an amazing essay on a similar topic, and it is only fair that they all be honored. Their suggestion that welfare and Medical Assistance recipients should undergo drug testing is a topical issue and truly worthy of this body's consideration.

MacKenzie is 11 years old and was a fifth-grade student at Curwensville Area Elementary School during the last school year. She enjoys softball, swimming, bike rides, and volleyball. She is accompanied by her parents, Andrew and Jennifer Anderson; and her sister, Macey.

Olivia, age 11 and also a fifth-grader at Curwensville Area Elementary School, enjoys band, choir, karate, basketball, softball, and Girl Scouts. She is accompanied by her mother, Tania McGarry; and her sisters, Emily and Haley.

Meghan, age 12, was a sixth-grade student last year at Homer-Center Elementary School. She is involved in band, chorus, and art club, and is accompanied by her parents, Mark and Patricia Dressler; and her brother, Cody.

I ask the Senate, especially since I do not have many guests visit here, Lieutenant Governor, as you know, to extend its usual warm welcome to MacKenzie, Olivia, Meghan, and their families. Thank you very much.

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

(Applause.)

GUEST OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, I want to introduce one of my interns, who is with us here today, an exceptionally good student named Tracy Fiedler. She has been working with me and is doing an excellent job. She is actually a resident of Senator Brubaker's district in New Holland, PA, in the heart of his district. I ask that we give a warm welcome to Tracy Fiedler, a student at West Chester University.

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

(Applause.)

GUEST OF SENATOR MICHAEL W. BRUBAKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, it is a privilege of mine today to introduce Jillian VanBelle, a student at Penn State Dickinson School of Law, who is starting her third year there. She is currently working as an intern in my office in Lititz. She

also serves in the Air National Guard, where she is a staff sergeant in special operations. Jillian is from Lancaster County. It is my honor and privilege to introduce her to the entire Senate.

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

(Applause.)

GUEST OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, it is a privilege for me to introduce Hilary Flack, who is interning in my Dallas district office this summer. Hilary is a student at Colgate University studying English and political science. She is the daughter of Hal and Jean Flack of North Moreland Township in Wyoming County.

Hilary's great-grandfather served three terms as a Member of the Senate of Pennsylvania from the 20th Senatorial District, as well as a term as our Senate librarian. Ironically, I occupy the same chair in which her great-grandfather sat when he was a Member of our Chamber.

So I am pleased to recognize Hilary, and I am sure that her great-grandfather would be very proud to know that his great-granddaughter is serving the constituents of the 20th Senatorial District. I ask my colleagues to offer a warm welcome to Hilary Flack.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, I am not sure if it was the rain in spring or not, but this year has been a bumper crop for interns, and I have two to introduce today.

First, I would like to introduce to the Senate, Anthony Gasparro, who is currently interning in my Pennsburg district office. Anthony is currently attending Montgomery County Community College and will be graduating in August with an associate's degree in liberal studies. After that, he plans to take courses through the University of Phoenix to receive his bachelor's degree in business management. Anthony has taken this internship to broaden his skills and learn the mechanics of legislative government. He also likes to keep busy by working and taking summer classes. He enjoys cars, fishing, and his huge circle of friends.

I would also like to introduce to the Senate, Sarah Stroman, who is also currently interning in my Pennsburg district office. It is a small office, a very close-knit family this summer. Sarah recently graduated from Millersville University with a bachelor of arts in government and political affairs and a minor in international relations. Last summer, she interned for a member of Parliament in Ottawa, Canada, which fueled her passion for governmental affairs. Sarah hopes to gain more experience through her

internship in Pennsburg; as well as attend graduate school in the near future. She enjoys horseback riding, playing ultimate frisbee, and rock climbing in her spare time.

Mr. President, let us give a warm Senate welcome to my two interns.

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

(Applause.)

GUESTS OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE

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

Senator ORIE. Mr. President, I would like to introduce two young ladies who are very accomplished and were visiting the Capitol all day today, but because of time constraints, both of these young ladies had to get back to Butler County.

Sidney Rasp is the Butler County Dairy Princess. She attends Seneca Valley Senior High School. She lives on a dairy farm in Forward Township, and is interested in pursuing dairy science.

Miranda Lutz is the Butler County Alternate Dairy Princess, and lives on a dairy farm in Jackson Township. She attends Seneca Valley Senior High School, and is also interested in joining the Navy.

Sidney Rasp will be participating in September for the Pennsylvania State Dairy Princess title. We wish her the best of luck. I ask my colleagues, despite the fact that these two fine ladies had to leave because of time constraints, to give them a warm Senate welcome, especially from my colleagues, Senator Rafferty and Senator Gordner.

The PRESIDENT. We all welcome the guests of Senator Orie.

(Applause.)

GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

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

Senator TOMLINSON. Mr. President, I rise to ask this body to recognize a former colleague of ours, former State Representative Tom Corrigan, from the 140th House District in Bristol Borough.

Tom is retired now, but is still a lifelong friend and enjoys company. We had a great relationship, as one of the Members in the House I served with, I served in the House and in the Senate with him.

He is in the gallery with his grandchildren, Annie Corrigan and Nicholas LaRosa, today, so that they can enjoy this beautiful building and see how the legislative process comes along. I ask the Senate to give Tom Corrigan and his grandchildren a warm welcome.

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

(Applause.)

RECESS

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

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

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

Senator COSTA. Mr. President, the Senate Democrats will meet in the rear of the Chamber upon recess.

The PRESIDENT. For purposes of 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 LEAVE

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

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tartaglione has returned, and her temporary Capitol leave is cancelled.

CALENDAR

THIRD CONSIDERATION CALENDAR

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

HB 148 (Pr. No. 2144) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for 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.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

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.

BILL AMENDED

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 third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

RECONSIDERATION OF SB 200

Senator COSTA. Mr. President, I move to reconsider the vote by which the bill was agreed to on third consideration.

The motion was agreed to by voice vote.

And the question recurring,
Will the Senate agree to the bill on third consideration?
Senator COSTA offered the following amendment No. A3517:

Amend Bill, page 2, by inserting between lines 6 and 7:
(4) A licensed physical therapist trained in the evaluation and management of concussions.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

BILL OVER IN ORDER

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 388 (Pr. No. 1388) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

Senator VANCE. Mr. President, very briefly, this bill will mandate that dentists have malpractice insurance. I was amazed to find that although physicians, physician assistants, certified nurses, midwives, and other healthcare professionals all have to carry malpractice insurance, dentists do not.

This occurred in Berks County. The late Senator O'Pake was working on this. So, I have sponsored it, but I ask everyone to vote "yes" because it is really something that needs to be done.

Thank you, Mr. President.

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

Senator SCHWANK. Thank you, Mr. President, and thank you, Senator Vance, for remembering Senator O'Pake. I want you to know that some of the individuals who spurred this partic-

ular legislative package happened to come into our office, and I have spoken with them. They will be very happy to know that we have made a step forward in resolving this. So, I thank you, and I hope that everybody will support this.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

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

LEGISLATIVE LEAVE

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

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

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

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

AMENDMENT OFFERED

Senator WOZNIAK offered the following amendment No. A3513:

Amend Bill, page 1, line 7, by inserting after "COMMISSION":
and for the number of horse racing corporations

Amend Bill, page 1, lines 13 through 15, by striking out all of said lines and inserting:

Section 1. Sections 201(a) and (b) and 205(b) of the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, are amended to read:

Amend Bill, page 2, by inserting between lines 25 and 26:

Section 205. Number of horse racing corporations.

(b) No more than [five] six corporations shall be licensed by the State Harness Racing Commission to conduct a pari-mutuel meet or meets. No corporation licensed under this act to conduct thoroughbred horse racing with pari-mutuel wagering or under the act of December 11, 1967 (P.L.707, No.331), referred to as the Pennsylvania Thoroughbred Horse Racing Law, shall be licensed to conduct harness horse racing with pari-mutuel wagering.

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

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

Senator WOZNIAK. Mr. President, this year, I have been doing really well with amendments here on the Senate floor, and I do appreciate the representative democracy that we have that allows us to have our say. But I just might linger a little bit, because this potentially could be a billion dollars of private sector investment.

I am offering this amendment that frees up, or creates, rather, another harness racing license in Pennsylvania. Please indulge me a little bit, so that I can give you a little history of where we are. Under the gaming legislation that passed a number of years ago, we created a harness racing license in Lawrence County, not because the private sector preferred it to be there, but because political positioning placed it there. The gentleman who wrote that language in statute, in the harness racing bill, is now temporarily sequestered in Somerset County.

During that time, there was an attempt to purchase the land necessary to put what was to be a racino in Lawrence County. The winning corporation went by the name of Centaur. It purchased property--I guess off of a farmer--and then made some side deals with some other investors so that they could get complete control over the land to create this racino. They went bankrupt.

During that time, it was pretty evident that that area was not going to be conducive to any kind of gaming, any type of casino, or even to be able to come up with the money to build a race-track. The Harness Racing Commission said, well, we will see. We will put it out on bid. A company that had an interest in the racino, but also actually had an interest in moving it elsewhere, put out a bid with an assumption that, perhaps, once they had control of that license, they could move it.

Obviously, the county commissioners, the State Representatives, and the State Senators in that area are not in a political

position to allow that license to be moved. Nothing will be built there, by all economic indicators. The casinos have indicated that it is not an area where they will invest. So what I am doing now is asking for the support of my colleagues in Pennsylvania to allow another license to be secured by the Harness Racing Commission to allow the private sector—let me repeat this, the private sector—the industry itself, to make a determination where a racetrack will be marketable and where it will be financially feasible to attract a casino. These investments are not inexpensive. They cost over a half-billion dollars to develop a full racetrack, and another half-billion dollars to develop a casino. Add to that the entertainment venue of a hotel, night clubs, et cetera, that grow up around it, and you have a huge economy of scale.

We passed gaming to create money for property tax reduction, to save the horse track industry, particularly the harness racing industry, and to create thousands upon thousands of construction jobs and thousands of permanent jobs. In every place that a racino was put up, every place that a casino was put up, it has done exactly that. There are now two places in Pennsylvania that were placed there politically, not by private industry, both of which I would like to see released. One is in Philadelphia, and that is a freestanding casino, and it should be released to wherever the private entities that have that interest would like to put it; and the other one is at Lawrence County raceway.

But because we understand the politics of both of those, we can make a change to this one and put a freestanding license out there to allow the private sector to attract it. It is the right thing to do, and I am asking for that amendment. The maker of the bill, my good friend from York County, complains that there are two harness racing track commissioners from the same county. He saw a wrong, and he is trying to right it. What I see is a wrong, and I am trying to right it.

Perhaps the area of interest in my area, the window of opportunity is gone, and I will accept that. But we should allow the private sector to determine where those opportunities are. Mr. President, this amendment potentially has a multibillion-dollar private money price tag attached to it. I understand this is mired in politics, but it is about time that we move forward, because I know, and I think most people here know, that track in Lawrence County is never going to be built. A casino is not going to be placed on it. Those billions of dollars, or a billion dollars, will not be created. Those thousands of jobs will not be realized. Let us give an opportunity out there. Come on, folks. Let us vote for what is right, not for John Wozniak, but for Pennsylvania and private investment.

Thank you very much, Mr. President. Obviously, I would appreciate an affirmative vote.

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

Senator WAUGH. Mr. President, before I begin, I would just like to express my sincere admiration and collegiality for the good gentleman, Senator Wozniak. Before I begin, I have to say that. But, folks, here we go again. You know, I did not introduce this bill intending to get into another elongated discussion—Senator Wozniak mentioned a number of these terms, Mr. President—on billion-dollar deals, casinos located all over the State, and politics. He mentioned all this as he went through. He kind of made my case for arguing against this amendment.

My bill is pretty simple. It does something that we do in any number of other boards and commissions in this State, and that

is to require diversity. It is not unusual, on boards and commissions here in the Commonwealth, to require that a person be of a specific geographic region. I think that is a good thing, because it gives boards and commissions a different view and perspective from a regional basis. That is all my bill is intended to do, to create a requirement that the State Harness Racing Commission be made up of individuals from different regions of the State.

Because it is a harness racing bill, the good gentleman from Johnstown elected to inject billion-dollar deals, big-time politics, and casino racing into it. There is absolutely no reason for that to be a part of our discussion today, except that there is an ongoing feud amongst big dealers, big politicians, and big-time money people who are involved in that industry to try to change something that our State is working through in the legal, formal process, and that is to scrutinize and potentially authorize a harness racing track out in the western part of the State.

I have no dog in that fight in my bill. All I am looking to do is to follow a procedure that we have created, again, on a number of other boards and commissions, to require that a diverse makeup be the complexion of that board. I am not interested in creating a full-blown discussion and debate on harness racing, big gambling, big money, and big politics.

So take a look at the amendment, take a look at my bill, and make your decision. I rise today to ask for a negative vote on the good gentleman, Senator Wozniak's amendment. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, I rise to echo the sentiments of my colleague, Senator Waugh. I understand the frustration that Senator Wozniak has with the lack of speed with which the Lawrence County racetrack has progressed. The truth is that this project is now expected to move swiftly, and much of the support work has already been completed. We expect positive news very soon, and the parties involved have indicated that they will move quickly to get this project completed. An affirmative vote will be a vote against jobs and will needlessly delay property tax reductions for the homeowners of Pennsylvania. I ask for a negative vote on the amendment. Thank you.

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

Senator WOZNIAK. One last time, Mr. President.

One, I respect each and every one of my colleagues out there. What I brought about was an opportunity, perhaps it is out there, but this amendment does not do it. All this amendment does is allow the State Harness Racing Commission to issue one more license in Pennsylvania. Is that too much to ask?

All of the other things that I brought up are potential, and they are "maybes" and they are "perhaps." All we are asking is to allow the State Harness Racing Commission to have one more license. If the gentleman from Lawrence County is correct, and that racino is moving at a fast pace, on which I have other opinions, then this sixth license will never, ever, ever, ever, ever be issued, and it becomes a nonstarter.

It has nothing to do with the billions of dollars that might be made at this point in time. It is just this little snapshot, that we are giving an opportunity, if certain things do not work out, we have a vehicle to put in place where they might. This is not that tough of an issue. This has nothing to do with trying to bother anybody else, but rather opening up, once again, to the private sector, if they want to.

If Lawrence County is successful, by darn, then this is a moot issue. But if it does not work out there, we are still locked in the statute in a nonstarter, and this opens it up. Please, open up your minds, take off the political blinders, and let us do what is right for Pennsylvania. Thank you.

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

Senator WAUGH. Mr. President, once again, I ask Members to look at the amendment and realize that it, as the gentleman from Johnstown indicated, would create a new harness racing track facility license in our State. That is not a simple thing. We spent many months, years, for that matter, debating the issue of the number of racetracks, how to go about licensing them, how to go about reviewing them.

So, it is not a simple thing. It is a big deal. It is increasing the number of track licenses in this State by one. Today, we only have five. So, think about that before you vote.

Secondly, why would we even consider expanding the number of racing facility licenses when, in fact, today, we have one license that is not even exercised. It is the one that caused this dispute in the first place. We have one license that is still under review, and there is no track that uses it.

So, again, I disagree with the gentleman's proposal today. Back to my original bill, it is not about politics, it is not about casinos and money and gambling. It is about diversity on a board that makes decisions for the harness racing industry in our State. Thank you very much.

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

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

YEA-16

Blake	Dinniman	Kasunic	Tartaglione
Boscola	Ferlo	Leach	Williams
Brewster	Fontana	Schwank	Wozniak
Costa	Hughes	Solobay	Yudichak

NAY-34

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

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

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

It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 915, HB 960 and SB 1000 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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-33

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

NAY-17

Blake	Fontana	Schwank	Wozniak
Brewster	Hughes	Solobay	Yudichak
Costa	Kasunic	Stack	
Farnese	Kitchen	Tartaglione	
Ferlo	Leach	Washington	

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

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

SB 1131 (Pr. No. 1389) -- 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.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator CORMAN. Mr. President, I will be very brief, because we spent a lot of time on this bill last night, and I think we would just be rehashing the same arguments. I would like to remind everyone that this is a bill that passed this Chamber twice before. It is a bill that, in various forms, is in statute in 40 different States around the country, so it is certainly not new territory that we are plowing today.

Mr. President, this is a bill that has been identified by every business organization of which I am aware in the State as the number-one priority to help them create jobs in this Commonwealth. This is a bill of which the healthcare organizations have been strongly supportive to help them keep viability in their communities. This is a bill that is named the Fair Share Act, to establish fairness for people as they go through this tort system.

So, Mr. President, I know there are a lot of viewpoints on this issue, and I respect them all. Everyone is certainly entitled to their opinion on where to go with this initiative, but I will say, again, that this is not new ground we are plowing. I certainly am a big believer--when you talk about legal reform, everyone is for legal reform until you are the victim, and I certainly understand that. But, as I mentioned yesterday, all of these other States have gone through this, and none have had the problem of uncompensated victims where they have gone back and changed the tort law that they put into place. I think that is the greatest evidence, that you can have fairness, as this bill now allows, and at the same time, still rightfully compensate victims for any wrongdoing that may have happened to them.

So, Mr. President, I ask for an affirmative vote. Move this bill to the House, so it can move through it and get it to the Governor, and we can finally, after 8 or 9 long years, establish this new tort law in Pennsylvania.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will be brief on the issue. As Senator Corman indicated, we had a lengthy debate yesterday, and the issue really has not changed, except for today's final passage. I feel compelled, however, to comment on a few things that were stated by my friend and colleague, for whom I have great respect.

To indicate that this is a fair bill, I think, mischaracterizes the unique nature of the impact of this legislation. At the end of the day, this legislation will harm victims, victims who are entitled to receive benefits and damages as a result of a jury or a judge determining that tortfeasors or wrongdoers are obligated to pay resources to that individual. At the end of the day, it will result in victims not being fully compensated.

In my book, Mr. President, that is not fair. That is not fairness in terms of any type of doctrine that we could talk about. Fairness would allow the victim to recover fully under all circumstances.

With respect to the economic impact this legislation has, we stated yesterday that we do not believe this is an economic-generator piece of legislation. Senate Democrats have put forth a number of pieces of legislation that we truly believe are economic generators and will create and retain jobs in this Commonwealth, and we stand ready to have those conversations. But to suggest that this is something that is going to create jobs in this Commonwealth--when we look at all of those States that have similar language, clearly, they are not creating jobs in those States. I would stack Pennsylvania up against any one of those States that have this language and measure the job creation that has taken place, and the results will be that Pennsylvania is currently doing much, much better than those States.

We recognize that there needs to be reform to the tort system, and we support that. We supported the Greenleaf version in Senate Bill No. 1131 and Senate Bill No. 500, but that is not what we are voting on today. So, I ask my colleagues to cast a negative vote on this important piece of legislation.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, I did not speak on this issue yesterday, and I ask my colleagues' indulgence. I am not going to belabor the substantive points of the legislation. Those arguments were made back and forth yesterday by many folks who can do it more articulately than I.

If I may, what a legislative body chooses to pursue in any legislative Session says a lot about that body's priorities. I have spoken many times throughout this budget season about what I believe our priorities should be and, at times, unfortunately, where this Chamber's priorities seem to be going. There is no question that over the last week and a half, this legislative body, through its choice of which legislation to bring about, has targeted people - has targeted women, has targeted folks, in the early part of this budget season, who could not afford medical coverage, to take them off; women who depend upon access to reproductive healthcare across the Commonwealth--

POINT OF ORDER

Senator CORMAN. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator CORMAN. Mr. President, we are debating Senate Bill No. 1131, which I believe deals with legal reform issues, and although the gentleman's comments may be appropriate for Petitions and Remonstrances, I do not know that the topic of abortion is appropriate for this bill. I think the rules of the Senate ask him to keep his comments to the bill. Thank you.

The PRESIDENT. The gentleman's point is well taken. Senator, please narrow your focus.

Senator FARNESE. It is certainly well taken, Mr. President. Of course, I, too, would not want to discuss a legislative agenda that goes down that road. But this bill that we are talking about right now follows suit. It is yet another attempt, this bill today--my colleague has reminded me what is on the agenda--this bill that is before us right now does exactly what previous legislative agendas have done: it hurts people.

It does not create an economic boom. It does not create jobs. It puts people in a position where they can be hurt, where their quality of life can be destroyed, and where government does nothing to make their lives better.

So I say, as we move forward and vote on this today--and we know how this is going to go down--there is no question that each and every vote that we make in this Chamber, the one issue that is germane to every one of them, whether it is a healthcare vote, whether it is joint and several liability, but the one issue, Mr. President, which is germane, which must be discussed, which is, to quote, part and parcel to everything that we do in this Chamber, is a question of, does this legislation make people's lives better? Because that is the only question that is truly germane, part and parcel, and indispensable to everything that we do here.

I do not know, no matter how you slice it, no matter what you call it, no matter how you pull it apart and repackage it, this bill does not make people's lives better. It does not help people. It does exactly what the previous legislative agenda has done: it hurts them.

So again, Mr. President, I ask for a "no" vote. If you truly, truly want to create economic opportunity, to create jobs and put people back to work, vote "no" on this, sit down and talk about the Senate Democrats' PA Works program, because that is the way to put people back to work.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, in addition to the comments made by my colleague, the previous speaker, I also rise to ask for a negative vote. We are in a situation where we, historically, have tried to achieve a level of balance, if you will, with respect to the individual, and in this case, a level of balance to the corporate citizen. Unfortunately, the compromise that had been attempted under the leadership of Senator Greenleaf and Senator Leach did not win the day yesterday, and so, consequently, we are forced to vote on a bill that clearly imbalances this balance that we sought for decades, if not centuries.

The victim in this process loses, and the corporate citizen, the business citizen, wins. The victim loses, the corporate citizen wins, and now there clearly is an increasing imbalance as we

look back on recent issues and as we attempt to go forward, with respect to trying to make sure that the little guy, if you will, is protected in this process. Clearly, in this legislation, the little guy loses protection. He loses security, he or she loses the opportunity for redress. They lose the opportunity to become whole in a process of dispute.

That is not what we were sent here to address--trying to make sure that there is balance, and to make sure that the individual who is in many cases victimized, in many cases hurt or lamed by the abuses of the larger citizen, that they get an opportunity for redress in a court of law. Senate Bill No. 1131 does not provide for that redress. Unfortunately, this bill provides for a greater imbalance in the system that disadvantages the average person across this State.

Some have argued, inaccurately, that laws like this only respond to a lack of job creation and performance in the Commonwealth. Well, if you look at the numbers, if you look at the statistics, Pennsylvania's job growth clearly outpaces the rest of this nation. In fact, with respect to the unemployment rate, it is 1.5 points lower than the national average. We have been charging forward through smart economic policies in a system that has worked so far to make sure that people have access to work, to make sure that jobs are created in this Commonwealth, so people can feed themselves, their families, and enjoy, hopefully, a fruitful life in this Commonwealth.

So, to say that this legislation is created to respond to a disadvantage that exists in Pennsylvania with respect to economic growth, I think, is mistaken, is wrong, is not borne out by the statistics. What this bill does is further an imbalance in the judicial system against the little guy, the little woman, the victimized individual, and creates a greater advantage for those who already have a significant advantage.

Mr. President, I ask for a "no" vote on this bill. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I was not going to engage in debate on this issue. Senator Corman and others have done a very admirable job in advancing this particular cause, which is well over a decade old, both specifically with regard to joint and several liability, and also generally with regard to the need for more tort reform in this State. However, Mr. President, the remarks coming from the other side of the aisle caused me to come up and speak generally about the topic that has been raised.

I agree with the gentleman from Philadelphia, who spoke that the bills that are brought forward in a legislative body do, in fact, highlight the priorities of that body. However, my interpretation of the priorities are different than his. Yes, we are targeting people, but last week and in the previous weeks, we did not target women to be harmed, we targeted women to be saved from the ravages of an unregulated abortion industry in this State.

POINT OF ORDER

Senator COSTA. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator COSTA. Mr. President, this is a substantive discussion about Senate Bill No. 1131, as the gentleman chastised us earlier. Our Members on this side of the aisle complied with the Chair's ruling that our conversation be limited to that, so I ask that the conversation be limited to Senate Bill No. 1131.

Thank you, Mr. President.

The PRESIDENT. The gentleman's point is well taken. Senator, reserve your comments to Senate Bill No. 1131, please.

Senator PICCOLA. Mr. President, I consider myself chastised. Thank you.

Senator COSTA. Happy to do so, Mr. President. Thank you.

The PRESIDENT. The gentleman may proceed.

Senator PICCOLA. Mr. President, this bill targets the taxpayers and the workers of this Commonwealth. Now, the gentleman says that, well, we are in good economic conditions compared to some of our neighboring States because we do not have tort reform. Well, I would submit, Mr. President, we are in relatively good shape because we have something called the Marcellus Shale, which is progressing dramatically, and some would have us tax that out of existence. But, what we need to do in this State, to revive ourselves, is to do what Texas has done, and enact not just joint and several, but more tort reform, like caps on economic damages. Anybody who looks at the State of Texas realizes that when it enacted tort reform, it revitalized its economy.

Mr. President, we are talking about the civil justice system, when two parties have a dispute about negligence and liability. It is not a welfare system. Everybody who is injured as a result of an accident is not necessarily entitled to full recovery. That has never been a principle of law. They are entitled to recovery against the person who is found to be liable, and in the percentage to which they are liable. That is what this bill says, pure and simple.

Civil justice. Justice is fairness, fairness to the two or multiple parties that are involved in a legal dispute, and the percentages that are set forth in this bill enunciate what fairness is. Fairness is not, if you are a handful of a percent liable, that you could be responsible for paying 100 percent of the damages. That is not fair, and that is what we are doing in this bill, changing what we perceive to be the definition of fairness.

If you think the civil justice system is a welfare program, where everybody gets everything they are asking for, then vote against this bill. But that is not what civil justice is all about. Civil justice is about fairness. This bill is about fairness. I urge a positive vote.

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

Senator COSTA. Mr. President, I would like to respond to the gentleman from Dauphin County, with respect to the concept of fairness. I remind everyone that the concept of joint and several liability, as part of our civil justice system, has been around for centuries. It has been around for quite a long time, and we are trying to make a very significant change to it.

At the end of the day, our belief is, and the Members who are voting "no" on this bill believe, that every victim who has been determined to be wronged, either by one or more than one tortfeasor or wrongdoer, should be able to collect against damages awarded to them, not because they asked for them as part of a welfare system, but because either a jury or judge determined that they were entitled to those benefits. They were entitled to those rewards. That is where it needs to be.

The gentleman from Dauphin County can flip his arms as much as he wants, but the fact of the matter is, that is a fact. We are not going to flip our arms to the people of Pennsylvania who are going to be harmed by this legislation, the victims who have been awarded damages. We are not going to flip our arms and

say, forget you. We are going to fight and defend those folks. With respect to the concept of this whole discussion, at whose expense are we going to provide those big corporations the ability to not have to pay their fair share? That is all we are asking, as it relates to the victims, that they be compensated.

The whole bottom line is, at whose expense will these folks be able to get off the hook? We are not going to flip our arms to the people of Pennsylvania, the victims in this Commonwealth, who will suffer detrimentally because of this legislation. We are going to stand up and fight for those folks. It may not happen today. We may lose this battle today, we likely will, but someday this issue will come back to roost, and a lot of us will be impacted by it.

Thank you, Mr. President.

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

Senator GREENLEAF. Mr. President, I was not going to speak on this issue because I know what the votes are, but I think I have to address some of the issues that have been raised. In regard to a welfare program, this program will be a welfare program. It is already a welfare program with the way it is structured now, and it will be more of a welfare program. In every State where there has been a change in joint and several liability, the Medicaid claims have gone up. That is a welfare State. Medicare is a welfare program. That is not just a statement, that is a fact.

In regard to fairness, mentioning a 1-percent-at-fault defendant paying 100 percent of the verdict, that has never, ever happened in Pennsylvania. There has been some folklore around this Chamber, around this Capitol, which have said that 1-percent defendants have paid 100 percent of the verdict. That has never, ever happened in Pennsylvania, and that is not a legitimate fairness argument.

In addition, in regard to Texas, I would like to see the study that says just tort reform changed the Texas economy. I would like to see that. I know that in Pennsylvania, the predictions are that joint and several repeal will not reduce the premium rates, that this line of insurance is robust and profitable. In fact, the insurance companies have said that they are not going to reduce premiums.

In fact, as was discussed here yesterday, Pennsylvania is only 17th in the nation in regard to unemployment. These other States that we point to as being so prosperous because they repealed joint and several liability, that is not going to happen. You know, if you think that we are going to repeal joint and several liability and turn into Nevada, that is not going to happen at all, I can guarantee that. This will be a welfare State if we pass this legislation. It is unfair, and it is basically not a program that we want. It is going to cost the State more money. It is going to cost the State hundreds of millions of dollars in additional claims for the Medicare program.

And the question recurring,
Shall the bill pass finally?

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

YEA-32

Alloway
Argall
Baker

Earll
Eichelberger
Erickson

Piccola
Pileggi
Pippy

Tomlinson
Vance
Vogel

Boscola	Folmer	Rafferty	Ward
Browne	Gordner	Robbins	Waugh
Brubaker	McIlhinney	Scarnati	White Donald
Corman	Mensch	Schwank	White Mary Jo
Dinniman	Orie	Smucker	Yaw

NAY-18

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

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

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

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION
REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER

SB 638 and SB 995 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

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

BILL ON SECOND CONSIDERATION

HB 385 (Pr. No. 349) -- The Senate proceeded to consideration of the bill, entitled:

An Act adopting the Honor and Remember Flag as an official flag to recognize and honor fallen members of the armed forces; and imposing duties on the Department of General Services.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 386, 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

SB 458 (Pr. No. 1299) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, updating and modernizing certain terminology.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 463, HB 562, SB 626, SB 717 and SB 896 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 986 (Pr. No. 1849) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1087 and SB 1100 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1128 (Pr. No. 1321) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 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.

BILLS REPORTED FROM COMMITTEE

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

SB 1007 (Pr. No. 1121) (Rereported)

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

HB 143 (Pr. No. 317) (Rereported)

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for split-off, separation or transfer, leasing for wireless service, utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane, utilization of land for commercial alternative energy generation, death of landowner and temporary leases.

HB 144 (Pr. No. 2165) (Amended) (Rereported)

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for land devoted to agricultural use, agricultural reserve, and/or forest reserve and for utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane.

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

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.

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 Mr. and Mrs. William Beecham, Mr. and Mrs. Lewis Lee and to Mr. and Mrs. Jerver Fernandez by Senator Baker.

Congratulations of the Senate were extended to Paula Roberts by Senator Boscola.

Congratulations of the Senate were extended to Nickelaus Ryan Engle by Senator Corman.

Congratulations of the Senate were extended to John D. Milner by Senator Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Chris Hanley by Senator Greenleaf.

Congratulations of the Senate were extended to Bernard Hopkins by Senator Hughes and others.

Congratulations of the Senate were extended to Berkley Zions and to Laura Bechtel by Senator Mensch.

Congratulations of the Senate were extended to Corey Donavin Hodge by Senator Pileggi.

Congratulations of the Senate were extended to Trooper Harry S. Gustafson, Jr.; Robert Rock, Mary Elizabeth Colombo and to Living Independence for the Elderly Lawrence County by Senator Vogel.

Congratulations of the Senate were extended to Tyler Allshouse by Senator D. White.

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

Congratulations of the Senate were extended to Joseph Young and to Vanita Young by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. William McKissick, Jr., and to Mr. and Mrs. Robert Wenner by Senator Yaw.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Joseph J. Drust by Senator Baker.

Condolences of the Senate were extended to the family of the late Mary E. Cagna Maholic Barkovich by Senator Ferlo.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 394, SB 401, SB 402, SB 926, SB 992, SB 1043, SB 1130, HB 66, HB 145, HB 312, HB 390, HB 399, HB 438, HB 589, HB 712, HB 917, HB 1173, HB 1219, HB 1255, HB 1448, HB 1449, HB 1459, HB 1460 and HB 1461.

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

COMMUNICATION FROM THE GOVERNOR**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 EDUCATION

June 21, 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, Colleen A. Sheehan, 805 Brower Road, Wayne 19087, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2013, or until her successor is appointed and qualified, vice Joseph M. Torsella, Flourtown, resigned.

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 21, 2011

HB 797 -- Committee on Labor and Industry.

HB 870 -- Committee on Environmental Resources and Energy.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bills:

HB 373 and **HB 374**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS**

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 Bills No. 634 and 1091; and House Bill No. 15)	Room 8E-A East Wing
10:30 A.M.	STATE GOVERNMENT (to consider Senate Resolution No. 148; and House Bill No. 488)	Room 461 Main Capitol
Off the Floor	COMMUNITY, ECONOMIC, AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 1151)	Rules Cmte. Conf. Room
Off the Floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider House Bill No. 870)	Rules Cmte. Conf. Room
Off the Floor	LABOR AND INDUSTRY (to consider House Bill No. 797)	Rules Cmte. Conf. Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Room
Off the Floor	TRANSPORTATION (to consider House Bill No. 9)	Rules Cmte. Conf. Room
Off the Floor	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Resolution No. 151)	Rules Cmte. Conf. Room

THURSDAY, JUNE 23, 2011

10:00 A.M.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider the nomination of Pamela A. Witmer to the Board of the Public Utility Commission)

Room 461
Main Capitol

RECESS

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

Senator WAUGH. Mr. President, I move that the Senate do now recess until Wednesday, June 22, 2011, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:47 p.m., Eastern Daylight Saving Time.