

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JUNE 27, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 47

**SENATE**

MONDAY, June 27, 2011

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

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

**PRAYER**

The Chaplain, Reverend PATRICK HARTSOCK, of Central Presbyterian Church, Downingtown, offered the following prayer:

Good morning, Senators. Will you join me in the privilege of prayer, please?

Our Father in heaven, the responsibility required of Senators at this critical time in the affairs of the State of Pennsylvania is beyond human ability. The magnitude of the budget issues and the austerity needed to balance this budget overwhelms reason. But we know, O God, that humanity's extremity equals God's opportunity. Yet, there must be admission of such extremity. May each Senator acknowledge their need for discernment, wisdom, and humility. These qualities - discernment, wisdom, and humility - come from only one place, from above. They are needed to resolve the immense issues these Senators are confronting.

Lord, we know the hour of decision is often a lonely one, and often agonizing. When the facts are completed and the discussion exhausted, each is left alone with his or her conscience. Many seek to avoid such moments. Leadership accepts them, the responsibility, and declares their position. Therefore, help each and every Senator, O Lord, to believe You, that if they ask You for wisdom, You promise to give it to them generously. May they trust You, and may You be God in their lives, the lives of these Senators, individually and collectively.

In the name of Him who died and rose again, amen.

The PRESIDENT. The Chair thanks Reverend Hartsock, who is the guest today of Senator Dinniman.

**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 828, SB 829, SB 830, SB 1096 and SB 1097**, with the information the House has passed the same without amendments.

**BILLS SIGNED**

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

**SB 828, SB 829, SB 830, SB 1096 and SB 1097.**

**BILL INTRODUCED AND REFERRED**

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

June 27, 2011

Senator CORMAN presented to the Chair **SB 1182**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in interscholastic athletics accountability, further providing for council recommendations and standards.

Which was committed to the Committee on EDUCATION, June 27, 2011.

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Piccola and Senator Ward, and a legislative leave for Senator Don White.

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

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

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Ward, and a legislative leave for Senator Don White.

Senator Costa requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of May 24, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of May 24, 2011.

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

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

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ANDREW E. DINNIMAN  
PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Mr. President, it is my pleasure to introduce our guest pastor today, Reverend Patrick Hartsock, from the Central Presbyterian Church in Downingtown, Pennsylvania. He is here with his wife, Ann, and his son, Jay.

This year is the 150th anniversary of the Central Presbyterian Church in Downingtown, Pennsylvania. A couple of decades ago, one of the most unique buildings in Chester County was built. This church, which is round, looks modern, whether you look at it today or 20 years ago. I invited Reverend Hartsock to be our guest Chaplain because I wanted that congregation and all of us to share in this 150-year celebration. Unlike other counties, 150 years is not even old in Chester County. We have churches going back 300 years.

So, Mr. President, I ask that we give a warm welcome to Pastor Patrick Hartsock, Ann, Jay, and the whole congregation of the Central Presbyterian Church in Downingtown, Pennsylvania, on its anniversary celebration.

Thank you, Mr. President.

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

(Applause.)

**GUESTS OF SENATOR JANE C. ORIE  
PRESENTED TO THE SENATE**

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

Senator ORIE. Mr. President, it is an honor and a privilege to welcome the Viscomi family from Shaler Township in the 40th

Senatorial District. I am pleased today, in particular, to introduce Dominique, the daughter of Rocco and Regina. She just finished eighth grade at Shaler Area Middle School.

Each year in my district, Mr. President, I sponsor a contest entitled, "There Ought To Be A Law," and she has been selected as this year's winner. There are thousands of eighth-graders across the 40th Senatorial District who participate in this competition, and it is an honor today to introduce her to my colleagues. Dominique's winning proposal is to mandate school uniforms in school districts across the Commonwealth.

Mr. President, it is extremely encouraging to see the youth in Pennsylvania, like Dominique, taking an interest in the political process. I ask my colleagues here on the floor to please welcome and congratulate Dominique and her parents, Rocco and Regina.

Thank you, Mr. President.

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

(Applause.)

**GUEST OF SENATOR JUDY SCHWANK  
PRESENTED TO THE SENATE**

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

Senator SCHWANK. Mr. President, I am very, very pleased to introduce to my Senate colleagues the intern in our office this summer, Jaimie Shipe. Jaimie is a recent graduate of Delaware Valley College with a bachelor of science degree in food science, and she is also working on her certification to be a vocational agriculture teacher. She will be student teaching at Walter Biddle Saul High School in Philadelphia this fall.

Jaimie has a stellar record, and that is why I am so pleased to have her as my first intern. She is the winner of the Delaware Valley College Founders' Day Award for this year. Most recently, she came back from Poland, winning a scholarship on an exchange trip. She also served as the Delaware Valley College 2011 alumni representative. She has worked at Oley Valley Feed, in the famous Oley Valley, for 5 years. She also served as an intern at the Penn State Cooperative Extension in Berks County as a 4-H summer assistant for a couple of years. She is a leader in Future Farmers of America, both at her college as well as at Penn State, helping to serve as a liaison for their summer events. She was a member of the food industry club, and she served as a member of the student government board, and participated in the famous A-Day at Delaware Valley College. I know you know that, Mr. President. Jaimie was a representative and an unwavering volunteer throughout her career at Delaware Valley College.

So I ask my colleagues to help me welcome her to the Senate today.

The PRESIDENT. Would the guest of Senator Schwank 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 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 Allegheny, Senator Costa.

Senator COSTA. Mr. President, at the conclusion of the meeting of the Committee on Rules and Executive Nominations, Senate Democrats will caucus in the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, followed by Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

### AFTER RECESS

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

**SB 1151** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

##### NONPREFERRED APPROPRIATION BILLS OVER IN ORDER TEMPORARILY

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

##### BILL OVER IN ORDER

**HB 9** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

### 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 Williams.

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILLS AMENDED

**HB 15 (Pr. No. 2167)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of a searchable budget database-driven Internet website detailing certain information concerning taxpayer expenditures and investments.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STACK offered the following amendment No. A4341:

Amend Bill, page 12, by inserting between lines 24 and 25:

(e.1) Compensation.--Beginning in 2013, by January 15, the website shall annually post all of the following for each individual employed by a Commonwealth agency:

(1) Name.

(2) Position or title.

(3) Total compensation, as defined in section 303(a)(1)(I) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, paid.

On the question,

Will the Senate agree to the amendment?

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

Senator STACK. Mr. President, I want to thank my friend and colleague, Senator Browne, for working on this issue. I am pleased that, in this Chamber, we are finally dealing with a reform issue which is very important. Put simply, Mr. President, my amendment just provides greater detail about compensation. It will increase transparency as well as financial accountability. This is the very type of transparency and accountability for which the Governor has been asking since he took office. The language simply clarifies any additional compensation that folks working for the State or an agency related to the State receive, and it would also include bonuses.

So once again, I appreciate the help of my friend and colleague on other side of the aisle, Senator Browne, and I ask for my colleagues' support.

### LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

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.

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator PILEGGI offered the following amendment No. A4208:

Amend Bill, page 1, line 4, by inserting after "costs;":

in facilities and supplies, further providing for surcharges;

Amend Bill, page 1, line 8, by striking out "and" where it occurs

the second time and inserting a comma

Amend Bill, page 1, line 9, by inserting after "(vii)":  
and 3733.1(a)(1)

Amend Bill, page 3, by inserting between lines 3 and 4:  
§ 3733.1. Surcharge.

(a) Imposition of surcharge.--In addition to each fee imposed under section 3733(a.1) (relating to deposits into account), except as set forth in subsection (b), the following apply:

(1) A surcharge of \$11.25 shall be charged and collected [for a period of 25 months beginning on the effective date of this section].  
This paragraph shall expire December 31, 2014.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Don White has returned, and his legislative leave is cancelled.

And the question recurring,  
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 ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 145 (Pr. No. 85)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

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

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 396 (Pr. No. 1525)** -- 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 for drug delivery resulting in death and for sentences for second and subsequent offenses.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

**HB 438 (Pr. No. 615)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-50**

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

**NAY-0**

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

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

**BILL AMENDED**

**HB 488 (Pr. No. 2180)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing Venango County to convey a right-of-way over certain Project 70 lands in Oakland Township, Venango County, free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to East Norriton Township certain lands situate in East Norriton Township, Montgomery County, in exchange for East Norriton Township's granting and conveying certain lands of the Commonwealth of Pennsylvania to be added to the existing lands of the Norristown Farm Park; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to remove the deed restrictions on a portion of the lands previously conveyed by the Department of General Services in accordance with section 1(c) of the act of July 10, 1985 (P.L.201, No.51); authorizing East Norriton Township to convey the property it receives from the Commonwealth of Pennsylvania pursuant to this act to Montgomery County for nominal consideration for public

highway improvements; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Chester certain lands situate in East Vincent Township, Chester County; authorizing the Department of Conservation and Natural Resources and the Governor, to grant and convey to Ohiopyle Borough certain lands situate in Ohiopyle Borough, Fayette County, in exchange for Ohiopyle Borough granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Susquehanna Township Authority a permanent sanitary sewer easement over certain lands of the Commonwealth of Pennsylvania, situate in Susquehanna Township, Dauphin County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County; and making a related repeal.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator McILHINNEY offered the following amendment No. A4175:

Amend Bill, page 37, lines 25 through 27, by striking out all of said lines

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**

**HB 589** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 638 (Pr. No. 1390)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

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

**HB 712** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 797 (Pr. No. 966)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator GORDNER. Mr. President, I rise in support of House Bill No. 797. This is the cancer presumption bill, with which this Senate is familiar. We passed similar legislation last Session. The Senate passed it, the House passed it, we sent it to Governor Rendell, and, unfortunately, Governor Rendell vetoed this legislation. We are back again this Session.

We made two small changes to it here in the Senate. Senator Argall was the prime sponsor of legislation that we considered and passed a few months ago. It went over to the House, and as part of the process that works out at this time of year, we are now taking it up and considering this bill, sponsored by Representative Farry, who is a firefighter. This is something that 30-some other States do, so this is nothing new.

I am pleased that, because of the work that we did this Session, we have the municipal groups on board - the League of Cities and Municipalities, the PA State Association of Boroughs, the PA State Association of Township Supervisors - but most importantly, we are doing this for the firefighters, those individuals, whether they are volunteer or paid, who, on a regular basis,

are there to protect us and our families, whenever we might need them. They never know what type of facility, dwelling, or business they might go into, and they do not know what sort of harmful chemicals might be in there when they go in to fight a fire.

I think this is very important. It has been a long process. I appreciate the work of my companion, Senator Tartaglione, and her staff, Kathy Benton, who were very helpful, along with my staff, Josh Funk and Todd Roup, and Kathy Eakin from the Majority Leader's office. I ask that we all support this legislation. The last thing I want to say is that I am very pleased that we have a governor, Tom Corbett, who enthusiastically supports this legislation and is looking forward to us getting this to his desk so he can sign it into law for the benefit of our volunteer and paid firefighters across this Commonwealth.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I appreciate the opportunity to provide a few remarks on this very important piece of legislation. I, too, want to commend Senator Gordner and the work that he, along with Senator Tartaglione, provided on this very, very important piece of legislation. It is another example of two committee chairpersons working very cooperatively together to address significant issues that impact the lives of working men and women in this Commonwealth. So, my hat is off to both of them for their perseverance on this important piece of legislation.

Senator Tartaglione is not here with us right now. She is on legislative leave. However, I do have remarks to submit for the record on behalf of Senator Tartaglione.

Thank you, Mr. President.

The PRESIDENT. The remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)*

Mr. President, we have been working for years to try to recognize that our changing world means a changing environment for firefighters. Modern materials and chemistry have brought new and unseen risks for firefighters. We must acknowledge that change and make sure the law continues to protect firefighters in the way it was intended.

Firefighters serve their communities, and we have to make sure that communities recognize their responsibility to firefighters and their families. This bill had setbacks over the years, but I am grateful for the persistence of my colleagues in making sure we continued the effort. Many of the risks faced by firefighters are obvious and dramatic. But we must make sure we do the right thing in the event they are harmed by less obvious hazards of their job.

Of the many lessons we learned in the wake of the World Trade Center disaster, the unselfish courage of firefighters and the unseen risks they face are two of the most important. It is not enough to say we are grateful for their service. We must act to protect them with the same energy with which we expect them to protect us.

The bill amends the law to include cancer suffered by firefighters and caused by a group of known carcinogens recognized by the International Agency for Research on Cancer. A 2006 University of Cincinnati study found that firefighters are twice as likely to develop testicular cancer and have significantly higher rates of non-Hodgkin's lymphoma and prostate cancer than non-firefighters. The researchers also confirmed previous findings that firefighters are at greater risk for multiple myeloma. The researchers said there was "...a direct correlation between the chemical exposures firefighters experience on the job and their increased risk for cancer."

Knowing what we know about the increased cancer risk faced by firefighters, it would be unthinkable to allow their families to face the disease without recognition that the risk was associated with their service.

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

Senator ARGALL. Mr. President, I just want to add my thoughts, briefly. This is certainly an example of cooperation on a lot of fronts, both bipartisan and bicameral, and I strongly advocate for the bill. Thank you.

And the question recurring,  
Shall the bill pass finally?

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

YEA-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.

BILLS OVER IN ORDER

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

BILL AMENDED

SB 995 (Pr. No. 1391) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator BAKER offered the following amendment No. A4177:

Amend Bill, page 1, line 12, by striking out "The" and inserting:  
(a) Emergency regulations.--The

Amend Bill, page 2, by inserting between lines 17 and 18:

(b) Definitions--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Unconventional oil or gas well." A bore hole drilled or being drilled for the purpose of or to be used for producing oil or gas from a geological formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where oil or gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation of the well bore.

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 ON THIRD CONSIDERATION  
AND FINAL PASSAGE

HB 1173 (Pr. No. 1279) -- The Senate proceeded to consideration of the bill, entitled:

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.

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.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON SECOND CONSIDERATION

SB 1128 (Pr. No. 1434) -- 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.

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

#### BILL OVER IN ORDER

**HB 66** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

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

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

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

#### BILLS REREFERRED

**SB 100 (Pr. No. 1329)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**SB 117 (Pr. No. 95)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of carrying a false identification card.

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

**SB 394 (Pr. No. 378)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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 399, SB 626, SB 634 and SB 717** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**HB 870 (Pr. No. 908)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose."

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

#### BILLS OVER IN ORDER

**SB 896, HB 917, SB 926, SB 992, SB 1087, SB 1100, SB 1129, SB 1130 and HB 1219** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**HB 1336 (Pr. No. 2091)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### SENATE RESOLUTION No. 57, ADOPTED

Senator PILEGGI, without objection, called up from page 9 of the Calendar, **Senate Resolution No. 57**, entitled:

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.

On the question,  
Will the Senate adopt the resolution?

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

**THIRD CONSIDERATION CALENDAR RESUMED**

**RECONSIDERATION OF HB 38**

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

Senator PILEGGI. Mr. President, I move to reconsider the vote by which House Bill No. 38 went over in its order as amended.

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

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

**RECONSIDERATION OF AMENDMENT A4208**

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

Senator PILEGGI. Mr. President, I move that the vote by which amendment No. A4208 was agreed to be reconsidered.

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

And the question recurring,

Will the Senate agree to the amendment?

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

**YEA-44**

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

**NAY-6**

Earll	Ferlo	Ward	White, Mary Jo
Eichelberger	Folmer		

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.

**RECESS**

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

Senator COSTA. Mr. President, I request a recess of the Senate to allow Senate Democrats to caucus in the rear of the Chamber immediately.

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

Senator PILEGGI. Mr. President, I have no objection to the request, but I inquire as to the expected length of the caucus.

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

Senator COSTA. Mr. President, my expectation is it will probably last at least an hour to an hour and 15 minutes.

The PRESIDENT. Very well. For the purpose of a Democratic caucus, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**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 Education to be held immediately, to be followed by a meeting of the Committee on Community, Economic and Recreational Development, to be followed by a meeting of the Committee on Appropriations, all to be held in the Rules room.

The PRESIDENT. For purposes of a meeting of the Committee on Education, followed by a meeting of the Committee on Community, Economic and Recreational Development, followed by a meeting of the Committee on Appropriations--

Senator PILEGGI. Mr. President, can I amend that notice to state that the meeting of the Committee on Appropriations will not be held in the Rules room, but rather in Room 461.

The PRESIDENT. The Chair notes the amendment to the announcement. The meeting of the Committee on Education will be held in the Rules room, as will the meeting of the Committee on Community, Economic and Recreational Development. The meeting of the Committee on Appropriations will be held in Room 461. For those reasons, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**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 Rules room immediately.

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

Senator COSTA. Mr. President, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

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.

**BILLS REPORTED FROM COMMITTEES**

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following bill:

**HB 67 (Pr. No. 66)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of greyhound racing.

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

**SB 326 (Pr. No. 1387) (Rereported) (Concurrence)**

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

**SB 369 (Pr. No. 1409) (Rereported) (Concurrence)**

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic highways, providing for the designation of a portion of U.S. 219, U.S. 322, State Route 969, State Route 879, State Route 153, State Route 453, State Route 1001, State Route 729, State Route 4005 and the Greenville Pike and Bilger's Rocks Road in Clearfield County as scenic byways.

**SB 1062 (Pr. No. 1444) (Amended) (Rereported) (Concurrence)**

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

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

**HB 1352 (Pr. No. 2227) (Amended) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, further providing for background checks of prospective employees and conviction of employees of certain offenses; providing for collection of identifying information of students attending institutions of higher education, for moratorium on certain data collection systems and data sets and for certified safety committees; in school finances, providing for reopening of 2011-2012 budget; in grounds and buildings, providing for acquisition of buildings, sites for school buildings and playgrounds and disposing thereof; further providing for approval by department of plans of buildings and exceptions and for approval of lease agreements; in intermediate units, further providing for subsidies for services and for financial reports; in district and assistant superintendents, further providing for purpose and for eligibility; in professional employees, providing for professional and temporary professional employees of schools formerly operated by the Commonwealth; in certification of

teachers, further providing for certificates qualifying persons to teach, for kinds of State certificates, for continuing professional development, for program of continuing professional education, for continuing professional education for school or system leaders and for certificates issued by other states; providing for postbaccalaureate certification; in pupils and attendance, further providing for admission of beginners, for cost of tuition and maintenance of certain exceptional children in approved institutions; in safe schools, further providing for reporting, for safe schools advocate in school districts of the first class, for standing and for enforcement; in interscholastic athletics accountability, further providing for council recommendations and standards; in opportunities for educational excellence, further providing for definitions, for responsibilities of school entities, for concurrent enrollment committees, for concurrent enrollment agreements and for enrollment in concurrent courses; in charter schools, further providing for school staff; in community colleges, further providing for financial program and reimbursement of payments; in transfers of credits between institutions of higher education, further providing for duties of public institutions of higher education; providing for participation by State-related institutions; in funding for public libraries, providing for State aid for 2011-2012; in reimbursements by Commonwealth and between school districts, further providing for definitions, for basic education funding for student achievement and for accountability to Commonwealth taxpayers; providing for basic education funding for 2010-2011 school year; and further providing for payments to intermediate units, for special education payments to school districts, for payments on account of homebound children, for payments on account of pupil transportation and for Pennsylvania Accountability Grants.

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

**HB 463 (Pr. No. 2226) (Amended) (Rereported)**

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

**HB 1485 (Pr. No. 2228) (Amended) (Rereported)**

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

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 147 (Pr. No. 1446) (Amended)**

A Resolution directing the Legislative Budget and Finance Committee to examine the Commonwealth's programs for post-secondary education in Commonwealth rural communities and to make recommendations for improving the delivery of open admissions and affordable, high-quality community and technical education in such areas.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR RESUMED****SB 1151 CALLED UP**

**SB 1151 (Pr. No. 1435)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED, AMENDED**

**SB 1151 (Pr. No. 1435)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for purpose and legislative intent and for Commonwealth agency payments or assistance; providing for review of coordinator, for the establishment of a management board for distressed third class cities and for powers of management boards; prohibiting distressed third class cities from filing Federal bankruptcy petitions; and making editorial changes.

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

**PICCOLA AMENDMENT A4412**

Senator PICCOLA offered the following amendment No. A4412:

Amend Bill, page 5, lines 15 through 19, by striking out "WHICH HAS OPTED TO BE" in line 15, all of lines 16 through 18 and "45,000" in line 19

Amend Bill, page 11, lines 18 and 19, by striking out "in accordance" in line 18 and "with section 606(a)(2)" in line 19

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

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

Senator PICCOLA. Mr. President, this amendment does two things. First, in its journey through two committees of the Senate, this bill was amended to limit the type of third class cities to which it would apply. This amendment eliminates those amendments and, essentially, would make this bill apply to all third class cities. The second part of the amendment is a technical amendment that strikes a reference to Section 606. There is no Section 606 because, in one of the amendments to the bill in the Committee on Appropriations, Section 606 was eliminated. So the reference to it is no longer needed.

I urge adoption of the amendment.

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

Senator BLAKE. Mr. President, if I understand correctly, this would modify the original legislation in such a manner as to

include all third class cities. There are nine other cities across the State that are in Act 47 that would be implicated by this amendment: Johnstown, Erie, Duquesne, Clairton, Chester, Bethlehem, Aliquippa, Altoona, Nanticoke, New Castle, and Reading, in addition to the city of Harrisburg.

Mr. President, it is my understanding that the management board that is suggested here, as a result of noncompliance with Act 47, which was the intent of the original legislation, includes powers that are unlike anything that has ever been conferred on any other association or commission related to the operations of local government. I strongly recommend a "no" vote on this amendment, because I believe, Mr. President, that our Constitution requires us to leave local government decisions to local governments.

Thank you, Mr. President.

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

Senator SCHWANK. Mr. President, really, I feel it is quite unfortunate that the original amendments that were made to this bill, which I think is unwise to begin with, are going to be eroded by--well, not eroded, but just completely supplanted by this new amendment. Frankly, I think Senate Bill No. 1151 is a bad bill. It is unwise as it stands right now, but it is still better than if this amendment were approved.

You know, I appreciate the idea that the amendment is being offered to reinforce the proposed establishment of municipal management boards against attacks on their constitutionality from the perspective that the plan, as it is now drawn and amended, before this one, is too narrow, but it still remains exposed to constitutional and other issues on other sides. Frankly, what I think this amendment will succeed in doing, if it is approved, is only spread the problems, the mischief that I think this bill is going to create, from a very small group of cities to third class cities throughout the Commonwealth. This is a great overreach.

We all know how hard it is to get local government officials to participate in local government as it is. What kind of message are we sending if we do something like this? I think this is really, really ill-advised, and I urge a "no" vote on this. Thank you.

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

Senator WOZNIAK. Mr. President, this is bad juju, Bwana. We pride ourselves in Pennsylvania on local control. How many times have I sat here and talked about the consolidation of school districts, about the need to consolidate municipalities because they just cannot stand on their own; and then I hear, but it is up to their decisionmaking process, and not us, to do it. But here we have a crisis in Harrisburg, and to make it fit in Harrisburg, we want to take that thing and put it on all 53 third class cities.

I have Lock Haven. Fortunately, it is not in Act 47. But I have Johnstown, and it has been there for a long time. We must be able to give these local governments the option of bankruptcy. I doubt it is ever going to occur, but certainly, if that is an option, allow it to be on the table.

It is my understanding that we have until late next month for a decision to come down in the city of Harrisburg. To place all third class cities under this aegis of trying to correct a targeted situation is wrong and it is inconsiderate of the elected officials here in the State House and Senate and of those mayors and councilmen who represent those cities. This is a bad precedent

being set here, and I would appreciate a negative vote on this particular amendment.

Thank you, Mr. President.

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

Senator FONTANA. Mr. President, as the maker of the amendment stated, we went through two committee meetings and offered amendments that were agreed to, and those amendments went into the bill. Now, all of a sudden, it changes. I guess my question is, why would we change it now? Why do we not just go forward? I respectfully ask the maker of the bill that question.

The PRESIDENT. Are you asking the maker of the amendment to stand for interrogation?

Senator FONTANA. I am, Mr. President. Thank you.

The PRESIDENT. Will the gentleman do so? He signals that he will. Will the gentleman restate the question.

Senator FONTANA. Yes, I will, Mr. President. As indicated, we went through two committee meetings and there were amendments offered that were agreed to by both sides of the aisle. Now, all of a sudden, the bill is changing back to all third class cities, as opposed to where we were going in the committee meetings, which was to take out some of those third class cities. That has changed, and I just wanted to ask the gentleman why.

Senator PICCOLA. Mr. President, the reason for the change is that analysis of this legislation applying only to a small handful, and perhaps, ultimately, only one city, threatens its constitutionality as special legislation. It was the consensus that this should apply across the board, as the bill was originally written.

Senator FONTANA. Mr. President, is it a matter of constitutionality, the reason why the gentleman put them all back in?

Senator PICCOLA. Mr. President, that is the reason. We have no intention for the provisions of this bill to apply to any Act 47 city that is presently in Act 47, unless it refuses to implement the plan. With respect to every Act 47 city that has a plan, they are all implementing that plan, and so this statute would have no effect on those cities whatsoever. The only city of which I am aware that had any difficulty approving its plan was Scranton. Scranton is a second class A city, not a third class city, and would not be subject to this particular piece of legislation.

In addition, not that it is relevant to Act 47, but we did substantially more in enacting laws applying to the city of Philadelphia and the city of Pittsburgh to regulate how they did business, because of their fiscal problems at the time.

Senator FONTANA. Well, Mr. President, as far as Pittsburgh, that is an oversight board, not a management board. I think there is a difference, obviously, between the two. The oversight board is recommending and giving direction, as opposed to the management board and the controlling authority that is in this bill. I think those are two different aspects or two different situations.

I guess, again, the fact that they were agreed to and then not agreed to is something that is a concern to all of us. If we are going to go through committee meetings, agree to amendments, and take them out at a later date, I do not think that is a good way for this body to act. Thank you very much.

#### LEGISLATIVE LEAVES

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Kasunic and Senator Leach, and a legislative leave for Senator Washington.

The PRESIDENT. Senator Costa requests temporary Capitol leaves for Senator Kasunic and Senator Leach, and a legislative leave for Senator Washington. Without objection, the leaves will be granted.

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, would the maker of the amendment stand for interrogation?

The PRESIDENT. The gentleman indicates he will.

Senator BOSCOLA. Mr. President, if the gentleman remembers, in committee yesterday, I talked about the city of Bethlehem and its uniqueness in being in two counties. When I looked at the legislation, I saw that the definition of "county" says, "The county in which a distressed city is located." What happens in the case of Bethlehem, then?

Senator PICCOLA. Mr. President, it is my belief that the Department of Community and Economic Development would have to make a judgment as to how that appointee would be appointed, with the cooperative efforts of both counties.

Senator BOSCOLA. Mr. President, okay. The other issue is the composition of the board. The composition of the board is going to create a problem, too, for the city of Bethlehem. It says, "One member appointed by the board of commissioners of the county who shall be a resident of the county at the time of the appointment and shall maintain county residence while a member of the board." It is going to be very complicated when it comes to the city of Bethlehem. I do not know how to get around this.

Senator PICCOLA. Mr. President, as I said, the Department of Community and Economic Development oversees Act 47. If the city of Bethlehem was ever in Act 47, which it is not, and I am not aware of any prospect that it is even close to asking for Act 47 status--certainly, if it did get into Act 47, it has a long process to go through before it gets an Act 47 plan. But assuming all of that took place, which is not going to happen anytime soon, DCED would make a judgment on how to determine the selection of the county appointee who would have to reside in one or the other counties.

Senator BOSCOLA. Mr. President, that is right. But what this is going to do is pit one county against the other, if it ever happens. My whole point is, if you do not think it is ever going to happen to Bethlehem--and I do not, either, personally--then why is the gentleman including it in this bill? I do not understand.

Senator PICCOLA. Mr. President, the reason it is included in the bill is because the financial viability of a city, at least in my view, has impact not just on the residents of that city, but on the residents of the entire region. Obviously, it becomes difficult to include more than one county, although in the gentlewoman's case, it could include two counties. It is my view that the people who represent the county surrounding that city have to have some voice in making sure that city comes back to economic and financial viability. So that was the reason for a local appointment not coming out of the Governor's Office.

Senator BOSCOLA. Mr. President, based on the uniqueness of Bethlehem--it is the only city in the entire State that is in two counties, and that is why I had to ask and go down this line of questioning. But for that reason, if this would ever happen to the city, it is going to wreak havoc with both counties. It is going to be awful. So I ask my Members, out of respect for the city of Bethlehem, where Jesus was born--everybody remember that--that you vote for the city of Bethlehem.

Senator PICCOLA. Mr. President, to answer the gentleman's question, I certainly would be willing, if it appears at any time in the near future that Bethlehem nears Act 47 status, to work with her for an appropriate amendment to address that need. But I have every confidence in the world that Bethlehem will never see Act 47, and I certainly pray that does not happen. Thank you.

The PRESIDENT. The Chair reminds the Members of this body that while no one more fervently hopes to expedite the proceedings of this evening than the Chair, that all questions and answers during interrogations need to be directed through the Chair.

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

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

YEA-30

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

NAY-20

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

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

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

COSTA AMENDMENT A4396 OFFERED

Senator COSTA offered the following amendment No. A4396:

Amend Bill, page 16, by inserting between lines 2 and 3:  
Section 606. Effect on contracts.

(a) Contracts and collective bargaining agreements --  
(1) A contract or collective bargaining agreement in existence in a distressed city prior to the approval of a coordinator's plan or the establishment of a management board shall remain in effect after ap-

proval of the plan until the new collective bargaining agreement or arbitration settlement or award is executed.

(2) A collective bargaining agreement or arbitration settlement or award executed after the adoption of the coordinator's plan shall not in any manner violate, expand or diminish its provisions. If a management board has been appointed, the distressed city shall execute contracts and agreements only with the approval of the management board.

Amend Bill, page 16, line 3, by striking out "606" and inserting:  
607

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

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

Senator COSTA. Mr. President, this amendment reinstates provisions that were removed from the bill yesterday that relate to existing collective bargaining agreements and contracts. Specifically, it provides that contracts or collective bargaining agreements in existence in a distressed city prior to the approval of a coordinator's plan or the establishment of a management board remain in effect until the contract or the agreement expires. I ask my colleagues for an affirmative vote.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, I urge a negative vote on this amendment. This language was removed for a purpose. Act 47 plans, specifically the one dealing with Harrisburg that we are talking about today, call for the opening and renegotiation of certain labor contracts. Obviously, that cannot be mandated without the agreement of both parties, but it still calls for that to happen and can take place if both parties agree to it. That, obviously, is the law of contracts.

This amendment, if adopted, would preclude the suggestion of the opening of contracts in an Act 47 plan, because it says expressly that all such contracts and arbitration awards have to remain in effect, presumably, even if both parties agreed that they should be reopened or renegotiated. So I urge the defeat of this amendment because it hamstring the use of Act 47 in a constructive way and with the cooperation of all parties involved.

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 Williams.

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

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

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

YEA-20

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

## NAY-30

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

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, as amended?

## FONTANA AMENDMENT A4404 OFFERED

Senator FONTANA offered the following amendment No. A4404:

Amend Bill, page 13, line 30; page 14, lines 1 through 4, by striking out all of said lines on said pages

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

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

Senator FONTANA. Mr. President, this amendment removes the language authorizing the management board to remove members of the controlling authority and replace those members with their own appointees. The basis for this is that the bill already provides an avenue for that through the courts. I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, I urge a negative vote on this amendment. Occasionally, not often, but particularly in the case of the city of Harrisburg, the Act 47 plan and recommendation calls for the sale or lease of assets that are not directly controlled by the city, but are controlled by one of its subsidiary authorities to whom it has appointed members.

This provision in the proposed statute gives the management board the opportunity, when such an authority refuses to act in accordance with the recommendations of the plan, to replace those members so that they can effectuate the Act 47 plan. While the petition for mandamus and court action is obviously available, it is time-consuming, and it is expensive. This should be about saving money, not spending more money on lawyers. The time delay could also be expensive, since you may lose a deal until you can get a mandamus action approved. So I urge a negative vote.

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

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

## YEA-20

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

## NAY-30

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

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, as amended?

## FONTANA AMENDMENT A4409 OFFERED

Senator FONTANA offered the following amendment No. A4409:

Amend Bill, page 6, lines 15 through 17, by striking out "A distressed city shall be deemed to have failed" in line 15 and all of lines 16 and 17

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

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

Senator FONTANA. Mr. President, this amendment removes the language that provides that a distressed city that takes action to approve an alternate plan under Act 47 would be deemed to have failed, allowing a management board to be established. The reason for that is Act 47 provides several other options for a municipality other than just adopting the controller's plan. Regardless of its action, its alternate plan must still be reviewed by the Secretary to determine if it will allow the municipality to reverse its fiscal distress. There already is a method in place.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, I rise to oppose this amendment. The reality of the Act 47 process is that the distressed municipality, its governing boards, the city council, the mayor, all have the opportunity to engage in that process if they wish to, both before the Act 47 report is made, as well as afterward. In fact, in the Harrisburg situation, the Act 47 team is actually taking input this week, as we speak, to determine whether there should be some tweaks or changes made to the plan.

If the city, particularly one like Harrisburg, has a viable--I emphasize the word "viable"--Act 47 plan to get itself out of the financial situation, it should not wait until the Act 47 team makes its recommendation. It should engage in that process early and

often so that the elements of its alternative, whatever it might be, are part of that plan. By removing this provision, as the gentleman proposes to do, simply gives the distressed city the opportunity to buy more time to inch its way either toward bankruptcy or more expensive financial failure.

I urge defeat of the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-20

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

#### NAY-30

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

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

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

#### SB 1124 CALLED UP

**SB 1124 (Pr. No. 1438)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**SB 1124 (Pr. No. 1438)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 Allegheny, Senator Costa.

Senator COSTA. Mr. President, I do not know whether or not the Majority Leader intends to speak on this particular piece of legislation, but it is my understanding that this is the nonpreferred appropriation for Temple University.

Mr. President, I rise today to ask for a negative vote on this nonpreferred appropriation. We have now been discussing this budget--I should say, you all have been discussing this budget for the past several weeks. Senate Democrats and House Democrats have not had the benefit to be part and parcel of the conversations that are taking place, both at the Governor's residence, as well as conversations taking place here in this Chamber. Mr. President, it was only this morning, about noontime or a little before noontime, that we had the benefit of receiving and looking at a document. Quite frankly, we had a chance to look at a print-out of a \$27.15 billion budget document, and our Members did an outstanding job of very quickly trying to work to make sure that we were able to digest as much as we could.

As everyone in this Chamber knows, there are a number of parts and pieces to our General Fund budget. There is a Welfare Code, which we do not know exactly what is in it. We have not seen a draft version of the Welfare Code.

There is a Fiscal Code, which is an extremely important part of what we do. Year in and year out, the Fiscal Code gets more comprehensive and becomes more of a vehicle for substantive matters than we can imagine. That document has not been shared with us at this point in time, at least to my office. I believe we may have gotten something in the last 5 or 10 minutes to begin to review. Again, we have not had the benefit of being able to review that.

The School Code bill is something on which our Members have been working, but we only had a few moments earlier today to look at that. Again, we have only been able to review summaries, not necessarily the actual language of the piece of legislation.

Mr. President, what we are being asked to do today is vote on the nonpreferreds for our State-related universities as well as the Penn Vet School, if I am not mistaken. Collectively, they represent \$543 million in expenditures for this Commonwealth. What we are being asked to do today is to put up a vote without the benefit of additional information about the comprehensive budget discussions that are taking place in the Republican Party.

Now, the Fiscal Code is unresolved, as we know, on the other side of the building. It has not passed. There is a question as to whether or not it will include a Marcellus Shale extraction tax or local impact fee. There is an issue as to whether school choice may be a part of the budget. There is an issue as to whether or not charter school reform may be part and parcel to the budget.

There are a variety of outstanding issues along those lines. With respect to the Welfare Code, we have not seen a single letter, a single document, that reflects what will be contained in the Welfare Code. Mr. President, we do not think that is appro-

priate. We believe it would be irresponsible for our Members to cast an affirmative vote at this point in time on the budget for the State-related universities.

Mr. President, I have the privilege of serving as a trustee of the University of Pittsburgh, and I enjoy my work there. I know what this vote would mean along those lines, delaying what is going to take place with respect to its appropriation. I know this is Temple right now, but as we go forward, the conversation needs to be, is it appropriate for us to put up an affirmative vote to move this process forward?

At this juncture, we do not believe it is appropriate, given the fact that there are still outstanding issues along the lines of the Fiscal Code and the things I enumerated. There are still outstanding issues relative to information about healthcare and human service programs, as they relate to the Welfare Code, how hospitals are going to be funded, and whether or not we will be dealing with a hospital assessment and at what level it may be. We do not know the answers to those questions.

It would be irresponsible for us to vote in the affirmative on this particular piece of legislation at this point in time. I ask that my remarks that I am attributing to Temple right now be the same remarks applied for the next series of bills as we move forward. I ask my colleagues to not move this vehicle forward and vote "no" on the nonpreferreds today.

Tomorrow, we will have an opportunity to reconsider, after we have an opportunity to digest further information. There is still ample time to get a budget done by June 30. Today is Monday. If we get a bill out of here tomorrow and over to the House, tomorrow would represent its first reading. Tuesday, Wednesday, and Thursday--it could vote a budget out by June 30. Mr. President, it is not our desire to just pass something to try to meet a deadline. We think it needs to be thoughtful and an appropriate level of funding for the people of this Commonwealth as far as how they want us to fund our State-related universities and Pennsylvania's School of Veterinary Medicine.

Finally, Mr. President, it is my understanding that we do not know whether or not this is the actual amount on which we will ultimately settle. The House, earlier today, took up the nonpreferreds, and it voted down four out of the five nonpreferreds. There still may be a question as to what the final product is going to look like, and until we have that resolution as part of a comprehensive review of the budget on this side of the aisle, we are asking for a negative vote at this time.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, my colleague from Allegheny County went through a laundry list of things that we do not know yet as far as all of the missing pieces, and he is absolutely correct. There are certainly a few missing pieces out there that need to be completed, but here is something we do know: this bill funds Temple University at \$139,917,000, which is 81 percent of last year's funding, or \$57 million more than what the Governor had suggested in his budget presentation back in March. That is what we do know. That is not going to change. I can assure my colleague, who was not sure if this will be the final number, this will be the final number.

So, we can pass it today, we can pass it tomorrow, we can pass it Wednesday, we can pass it Thursday, but it is going to be this number. I promise you that. So, unfortunately, these are

Senate bills, which means they do have to go to the House for other readings. Actually, the House rules are a little different than the Senate. It has an intervening day, so it is 4 days before the House can take up a bill and pass a bill. And so, if not passed today, then the earliest it could take it up would be Friday. And if not passed tomorrow, then the earliest it could take it up would be Saturday. I am not sure that one or both Chambers will be here at that point in time, and then that would put the appropriations for these four State-relateds off until September. That is something I do not think anybody in this Chamber wants.

I understand the gentleman's frustration, but this is the situation we are in, and there is nothing, constitutionally, that prevents us from voting on these nonpreferreds today. Again, it is not going to change. This is the number: \$139,917,000 for Temple University, one of our State-related universities from the great city of Philadelphia. I understand his point, and we can delay it as long as the gentleman wants, but every day that the gentleman delays increases the possibility that we are not going to get it done. We have seen it before, where one Chamber decides to go home and leave the other one around. And so, I just encourage everyone to vote in the affirmative. It is not going to change. If you are going to vote for it tomorrow or Wednesday, let us vote for it today, and let us get it out of here, let the House do its reading.

The Constitution says we need a two-thirds vote, which means, obviously, the Democratic Party needs to support this as well. If they ultimately want to see the final compromise, these bills can be held up in the House until everyone sees all of the other missing pieces, and they can just concur on that date, which could be on Wednesday or Thursday. It is still possible to have everything in place before the final vote happens.

But, ultimately, if these universities are going to be funded, we are going to need votes from the other side, and as I said before, the numbers are not going to change. This is the number, I promise you. I recommend a "yes" vote so that we can get this over to the House and let it get its readings in. By the time the House finally votes on it, I imagine all the pieces of the puzzle will be put together.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, my friend and colleague, I respect his opinion, but he knows as well as I do, we had language in last year's Fiscal Code that said we were going to do a Marcellus Shale tax, and I had every guarantee--and the gentleman was in the room at the Governor's residence for all those meetings we had, where everybody made assurances that we were going to have a Marcellus Shale tax by October 31, and it did not happen. Mr. President, I am concerned about what may take place as we go forward. We believe there should be more money in these lines. We want to put more money in these lines, if we are ever given the opportunity to do so.

Secondly, Mr. President, we are not a part of this conversation about who needs to go first. It sounds as if we need to do--the understanding between us and the House is that we would do the nonpreferreds first, and send them over to the House, and we will wait for the Fiscal Code. I mean, we are not part of that conversation, so we do not know exactly what the plan is relative to these particular nonpreferreds.

What we do know is that we do not have to do it tonight. We do not have to do it tonight. We can wait until tomorrow. Once we have had the opportunity to continue to digest a \$27.1 billion budget and be able to digest the contents of the Fiscal Code--again, a Fiscal Code that has added a significant number of substantive matters over the course of the last several years. We are continuing through that process and, quite frankly, it is beginning to be a very dangerous process.

We have not been able to review that language, nor that of the Welfare Code as it relates to our hospitals and services, and the healthcare we provide to the people of Pennsylvania. We do not know what the language says. It would be irresponsible for any of us, not just our Members, but all of us, to vote on a budget without the benefit of having consultation with our folks, our staff, and the people we rely upon to be able to make informed, intelligent decisions about where we are going. Again, I ask for a negative vote by our colleagues.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, just briefly, I understand where the gentleman from Allegheny County is coming from. Having said that, tomorrow, there is no guarantee that the Fiscal Code will be completed. There is no guarantee that the Welfare Code will be completed. I certainly feel comfortable to do the general appropriation bill, but if the gentleman is going to hold out giving us the two-thirds to pass this until all of that is wrapped up, then it could be until Wednesday or Thursday, June 30, before all of those other missing pieces are put together. And again, once this passes the Senate, it will need 4 days of readings in the House. I am just concerned for all of these institutions if that happens, that we could be gone and not be here until fall to wrap this up.

So, I respect the gentleman's opinion, but the numbers are not going to change. If they are going to provide the votes for us at some point, it is just as well they provide them today so we can move them over to the House for the proper readings and get it done when everything else is completed.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, look, if we do not have the School Code, the Welfare Code, the Fiscal Code--and I understand the concerns about process with respect to all of that, and I respect the reality of that process. But I also understand that we are not controlling the process. We do not control--there is one party that is really running this whole deal here. There is one side of the building, one party that is running this whole program here.

The budget which we just looked at in the Committee on Appropriations, which just got voted out of the committee, had essentially no Democratic input. There was no sitting down in a room at a table where all four Caucuses were together and Democrats were participating. We were not participants in that process. And now, we have a process where you have nonpreferreds, and as Senator Costa said earlier, it is over a half-billion dollars' worth of expenditures being voted out of context with the rest of the budget process, and that very well may be the final number. That very well may be the final number that they get, but it would be helpful if we had the whole picture before us.

We see what the State budget is going to look like, but what about all of the other items that go along with it? It would be helpful, when we make a determination of spending about a half-billion dollars, if we could see the whole picture, but, most importantly, as to this part of the conversation, we are not controlling all of this. Timing, substance, dollars, the flow of legislation, everything is being put together by my friends and colleagues on the other side of the aisle, their counterparts in the Republican Caucus in the House of Representatives, and the administration. This is all of their craftsmanship. All of this is their craftsmanship. What they have put together is what we are having to deal with. All we are asking for is a little bit of extra time and some additional information so we can make a fair and appropriate decision.

The Republican Majority controls this Chamber, and we do not have everything together. The Republican Majority controls the House Chamber, and we do not have everything together. They control the Governor's Office, and everything is not in front of us. They are running the show here. They are making the arrangements, determining the funding arrangements, determining who gets what, and they are determining the process. All our Leader and this Caucus is asking for is to have everything in front of us so we can make the appropriate decision. We have tried, and that has been a bit of the history in the past. We are looking for the same consideration now, and we ask for a negative vote on this measure at this point.

Hopefully, we will get some additional information together in front of us and then we can make an appropriate decision for the entire Commonwealth budget process, but we are not controlling this. The Majority has this. It has the process, it has the information. It has not been provided. It crafted everything, including the timing and schedule on this. We are responding to what is being laid out in front of us, and what is being laid out in front of us is incomplete information.

Thank you, Mr. President.

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

Senator M.J. WHITE. Mr. President, instead of having hissy fits about control, let us look at what we are really talking about here. It is the nonpreferred appropriations for the State-related universities. They have all been considered separately. Nonpreferred appropriations have always been taken up separately. That is a longstanding practice in this body, so it is not like we are trying to slip something through.

I, for one, and I have to assume my colleagues, have received a letter from Temple and from Penn State thanking us for making restorations from the Governor's proposed cutting of its budget by 54-percent. The letters, in essence, were similar. They said, while we are not thrilled with these cuts, we have been planning for them for quite some time, and we are confident that with all of the business and other financial adjustments we have been making to our budget in planning for this, we can proceed without serious adverse effects to our students. We are not going to balance our budgets on the backs of our students.

Now, let us talk about timing here. It is true there are a lot of moving pieces, but the House has different rules for Senate bills sent over to them. If we do not get this over there quickly and they do not have time to consider it, we run the risk that our State universities will go until September without having any budgets. That is unfair to the universities, and it is unfair to the students.

Thank you.

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

Senator COSTA. Mr. President, if I may be so permitted to speak a third time.

The PRESIDENT. Without objection, the Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, first, let me express my deep respect for my colleague, the gentlewoman with whom I have the privilege of serving on the University of Pittsburgh board, but to characterize all of our comments today and going forward as a hissy fit, I take offense. That is not what we are trying to establish here. This is part of a process, a process that, historically, has included Democrats and Republicans.

This Governor, in every conversation he had about how he intends to govern this Commonwealth, stated very clearly that he wants to govern in a bipartisan and a transparent way. That has not been the case. We were not invited to one meeting in the Governor's residence. My colleagues on the other side of the aisle know that with our previous Governor, for the last 8 years--and I can speak on the last several years--had multiple meetings with Democrats and Republicans. Democrats in the Minority and the Republican Party, which at the time was in the Minority, participated in the four budget conversations.

In particular, back in 2009, when we spent almost a dozen hours over the course of a couple of days going through, line by line by line, the budget process. We were not afforded that opportunity. You all may want to call it a hissy fit, but we believe that we are telling folks in this Commonwealth that we want to be part of the process, and the Governor has committed and promised to allow us to be part of the process. That has not happened. The Governor talked about being transparent. He is not being transparent in this process. We want to be part of the process, and we have not been.

As it relates to this particular funding, we have never said, and if you go back and look at my words, we have never said, we do not want to get this thing done. We do. All we have asked for is the opportunity to digest information. We got the budget earlier today, we went through that process, and we were able to put together informed amendments, and we appreciate the opportunity to offer amendments to that budget document. But we do not know what the Fiscal Code is going to be.

We just dealt with Senate Bill No. 1151, dealing with Harrisburg. I just found out in the last 5 minutes that there is specific language dealing with the city of Harrisburg in the Fiscal Code. It would have been nice to know what is in the Fiscal Code at this point in time. It may have impacted the manner in which we voted on the previous bill. We do not know what is in the Fiscal Code, and every 5 minutes, I get a briefing that this is in there and that is in there, all related to items we are voting on.

So the legislation with the bankruptcy prohibitions on the Harrisburg School District and Senator Piccola's Harrisburg take-over, that language is in the Fiscal Code, as we understand it. Does it survive? We do not know. What is in the Welfare Code? We do not know. And what is going to end up being the final result for Temple, Pitt, Penn State, and the University of Penn line items? We do not know. We do not call it a hissy fit. We want to be informed in order to make informed decisions in a comprehensive way, not just in an isolated way.

And with respect to the nonpreferreds being done, I have been here 15 years, and I think I have done 16 budgets. This will be the 16th budget in the 15 years I have been here, and I am pretty sure that the nonpreferreds have historically been the last thing that we have done in this Chamber. We cannot help what the House rules are. If that is a concern after today's vote, assuming we are successful in today's vote on their side of the aisle in terms of our argument, then let the House pass those.

We only have a 3-day rule. If the House passes that tomorrow, we have Tuesday, Wednesday, Thursday, and we will still get it done. And the fact of the matter is, if we have to stay here until Friday, so what? Last year, we passed the General Fund budget before June 30 and then finished up everything else after June 30. So, that is what we could do. That is a process. This would be part of a plan I would offer to you in your consultation with the House Republicans about how we move forward with respect to the Fiscal Code, for example, or the Welfare Code and the nonpreferred appropriations. If they are so important to get done--and by the way, we do not control the schedule. If you all want to vote "no" and then leave town, or the House does not do it, or be done by June 30, that is not on us, because we do not control the process. After the budget is concluded, after we have had an ample opportunity to review it--all we are asking for is an opportunity to be able to review, in a comprehensive way, the bills that are being considered. I said "review." I never said "vote for." I said "review." Give us an opportunity to do that. Tomorrow may be a different day in terms of where we stand relative to those arguments, but that is what our position is now.

Again, I ask my colleagues for a negative vote on this particular appropriation and the other nonpreferred appropriation bills that are coming forward after this particular bill.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, briefly, the Fiscal Code is an important bill. The Welfare Code is an important bill. The Education Code is an important bill. None of those bills will have any impact on this bill. This is an appropriation for Temple University. It spends \$139,917,000. That will not change. No other bill that will pass this Chamber this week, next week, or the week after, will change that fact. This is what it is going to be. We could vote on it today. If the Minority wants to hold its votes, we can vote on it tomorrow. If the Minority wants to hold its votes, we can vote on it Wednesday. None of these other bills will impact this appropriation.

So, we are not in control of this process. This process will be controlled by whoever--we need 34 votes. So we will bring them up every day and, ultimately, it will pass the day the Minority decides to give us the votes to pass it. But I will assure you, this appropriation will not change.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, the gentleman, my good friend and colleague, has heard this comment in the recent hearing of the Committee on Appropriations. Respectfully, but urgently, I have to disagree. You cannot isolate this and additional expenditures for the nonpreferred institutions. You cannot isolate a half-billion dollars' worth of spending from the rest of the

spending in the Commonwealth, in addition to the important issues of the Education Code, the Welfare Code, and the Fiscal Code, that we all have to deal with. They cannot be dealt with in isolation. It is a comprehensive package.

Quite frankly, as my friend and colleague, Senator Costa, said, we are not controlling this. We are not running this deal. We did not set up the schedule we are dealing with right now. We are not running this process to put us at an agenda where we are flat up against a timeframe of June 30. We did not organize this. We were not at the table negotiating amounts of dollars, nor timeframes, nor schedules, nor who gets what, and what gets how much.

The Majority in this body, the Majority in the House, and the Governor's Office have gone through this deliberative process where they set up the schedule. If they cannot meet their own schedule, then that is on them. They are running it. They are controlling it. They control this Chamber, the House Chamber--all we want is some real, hard information in a comprehensive fashion about what is being presented to us. Because surely, what is being presented to us makes \$900 million--at least that is what we saw in the House--in cuts to basic education and gives tax breaks to the wealthiest.

What are the details in the Welfare Code? The largest budget in the Commonwealth of Pennsylvania is the Department of Public Welfare. What are the details there? All of that has to be factored together to make the appropriate decision, and that is all we are asking. We are asking for additional information about the Fiscal Code and other particular areas, so that we can make a good decision going forward. The decision to spend this appropriation for Temple may be the right decision, but let us see the whole thing. Let us view the whole document. Let us view the whole process.

We are about to make a major decision that impacts every one of the 12 million people who reside in the Commonwealth of Pennsylvania. It is comprehensive. One affects the other. All we are asking for is all of the details, all of the information, so we can make an appropriate decision. Again, maybe if we had been in the mix, maybe if we had been at the table, maybe if we had been full participants in all of the meetings and all of the conversations, maybe if we had been invited over to the Governor's Office or to the residence to talk about various issues, maybe if we had been part of that process, we could have a different kind of conversation here. We could feel more sure about what it is that is coming down the pike. But the reality is, since we were not part of that, we cannot just go along to get along. It is not that simple.

We are asking for basic information. We are not running the process. We are not running the time schedule. Folks should have been able to see the time schedule a week, or two, or three weeks ago, achieve the other negotiated agreements, so that it could meet the appropriate time schedule. We are not asking for anything the Majority has not asked for in the past. They wanted to see the details, they wanted to see the information, they wanted to see it laid out in front of them. All we are asking for is the same right now, respectfully, but urgently.

Thank you very much, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-30

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

#### NAY-20

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

#### SB 1122 CALLED UP

**SB 1122 (Pr. No. 1436)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

#### NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**SB 1122 (Pr. No. 1436)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 would just like to repeat of all my comments from the previous debate, other than to refer to my colleague and friend from Allegheny County, as opposed to just my colleague. I was in error earlier. I ask for a "yes" vote.

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

Senator COSTA. Mr. President, I thank my good friend and colleague for the opportunity to do that. Yes, we will apply the remarks of our Members to this bill and the subsequent bills as well.

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-30**

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

**NAY-20**

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

**SB 1123 CALLED UP**

**SB 1123 (Pr. No. 1437)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

**NONPREFERRED APPROPRIATION BILL  
ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**SB 1123 (Pr. No. 1437)** -- The Senate proceeded to consideration of the bill, entitled:

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

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, this is the nonpreferred appropriation for the University of Pittsburgh, and I apply the same comments about the University of Pittsburgh as I had for Temple University and Penn State. I urge a positive vote.

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

Senator FARNESE. Mr. President, I sit around and watch what is going on in here right now, and I must be perfectly honest with you, the process that we are going through right now with regard to this really needs to be examined. I am going to vote "no" and stay with my colleagues, but if the reason behind what we are doing is to prove a point, or because negotiations have gone on and we are not a part of them, that is a problem with the process. That is a problem with this Chamber. I know there are people in this room right now who feel the same way that I do. It does not matter whether you are a Democrat or a Republican, the process is not here for us to exploit, Mr. President, it is for the people of Pennsylvania to believe in.

We were sent here to do a job, and that is to get a budget done by June 30, not to play games. My remarks are not directed at the Republicans, they are not directed at the Democrats. This process stinks, what is going on right now. We have a job to do. We have to get a budget done. We should be able to work together. This budget is not for Republicans or Democrats, it is a budget for Pennsylvania. We have one job to do, yet we play games. It is a process that really is wrong.

I do not know how--like I said, I know there are people here who believe in this process, who talk about making this process better and more transparent. This is not the way to do it. I do not care if you are leadership on the Democratic side or the Republican side. This is not the way to make a process better. This is not the way you make government better. This is why people do not believe in us. This is why people do not trust us, because we sit here at quarter to 9:00 at night, and we make strategic moves with people's futures. That is just wrong. It is the process.

So I will support my Democratic colleagues. But I am going to tell you right now, every year we get a crack at this, and it does not matter who is in charge, because the process stinks. We were not sent here to do this.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, I am certainly open to suggestions to change and to make things work better around here, but as far as these four bills that we are going through right now, we introduced them a couple of weeks ago, they were reported to the Committee on Appropriations, we reported them out of Committee on Appropriations last week. Mr. President, yesterday we had a healthy debate on the floor amending them. Our colleagues got a chance to offer amendments and change the lines to what they thought they should be, and we certainly respect their opinions. We had a healthy debate yesterday. Now we are here for final passage. That is the process - introduce a bill, go to committee, have a healthy debate.

Everyone knows what is in these lines. So I realize these budgetary debates can go long, but this is the process. I think, in particular to these four institutions, we have had a healthy process, certainly one that follows the Constitution, and one that we will continue to do every year. I recommend an affirmative vote.

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-30**

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

**NAY-20**

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

**SB 1125 CALLED UP**

**SB 1125 (Pr. No. 1439)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

**NONPREFERRED APPROPRIATION BILL  
ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**SB 1125 (Pr. No. 1439)** -- The Senate proceeded to consideration of the bill, entitled:

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

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, this bill is for Lincoln University. Again, I recommend an affirmative vote.

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

Senator COSTA. Mr. President, I want to apply my remarks previously made to this legislation as well.

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-30**

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

**NAY-20**

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

**SB 1126 CALLED UP**

**SB 1126 (Pr. No. 1440)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

**NONPREFERRED APPROPRIATION BILL  
ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**SB 1126 (Pr. No. 1440)** -- The Senate proceeded to consideration of the bill, entitled:

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

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, this appropriation is for the University of Pennsylvania School of Veterinary Medicine. I offer the same comments as before. I recommend an affirmative vote.

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

Senator COSTA. Mr. President, as the gentleman said, I apply my remarks to this legislation as well. Thank you.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-30

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

#### NAY-20

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

### 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 ACCOUNTANCY

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, Barry M. Berkowitz, 109 Steele Way, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Accountancy, 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 William J. Park, Thornton, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Donald Burgard, CPA, 2214 Canterbury Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas G. Clark, Port Royal, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Albert B. Melone, Jr., C.P.A., 128 S. Highland Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Giorgio Fieo, Norwood, resigned.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 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, Erik V. Scully, CPA, 10550 Grubbs Road, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel J. Stephenson, Pittsburgh, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Alfred L. Whitcomb, One Donald Street, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT  
Governor

**MEMBER OF THE ARCHITECTS LICENSURE 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, David J. Majernik (Public Member), 932 Rockland Drive, Pittsburgh 15239, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Architects Licensure Board, 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 Dionysios G. Rassias, Chadds Ford, whose term expired.

**TOM CORBETT**  
Governor

**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, Donna Baver Rovito (Public Member), 3449 Huckleberry Road, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve until June 2, 2013, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michael D. Soileau, Philadelphia, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 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, Sarah C. Darling, 34 Livingston Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Jamie L. Lutz, Tionesta, graduated.

**TOM CORBETT**  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 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, Bonnie L. Keener, 5447 Wallace Drive, Edinboro 16412, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Board of Governors of the State Sys-

tem of Higher Education, to serve until graduated or separated from the University, vice Mackenzie M. Wrobel, Bloomsburg, graduated.

**TOM CORBETT**  
Governor

**MEMBER OF THE PENNSYLVANIA  
HISTORICAL AND MUSEUM COMMISSION**

May 19, 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, Jean Craig Pepper, 4851 Wolf Road, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice Rhonda R. Cohen, Philadelphia, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS**

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, William E. Tunke, OTR/L, 1450 Promise Lane, Wescosville 18106, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until July 1, 2014, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Bonalumi, Lancaster, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

June 7, 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, Pamela A. Witmer, 43 Hillymede Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2016, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Tyrone J. Christy, Renfrew, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE  
TRANSPORTATION COMMISSION**

April 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, Frederic M. Wentz, Esquire, 1639 Monk Road, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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 ACCOUNTANCY

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, Barry M. Berkowitz, 109 Steele Way, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Accountancy, 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 William J. Park, Thornton, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Donald Burgard, CPA, 2214 Canterbury Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas G. Clark, Port Royal, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Albert B. Melone, Jr., C.P.A., 128 S. Highland Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Giorgio Fieo, Norwood, resigned.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 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, Erik V. Scully, CPA, 10550 Grubbs Road, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel J. Stephenson, Pittsburgh, whose term expired.

TOM CORBETT  
Governor

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Alfred L. Whitcomb, One Donald Street, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve until *[sic]* for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT  
Governor

#### MEMBER OF THE ARCHITECTS LICENSURE 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, David J. Majernik (Public Member), 932 Rockland Drive, Pittsburgh 15239, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Architects Licensure Board, 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 Dionysios G. Rassias, Chadds Ford, whose term expired.

TOM CORBETT  
Governor

**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, Donna Baver Rovito (Public Member), 3449 Huckleberry Road, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve until June 2, 2013, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michael D. Soileau, Philadelphia, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 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, Sarah C. Darling, 34 Livingston Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Jamie L. Lutz, Tionesta, graduated.

**TOM CORBETT**  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

June 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, Bonnie L. Keener, 5447 Wallace Drive, Edinboro 16412, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Mackenzie M. Wrobel, Bloomsburg, graduated.

**TOM CORBETT**  
Governor

**MEMBER OF THE PENNSYLVANIA  
HISTORICAL AND MUSEUM COMMISSION**

May 19, 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, Jean Craige Pepper, 4851 Wolf Road, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Com-

mission, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice Rhonda R. Cohen, Philadelphia, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS**

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, William E. Tunke, OTR/L, 1450 Promise Lane, Wescosville 18106, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until July 1, 2014, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Bonalumi, Lancaster, resigned.

**TOM CORBETT**  
Governor

**MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

June 7, 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, Pamela A. Witmer, 43 Hillymede Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2016, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Tyrone J. Christy, Renfrew, whose term expired.

**TOM CORBETT**  
Governor

**MEMBER OF THE STATE  
TRANSPORTATION COMMISSION**

April 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, Frederic M. Wentz, Esquire, 1639 Monk Road, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

**TOM CORBETT**  
Governor

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

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

## YEA-50

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

## NAY-0

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

Ordered, That the Governor be informed accordingly.

**STATEMENT BY THE PRESIDENT**

The PRESIDENT. The Chair points out to the Members of the Senate that the newly-confirmed member of the Public Utility Commission, Pamela Witmer, is in the gallery. Congratulations to you.

(Applause.)

**EXECUTIVE SESSION RISES**

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

The motion was agreed to by voice vote.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1****PREFERRED APPROPRIATION BILL  
REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

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

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**HB 463** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED REREFERRED**

**HB 1352 (Pr. No. 2227)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, further providing for background checks of prospective employees and conviction of employees of certain offenses; providing for collection of identifying information of students attending institutions of higher education, for moratorium on certain data collection systems and data sets and for certified safety committees; in school finances, providing for

reopening of 2011-2012 budget; in grounds and buildings, providing for acquisition of buildings, sites for school buildings and playgrounds and disposing thereof; further providing for approval by department of plans of buildings and exceptions and for approval of lease agreements; in intermediate units, further providing for subsidies for services and for financial reports; in district and assistant superintendents, further providing for purpose and for eligibility; in professional employees, providing for professional and temporary professional employees of schools formerly operated by the Commonwealth; in certification of teachers, further providing for certificates qualifying persons to teach, for kinds of State certificates, for continuing professional development, for program of continuing professional education, for continuing professional education for school or system leaders and for certificates issued by other states; providing for postbaccalaureate certification; in pupils and attendance, further providing for admission of beginners, for cost of tuition and maintenance of certain exceptional children in approved institutions; in safe schools, further providing for reporting, for safe schools advocate in school districts of the first class, for standing and for enforcement; in interscholastic athletics accountability, further providing for council recommendations and standards; in opportunities for educational excellence, further providing for definitions, for responsibilities of school entities, for concurrent enrollment committees, for concurrent enrollment agreements and for enrollment in concurrent courses; in charter schools, further providing for school staff; in community colleges, further providing for financial program and reimbursement of payments; in transfers of credits between institutions of higher education, further providing for duties of public institutions of higher education; providing for participation by State-related institutions; in funding for public libraries, providing for State aid for 2011-2012; in reimbursements by Commonwealth and between school districts, further providing for definitions, for basic education funding for student achievement and for accountability to Commonwealth taxpayers; providing for basic education funding for 2010-2011 school year; and further providing for payments to intermediate units, for special education payments to school districts, for payments on account of homebound children, for payments on account of pupil transportation and for Pennsylvania Accountability Grants.

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

**LEGISLATIVE LEAVE CANCELLED**

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

**UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators ORIE, FONTANA, ALLOWAY, BAKER, BOSCOLA, BREWSTER, BROWNE, BRUBAKER, COSTA, DINNIMAN, EARLL, ERICKSON, FARNESE, GREENLEAF, HUGHES, KASUNIC, MENSCH, PILEGGI, PIPPY, RAFFERTY, SOLOBAY, TARTAGLIONE, TOMLINSON, VOGEL, WASHINGTON, WAUGH and D. WHITE, by unanimous consent, offered **Senate Resolution No. 158**, entitled:

A Resolution commemorating the 31st anniversary of the National Veterans Wheelchair Games, which will be held in the City of Pittsburgh from August 1 through 6, 2011.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, I would like to offer my remarks for the record.

The PRESIDENT. The remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)*

Mr. President, for the second time in its 31 years, the National Veterans Wheelchair Games will be held in the City of Pittsburgh. From August 1 to 6, over 500 athletes will converge on the largest annual wheelchair sports event in the world. The National Veterans Wheelchair Games are an outgrowth of the U.S. Department of Veterans Affairs' commitment to military service veterans who have had spinal cord injuries, amputations, or neurological problems.

Any honorably discharged veterans who use a wheelchair to compete in sports and are eligible under the VA system can compete in the games. Competitive events include air guns, archery, basketball, bowling, field events, hand cycling, a motorized wheelchair rally, nine-ball, power soccer, quad rugby, slalom, softball, swimming, table tennis, track, trapshooting, and weightlifting.

The 2011 games will take place in the City of Pittsburgh's David L. Lawrence Convention Center, the University of Pittsburgh's Trees Hall, the Princess Lanes Bowling Center, and other venues in and around the City of Pittsburgh. It is important to note that the events are free of charge and the public is welcome to attend.

I would like to thank the Veterans Affairs Pittsburgh Healthcare System and the Keystone Chapter of the Paralyzed Veterans of America for hosting this event. I would also like to commend the work of Dr. Rory Cooper, of the University of Pittsburgh, for not only his advocacy on behalf of the games, but for his participation as a competitor in the games.

Mr. President, I ask my colleagues for their continued support for our veterans by supporting this resolution commemorating the 31st National Veterans Wheelchair Games.

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 Austin Dale Stoudt and to the members and coaches of the Minersville Area High School Softball Team by Senator Argall.

Congratulations of the Senate were extended to Synergema Consulting Group, LLC, of Downingtown, EnviroSure, Inc., of West Chester, and to KPL Designs, LLC, of Malvern, by Senator Dinniman.

Congratulations of the Senate were extended to Stanley W. Adams by Senator Greenleaf.

Congratulations of the Senate were extended to Rosina Todaro by Senator Mensch.

Congratulations of the Senate were extended to Dominique Viscomi by Senator Orie.

Congratulations of the Senate were extended to the citizens of the Borough of Brockway by Senator Scarnati.

Congratulations of the Senate were extended to Leslie Littles, Sr., by Senator Washington.

Congratulations of the Senate were extended to MediaOnePA. of York, by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. David C. Frankenberger by Senator Wozniak.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Sergeant Joseph Michael Garrison by Senators M.J. White and Scarnati.

### BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

#### HB 67.

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

### PETITIONS AND REMONSTRANCES

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

Senator SMUCKER. Mr. President, tonight I have a condolence resolution that honors an Army officer killed in Afghanistan during May, the victim of a roadside bomb. First Lieutenant Demetrius Frison was a Philadelphia native, but he became a resident of Lancaster after graduating from Millersville University.

Each individual serving in Operation Enduring Freedom is a quality person, but even against this high standard, Lieutenant Frison was by all accounts an exceptional person and soldier. Family members and friends describe him as someone whose life was marked by achievement, who demonstrated leadership qualities, who adhered to admirable principles of personal conduct. Every aspect of his life seemed marked by commitment to family, to faith, to service, and to community. He leaves behind a young wife and an infant son.

Last week, Senator Baker, during the observance of National Guard Day, described the huge number of deployments from Pennsylvania. Whether pulling duty as members of the Guard or another branch of the military, Pennsylvanians are always prominent on the front lines of freedom. These are hard conflicts in which our nation is engaged. The losses suffered are tough ones, surely for those they left behind, but touching us all as we learn about their lives. We should never forget the sacrifices being made to protect freedom. We honor the brave men and women by remembering their names and their stories, what they stood for, what they did, and how they lived.

Thank you, Mr. President.

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1131**, with the information the House has passed the same without amendments.

**BILL SIGNED**

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

**SB 1131.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS**

TUESDAY, JUNE 28, 2011

Off the Floor	<b>APPROPRIATIONS</b> (to consider House Bills No. 1352, 1448 and 1449)	Rules Cmte. Conf. Rm.
Off the Floor	<b>LOCAL GOVERNMENT</b> (to consider House Bill No. 1549)	Rules Cmte. Conf. Rm.
Off the Floor	<b>STATE GOVERNMENT</b> (to consider Senate Resolution No. 130)	Rules Cmte. Conf. Rm.
Off the Floor	<b>VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS</b> (to consider House Bill No. 345)	Rules Cmte. Conf. Rm.

**RECESS**

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Tuesday, June 28, 2011, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 8:58 p.m., Eastern Daylight Saving Time.