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Legislative Journal

TUESDAY, JUNE 28, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 48

SENATE

TUESDAY, June 28, 2011

The Senate met at 11:30 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Rabbi PETER KESSLER, of Temple Ohev Shalom, Harrisburg, offered the following prayer:

Eternal and infinite God, those assembled have been entrusted with the responsibility to make wise and equitable decisions that affect our community and those around us. Help us, with Your guidance, to remember our mission, and lead us to make those decisions with honesty and fairness. Be with us, as we are all Your children, O God, and may Your love help us go forth with courage and strength.

(Translation from Hebrew:)

Our God, and God of our mothers and fathers, bless us with Your nearness, and let us say, amen.

The PRESIDENT. The Chair thanks Rabbi Kessler, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 28, 2011

HB 934 -- Committee on State Government.

HB 973 -- Committee on Consumer Protection and Professional Licensure.

HB 1549 -- Committee on Local Government.

HB 1646 -- Committee on Judiciary.

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 28, 2011

Senators ORIE, GREENLEAF, RAFFERTY, WARD, ALLOWAY, FONTANA, BROWNE, BOSCOLA, MENSCH, SCARNATI, FARNESE and TARTAGLIONE presented to the Chair **SB 1183**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes.

Which was committed to the Committee on JUDICIARY, June 28, 2011.

APPOINTMENT BY THE MINORITY LEADER

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

Mr. Howard J. Wein as a member of the Environmental Hearing Board Rules Committee.

BILLS SIGNED

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

HB 145, HB 396, HB 438, HB 797 and SB 1173.

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, Senator Alloway, and Senator McIlhinney.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola, Senator Alloway, and Senator McIlhinney. Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of June 6, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of June 6, 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 SENATE RESOLUTION ADOPTED

Senators ORIE, KASUNIC, PILEGGI, COSTA, ALLOWAY, ARGALL, BAKER, BLAKE, BROWNE, DINNIMAN, EICHELBERGER, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA, GORDNER, HUGHES, KITCHEN, PICCOLA, PIPPY, RAFFERTY, ROBBINS, SCHWANK, SOLOBAY, STACK, VOGEL, WARD, WAUGH, D. WHITE, M. WHITE, WOZNIAK, YAW, EARLL, BRUBAKER and TARTAGLIONE by unanimous consent, offered **Senate Resolution No. 159**, entitled:

A Resolution designating September 11, 2011, as "Pennsylvania's Day of Remembrance" of the events of September 11, 2001.

On the question,
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, today my fellow colleague, Senator Kasunic, and I offer a Senate Resolution to commemorate the 10th anniversary of the terrorist attacks on America. Our thoughts and prayers are once again turned to those who lost their lives on September 11, 2001, and to all those whom they left behind.

GUEST OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE

Senator ORIE. Today on this Senate floor, we have a special, honored guest, Mr. Ed Root, who is a board member and past president of the Families of Flight 93. He lost a loved one, his cousin, Lorraine Bay, a flight attendant who was on Flight 93.

In President George W. Bush's address to the nation on September 11, 2001, he stated, "A great people has been moved to defend a great nation." Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the founda-

tion of America. These acts shattered steel, but they cannot dent the steel of the American resolve. America was targeted for the attack because we are the brightest beacon for freedom and opportunity in the world, and no one will keep that light from shining.

On September 11, 2001, America saw evil, the very worst of human nature, and we responded with the very best of what America has to offer - heroism and patriotism. Throughout American history, certain images become engraved or embedded in all of our hearts and minds. The events of September 11, 2001, will live forever in our hearts and minds. We will never forget the images of planes flying into the World Trade Center, smoke rising from the Pentagon, or in the rolling fields in Pennsylvania. As a nation, we will never, ever forget the patriotism, the heroism, the compassion, and the brotherhood of the American people - the images of men and women racing into burning buildings to save lives; the emergency services personnel, fire, police, EMS; and just ordinary men and women reaching out to heroically assist their fellow men and women, as well as our military men and women.

There were many heroes that day, too many to mention. But here in Pennsylvania, we were witness to one of the most remarkable acts of courage when the crew and passengers of Flight 93 sacrificed themselves in an attempt to overpower their hijackers. With the now-famous call, "Let's roll," they demonstrated all that is good about America, and their words and actions will go down in history. When the crew and passengers of Flight 93 learned that their hijacked plane was also a part of a terrorist's murderous plans, they resolved to fight back, and with that, we learned that brave men and women do not necessarily wear uniforms, that America is made up of ordinary men and women capable of extraordinary feats of heroism. These passengers and crew of Flight 93 became the first citizen-soldiers of the war on terror.

Former Governor of Pennsylvania and Homeland Security Director Tom Ridge gave a speech at the site of Flight 93 in 2001. He stated, "Faced with the most frightening circumstances one could possibly imagine, they met the challenge like citizen soldiers, like Americans." Robert Mueller III, the former director of the FBI, said, "...we believe those passengers and crew on this jet were absolute heroes and their actions during this flight were heroic." President George W. Bush put it best when he stated, "Flight 93 redefined sacrifice for me. And if a handful of people will drive an airplane into the ground to save either me, or the White House, or the Congress, you know others in our country will make the sacrifice to save us down the road."

The crew and passengers of Flight 93, their resolve, their determination, and their valor have touched so many people, not just here in Pennsylvania, but around the nation. All of us want to pay tribute to the sacrifices they made. That is how the Hearts of Steel bracelets project began. It was an unprecedented group of businesses, nonprofits, unions, schools, and others, joining to honor the heroes of Flight 93. We created a POW bracelet similar to those in the 1970s. These bracelets are made of solid stainless steel that cannot tarnish, taint, or break, just like the American spirit. They serve as reminder that the courageous actions of a few brave people can change the world.

These bracelets were made in Pennsylvania with donations from many counties across the State, and many businesses. They include Penn United Technologies, Allegheny Ludlum, United

Steelworkers of Local 1196, Women of Steel, Asher's Chocolates, the University of Pittsburgh Manufacturing Assistance Center, Aqua America, Mellon Bank, Pennsylvania Future Fund, General Printing, Stargate, PNC Bank, Citizens Bank, and NorthCo. There are so many others that it will take too long to go through the list. But as Pennsylvanians, the Hearts of Steel bracelet project, which included all Pennsylvania companies and volunteers, were able to donate \$1.1 million to the memorial for Flight 93. Everyone involved with the Hearts of Steel was committed to building a memorial befitting of national heroes, because that is how we view the passengers and crew of Flight 93, nothing less than national heroes.

The work of all of these tireless and dedicated volunteers is an amazing testament to the heroes of Flight 93 and those who wanted to give thanks to those who died for our freedom. John 3:18 tells us, "...let us not love with words and tongue but with actions and in truth." The passengers and crew of Flight 93 will always be a testament to that belief. Through their actions, many more lives were saved. Through their faith and unflinching courage, truth and goodness triumphed over unspeakable evil.

The Flight 93 Memorial will stand on hallowed ground in Shanksville, Somerset County, as a permanent reminder of the bravery of the heroes of Flight 93. On this 10th anniversary, we can pause and honor those who were killed on September 11, 2001, and rededicate ourselves to preserving their memory and keeping America strong. As we mark the 10th anniversary of September 11, we owe a debt to the passengers and crew of Flight 93.

We are committed to insuring the construction of a proper memorial for these true national heroes. Here in Pennsylvania, a significant step will be taken this year as part of that effort. The Flight 93 National Memorial will be dedicated on September 10, 2011, one day before the 10th anniversary of the September 11 attacks. The Memorial Plaza and the Field of Honor will be the first features of the memorial to be completed for dedication and will be permanently open to the public after the September 10 ceremonies.

The heroes who gave their lives on September 11, 2001, over the rolling fields of Shanksville, Pennsylvania, and our military men and women presently serving our nation are all heroes of the highest magnitude. The words that President Abraham Lincoln spoke at another hallowed field, the battlefield in Gettysburg, Pennsylvania, ring true here today, in speaking of the courageous passengers and crew of United Airlines Flight 93: "The world will little note, nor long remember, what we say here, but can never forget what they did here." These words say it all. We must never forget the legacy of that September 11 day, a world drawn together in the common cause of freedom and our renewed devotion to it.

In closing, Mr. President, I ask my colleagues to join on September 11 to remember those fallen heroes, especially those passengers and crew of Flight 93. I would also like to thank Mr. Root for being here today and for his dedication to insuring that his relative, Lorraine, and the passengers and crew of Flight 93 have a national memorial befitting of national heroes. God bless America, God bless the Flight 93 passengers and crew, and God bless our troops.

Thank you, Mr. President.

LEGISLATIVE LEAVES CANCELLED

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

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

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I am honored to stand with my colleague, Senator Orie, in support of this resolution that dedicates September 11, 2011, as "Pennsylvania's Day of Remembrance." As we near the 10th anniversary of 9/11, a day when a demented terrorist attack killed so many innocent people, it is fitting that we pause, remember, and pray. We must solemnly pledge to remember and to never forget the tragic events of that day. We must pass on to our children, our grandchildren, and to future generations what took place that day and how Americans stood up for the cause of freedom, not only everywhere in the world, but particularly here in the United States, where this dastardly attack took place. It is appropriate that we reflect on that fateful day with a mixture of sorrow and national pride.

We must honor and remember the brave passengers on Flight 93, whom history will record as the first Americans to fight back in the war on terrorism in the skies over Shanksville, Pennsylvania, in Somerset County. While our generation can never forget the victims who lost their lives that day, it is also important that we remember the acts of heroism and courage that took place.

Mr. President, we should remember the firefighters, the police, and the emergency responders from Shanksville, Pennsylvania; New York; and Washington, D.C., together with many other good samaritans who took it upon themselves to enter the burning towers in New York, the Pentagon, and the fields of Shanksville, Pennsylvania, to try to lend a hand, to try to save lives.

We must also remember and admire those who served in our military in the last decade, avenging the attacks and protecting us from future acts of terrorism. We should remember the men and women who put their lives on hold to fight for our country in Iraq and Afghanistan. We should also honor our neighbors and loved ones, who rallied and displayed unparalleled levels of patriotism following these attacks. Who could ever forget the many, many American flags that lined our streets and our towns, our hamlets and our villages, across this nation, or the lines of people lining up to lend a hand to donate blood, to help in any way they could, in any way possible?

In early May of this year, Mr. President, justice was served for all Americans, in particular for those who lost their lives as a result of the cowardly acts of terrorism against them and our nation, in the killing of Osama bin Laden, the mastermind behind those attacks of 9/11. Confronted by a team of U.S. Navy SEALs in his walled fortress, the true character of this evil murderer was revealed to the entire world. Unlike the brave passengers of Flight 93, who confronted their attackers head-on in the defense of freedom, fully aware that their deaths were imminent, bin Laden hid behind women in a cowardly attempt to avoid capture and his own killing.

While the families and loved ones of our American heroes will never forget the truly remarkable efforts of our military forces in this instance, this must surely provide some degree of closure for them. I am confident that Americans will persevere in bringing about justice to those responsible for the 9/11 attacks, and terrorism attacks around the world will not end with this event. As they say, Mr. President, they can run, but they cannot hide. All of them will be found, and they, too, will be brought to justice.

Mr. President. I would like to also recognize Mr. Ed Root, board member and past president of Families of Flight 93, who is with us today. Mr. Root's cousin, Lorraine Bay, a flight attendant for the United Airlines flight, was among the brave individuals who lost their lives in Somerset County on that fateful morning. In addition, Lorraine Bay was the godmother of his daughter.

I would also be remiss, Mr. President, if I did not acknowledge the support, hard work, and efforts of our own colleague, Senator Orie, who spearheaded the Hearts of Steel bracelet, which I have here in my hand. This was her idea. Senator Orie raised over a million dollars for the memorial in Shanksville. Senator Orie, I thank you for your efforts. It is just amazing what you were able to do. On behalf of all of us here in the Senate, I want to thank you for those efforts, and certainly for the families of the victims of Flight 93.

Mr. President, I thank you and my colleagues in the Senate for supporting this resolution. With that, I will conclude by saying, let freedom ring, Mr. President. Let freedom ring across this nation, across this land, and throughout this great world in which we all live.

Thank you, Mr. President.

The PRESIDENT. On the adoption of the resolution, all those in favor of the resolution will please rise for a moment of silence. Staff and guests, please also rise.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of the victims of the events of SEPTEMBER 11, 2001.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, it is my honor today to introduce some young men whom I recently met and of whom I am most impressed. When you talk to people such as these young men, you gain such a greater confidence for the future of our country. Today we have with us Robert Small, Justin Colletti, Peter Stanley, Shane Benz, Alfie Deaner, and Brandon Millis. These young men have been selected to participate in this year's Keystone Boys State program.

Boys State is an integral part of the American Legion that has operated for over 70 years. Being an American involves numer-

ous rights and privileges that are not enjoyed by many others around in the world. The program is a wonderful tool for our young high-schoolers to gain an appreciation for the things that make this country so unique. Boys State also helps to instill a sense of the duties and responsibilities of American citizens through an immersion in the political process, and helps to hone skills in the area of business as well as recreational activities.

These students visiting the Senate today are a remarkable group, and offer us confidence that their leadership skills will be put to good use in serving our country in the years to come. Mr. President, I ask the Senate to extend its usual warm welcome to these fine young men.

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

(Applause.)

GUESTS OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE

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

Senator ORIE. Mr. President, I, too, would like to welcome several young men from my district to the Senate today. These young men are part of the Keystone Boys State program. They are staying at Shippensburg University this week, and attending the Capitol today to directly come in contact with Senators and Representatives to better understand the issues that are affecting Pennsylvania.

The American Legion Keystone Boys State program has been in existence since 1935, and trains young men in citizenship and leadership and instills a working knowledge of the structure and operation of government. Before I introduce the students from my district, I would also like to welcome the instructor from my district, Bob Munhall, a dedicated veteran and patriot. The students who are with him are Alexander Bellows from Gibsonia, Bradley Eckendahl from Gibsonia, Nigel Halliday from Gibsonia, Brian McWilliams from Wexford, Ian Richards of Baden, Matthew Waldron from Sewickley, Michael Malecki from Sarver, and Lucas Wildman from Evans City.

Mr. President, I ask my colleagues to join me in welcoming these outstanding young men from the 40th Senatorial District. Thank you.

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

(Applause.)

GUESTS OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator ARGALL. Mr. President, in the gallery today are two remarkable Schuylkill County institutions. We are joined today by the Minersville Area High School Girls' Softball Team, which won yet another PIAA Class A Championship on Friday, June 17. They keep winning and winning and winning, and the whole county is very proud of them. In addition, they are joined by their school superintendent, Mr. Joseph Brady, who has been the superintendent there, I will just say, for more than a couple of

years. So I ask the Senate to please celebrate their being with us today.

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

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Mr. President, I have the pleasure to introduce to the Senate of Pennsylvania four young men from the 44th Senatorial District also participating in the Keystone Boys State program.

Mr. President, all of us are cognizant of the news reports of today's youth, and they highlight and accentuate all that is wrong and the problems with today's youth. But when you meet these young men enrolled in the Keystone Boys State program, you know our future is in good hands.

From the 44th Senatorial District, I have Nick Manna, from Boyerstown School District; Dan Michaels, from the Pottstown School District; Michael Cerrato, an Eagle Scout, from the Methacton School District; and Hunter Mancini, from North Coventry Township, who is homeschooled. Four fantastic young men with whom I had the opportunity to chat for about 20 minutes today, two of whom are trying to get into the United States Naval Academy. So, we are in good hands with these young men, and I ask the Senate to give them our traditional warm welcome.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

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

Senator TOMLINSON. Mr. President, I, too, was visited by some Keystone Boys State participants today. It seems that they have left the gallery, but Daniel Granados, a junior at Neshaminy High School, who lives in Levittown; and Oliver Dinallo, a junior at Central Bucks, who is from Jamison, were with us today. We had a wonderful visit and tour around the Capitol with them.

But, also today, I am honored to have two of my district summer interns. I have Ryan Skoczylas, a graduate of Bensalem High School, currently attending East Stroudsburg University studying political science. He is a member of Kappa Delta Rho National Fraternity, and is a member of the College Republican Committee.

I also have Kaitlyn Brady, whose father, William Brady, worked for the Senate under Senator Salvatore and also worked for PECO. Kaitlyn is a graduate of Villa Joseph Marie and currently attends West Virginia University. She majors in marketing and minors in political science. She has volunteered her time for American Red Cross and Christian Help of Morgantown, West Virginia.

I have enjoyed these two outstanding young people working in my office, and ask the Senate to give them a warm welcome.

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

(Applause.)

GUESTS OF SENATOR EDWIN B. ERICKSON PRESENTED TO THE SENATE

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

Senator ERICKSON. Mr. President, I too was visited by representatives from the American Legion Keystone Boys State program. They were Kevin Brewer, Ryan Fulmer, Nikolas Hawley, and Jackson Pierucci.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, I believe I must be the last person on the floor of the Senate today to welcome young men from the Keystone Boys State program. It was a delight to spend some time with these young individuals from the 20th Senatorial District: Matthew Kohrs, Garrett Zieler, Brooks Jenson, Jacob Berger, Dean Johnson, Brandon Angradi, and Michael Sweeney. They were also accompanied by Tim French, who is an active member of the Hawley American Legion, and his wife, Mary Lou. We certainly have to congratulate the American Legion for continuing this outstanding youth leadership training program, and thank Shippensburg University for hosting these young men. So I ask my colleagues to offer a warm welcome to these young men.

Thank you, Mr. President.

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

GUESTS OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE

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

Senator BOSCOLA. Mr. President, I rise today, also, to say that I have some young men from the Keystone Boys State program. Charles Gmelch is from Bangor and attends Bangor High School. Kevin Thieme is from Bethlehem and attends Liberty High School. Gregory Woerner lives in Pen Argyl and attends Pen Argyl High School. Ian Myers is from Easton and attends Notre Dame High School. Both Zachary Panto and Luke Garner are from Catasauqua and attend Catasauqua High School. Eric Johnson lives in Nazareth and attends Nazareth High School.

They came to my office today and we spent about a half-hour talking, and, boy, are they smart. We talked about school vouchers, teachers strikes, why there is more money in the prison budget and not enough for education, what about seniority, and why are the good, young teachers being laid off as opposed to-- what

they say is, sometimes, the senior teachers, who do not seem to care much anymore. So, I got a really good feeling from these students. They are bright, articulate, the best that our future has to offer, and I know our future is in great shape in their hands.

Thank you, Mr. President.

The PRESIDENT. Would the Senate join me in welcoming Senator Boscola's guests.

(Applause.)

RECONSIDERATION OF SB 1122

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

SB 1122 (Pr. No. 1436) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1122, Printer's No. 1436, failed on final passage on June 27, 2011, and move that the bill go over in its order and appear on the Final Passage Calendar.

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

RECONSIDERATION OF SB 1123

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

SB 1123 (Pr. No. 1437) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1123, Printer's No. 1437, failed on final passage on June 27, 2011, and move that the bill go over in its order and appear on the Final Passage Calendar.

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

RECONSIDERATION OF SB 1124

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

SB 1124 (Pr. No. 1438) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1124, Printer's No. 1438, failed on final passage on June 27, 2011, and move that the bill go over in its order and appear on the Final Passage Calendar.

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

RECONSIDERATION OF SB 1125

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

SB 1125 (Pr. No. 1439) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1125, Printer's No. 1439, failed on final passage on June 27, 2011, and move that the bill go over in its order and appear on the Final Passage Calendar.

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

RECONSIDERATION OF SB 1126

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

SB 1126 (Pr. No. 1440) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1126, Printer's No. 1440, failed on final passage on June 27, 2011, and move that the bill go over in its order and appear on the Final Passage Calendar.

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

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 Appropriations to be held in the Rules room immediately, to be followed by a meeting of the Committee on Veterans Affairs and Emergency Preparedness, to be followed by a meeting of the Committee on Local Government, to be followed by a meeting of the Committee on State Government, all in the Rules room, to be followed by a Republican caucus 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 meetings just referenced, Senate Democrats will meet in the rear of the Chamber for a brief caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, followed by a meeting of the Committee on Veterans Affairs and Emergency Preparedness, followed by a meeting of the Committee on Local Government, followed by a meeting of the Committee on State Government, followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1062 (Pr. No. 1444) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1062?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1062.

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

LEGISLATIVE LEAVE

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

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

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

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 326 (Pr. No. 1387) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 326?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 326.

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SB 369 (Pr. No. 1409) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 369?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 369.

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

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

**PREFERRED APPROPRIATION BILL
REREPORTED FROM COMMITTEE AS AMENDED
OVER IN ORDER TEMPORARILY**

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

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 463 (Pr. No. 2226) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 1151 (Pr. No. 1447) -- 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.

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 Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I ask if the maker of the bill would be kind enough to rise for interrogation.

The PRESIDENT. The gentleman indicates he will stand for interrogation.

Senator BLAKE. Mr. President, a few questions. I am just trying to get through the implications of Senate Bill No. 1151, and I am asking a number of questions. I appreciate the maker's willingness to answer these questions. I am trying to get an understanding on the rationale of this bill to treat third class cities differently from distressed first class townships and second class townships and boroughs, and trying to get a clarification on why the distinction.

Senator PICCOLA. Well, Mr. President, it is no secret that the motivating factor for the introduction of this legislation was the monumental fiscal distress of the city of Harrisburg, which is a third class city. So, the legislation was introduced to apply to third class cities. There is no evidence, at least that I am in possession of, that any other class of municipalities faces anything approaching that kind of fiscal distress.

Senator BLAKE. Mr. President, has the maker of the bill sought the opinions of the Pennsylvania League of Cities and Municipalities or the Pennsylvania Municipal Authorities Association on the bill? I am curious if we have an understanding of the municipal associations' position.

Senator PICCOLA. Mr. President, I personally have not read those. I am aware of the F.O.P.'s position in favor of the bill. That is the only outside group of which I am aware.

Senator BLAKE. Mr. President, Senate Bill No. 1151 permits a management board to sell municipal assets. I am curious about the criteria that the management board would use to determine whether the sale or lease of assets is in the best financial interest of the city in question. If there are some, I expect they would be in the bill, and if there are none, should there not be a limit on the power of the board to assure that the decision to sell those assets is as objective as possible?

Senator PICCOLA. Mr. President, the bill, on page 11, directs that the distressed city undertakes a competitive bidding process to determine what is in the best interests of the city.

Senator BLAKE. Mr. President, would the management board have the power to lay off employees of the city?

Senator PICCOLA. Mr. President, I suppose, in theory, it could, if there was some provision in the Act 47 plan that specifically called for that. I am not aware that is in the Act 47 plan, the preliminary plan.

Senator BLAKE. Mr. President, is there any mechanism by which the decisions of the management board can be challenged or appealed, and under what authority could its decisions be reversed or repealed?

Senator PICCOLA. Mr. President, the only avenue of appeal of which I am aware would be some form of litigation that would probably have to be started in the local court of common pleas by some person with standing to take that kind of action.

Senator BLAKE. Mr. President, in the solvency plan, or the management board's alternative recovery plan, if it called for tax increases, does the board have the power to compel the city to raise taxes?

Senator PICCOLA. Mr. President, yes, if it is, in fact, part of the coordinator's plan.

Senator BLAKE. Mr. President, is it possible that a court, on appeal, could approve an arbitration award involving a public safety or other public employee union, and notwithstanding that approval, can the management board void that award after the exhaustion of all appeals by the labor union?

Senator PICCOLA. Mr. President, I do not believe those provisions are in the bill any longer. I cannot imagine anybody can overrule a court, however.

Senator BLAKE. Thank you, Mr. President.

Mr. President, with permission of the Chair, I would like to speak on the bill.

The PRESIDENT. The Senator is in order.

Senator BLAKE. Mr. President, the issue that has followed this matter through two committee hearings is the constitutionality of the bill. We tried to address and rectify this course yesterday by making Senate Bill No. 1151 apply to all 53 third class cities in Pennsylvania, but it begs the question as to why we should write a new chapter of Act 47 that encroaches on local governance and the authority of elected officials in 53 of our cities, and in particular the 9 currently in Act 47 - Aliquippa, Chester, Clairton, Duquesne, Johnstown, Nanticoke, New Castle, and Reading, in addition to Harrisburg - due to a singular situation in the city of Harrisburg.

Senate Bill No. 1151 is an encroachment on longstanding principles of democracy and the credibility of our electoral process because the management board would be appointed by the State, not locally elected. It is an intrusion on local autonomy and a reaction to a singular situation. We hear a lot of rhetoric in this building about the need for smaller government, less government. I guess that is true, unless we decide it does not fit our circumstances. There was an acknowledgment on the floor yesterday that the bill was unlikely to pass muster and withstand a legal challenge, so in an effort to salvage it, we amended it to reverse agreed-upon amendments which were the product of not one, but two committee hearings.

We are, in this legislation, impeding on the rights of cities, and their elected officials, that have adopted a home rule charter, and sweeping aside the rights and wishes of those communities that have said they want their decisions and actions controlled by their own locally elected and appointed officials. There has been only one instance of a municipal bankruptcy filing in Pennsylvania, Westfall Township in Pike County, so we are overstating certain precedents here with respect to that right of local government.

Mr. President, some of our third class cities are only a lawsuit, or perhaps a bad investment, away from fiscal distress. If we are going to go around Act 47 rather than fixing it, we need to have some consistency in how we approach the issue. In the two other circumstances, for the city of Pittsburgh and the city of Philadelphia, where oversight commissions had been established, they had limited authority. They were able to successfully advance the Act 47 and fiscal distress issues.

This bill empowers management boards with powers never before granted under law, and it has not been properly vetted through proper deliberation. The language of Senate Bill No. 1151 is broad and appears unlimited in some ways. When a management board is in place, we are giving it carte blanche to run the city. Senate Bill No. 1151 does not sufficiently delineate boundaries or rules of engagement. How are we assured that, once in place, the management board will not encroach on pow-

ers and duties of third class cities related to taxation, elections, boundary changes, municipal planning, and other decisionmaking authorities?

Mr. President, I also have serious reservations about the process that got us here. There were not proper hearings on the matter with respect to the issues that are germane to Senate Bill No. 1151. We suggested a joint hearing between the Committee on Community, Economic and Recreational Development and the Committee on Local Government. That was rejected. I do not know how we could be comfortable that this legislation was vetted properly through the Committee on Community, Economic and Recreational Development when it has nothing to do with community, economic, and recreational development. It has to do with local governance, local government authority, and local government statutes.

We have not heard from the Local Government Commission, the authors of origin of Act 47, and the legislation that we are trying to circumvent has its genesis in that commission. We have not considered input from the city of Harrisburg, and I know for a fact that a member of Harrisburg City Council has said that the talk about bankruptcy is a distraction from the important deliberations on Act 47 that are currently ongoing. Contrary to long-standing customs and protocols that have prevailed in this Chamber, we have rushed to judgment and simply tossed out a set of agreed-upon amendments.

The elected officials in Harrisburg should be given the same opportunity to act as officials in any other municipality. If they do not, then we can begin talking about ways to address the issue. This bill presumes their failure. Our action is premature and preemptive.

The Act 47 coordinator took 6 months to put the plan together. It was just presented to council and the mayor on June 13, 15 days ago. A public hearing on the plan is scheduled for today, June 28. And based on the provisions of Act 47, the council has 25 days from the date of the hearing to act on the coordinator's plan. If the coordinator's plan is not adopted, the mayor has another 14 days to develop an alternate plan, or until August 6. If an alternative plan is adopted, it still opens the city up to the possibility of having the management board in place.

There is a mechanism in place to address failures by elected officials, and that is called an election, Mr. President. I understand the objective here, and I am aware of the concern from the maker of the bill. I think the bill is overreaching, the implications are concerning, and the haste with which we are moving is ill-advised. We are not allowing the Act 47 process to play itself out. We are discarding, to some extent, the will of the voters in our third class cities and circumventing the intent of Act 47 by adding a new chapter.

Finally, Mr. President, as my Democratic Leader pointed out yesterday in this Chamber, a vote on this may be a moot point. As the maker of the bill has said, the primary impetus for Senate Bill No. 1151 was to foreclose on the city of Harrisburg's opportunity to enter into bankruptcy. Senate Bill No. 907, which will be the Fiscal Code, which I am sure will meet a majority vote in this Chamber, already states that "Notwithstanding any other provision of law, including Section 261 of the Municipalities Financial Recovery Act, no distressed city may file a petition for relief under 11 U.S.C. Ch. 9 (relating to adjustments of debts of a municipality) or any other Federal bankruptcy law..." So the Fiscal Code, Mr. President, if it is adopted by a majority vote in

this Chamber, will already preclude for a year the opportunity for a bankruptcy filing by a city in distressed status.

I ask the Members to grant me one last indulgence. I know they do not need this to be recounted back to them, but it is appropriate, in this circumstance, to read an excerpt from the Pennsylvania Constitution. Article III, Section 31, of the Pennsylvania Constitution states that "The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or affects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever."

Mr. President, our founder and the father of our Constitution, James Madison, held that there were two things that were of critical importance in our deliberations: the principle of consent, and the rule of law. We do not have the consent to rule with unlimited power, and in fact, our Constitution states as much with respect to local government, in particular, in governance in this Commonwealth. I ask my Members for a "no" vote on Senate Bill No. 1151.

Thank you, Mr. President.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, very briefly, in response to the gentleman, I argue for the adoption of Senate Bill No. 1151. First of all, the argument that other Act 47 cities would be affected by this bill is false. There are Act 47 plans, I think, in about 9 or 10 cities. They are all being implemented. This bill will have no effect, because they are being implemented.

The gentleman speaks about the singularity of the situation. While it may be true that nobody has monumental debt like Harrisburg, the effect of bankruptcy, which has actually been threatened and voted on in a positive way by the city council, would have a disastrous effect on municipalities all over the Commonwealth of Pennsylvania by affecting bond ratings and causing them to have to pay a higher rate of interest if they chose to borrow money for much-needed projects.

Finally, I argue that this notion that somehow cities have sovereignty, that there is some kind of independence—cities, as all municipalities, are creations of the Commonwealth. They are instrumentalities of the Commonwealth. They operate under laws, rules, and regulations that are granted to them by the Commonwealth. This rule of law goes back a century and a half. Dillon's Rule, it is called. They are instrumentalities of the Commonwealth, and we frequently change the rules under which they operate, and that is essentially all we are doing here today.

I agree, city council and the mayor should have the first opportunity to deal with this subject. But they have failed, not just in the last few months, not just in the last year, but they have failed repeatedly over the last 2 or 3 years, as we have moved toward this situation that is looming before us. Bankruptcy is the direction in which we will be headed if we do not pass this legislation. I urge an affirmative vote.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, I have given a lot of thought to this bill, and I have made a decision to support the bill, with the understanding that we take a very good look and try to rewrite Act 47, perhaps by the end of this year. In looking at Act 47 and the parameters that it currently provides and in the history that we have in this State of cities that have gone into Act 47, we see that it is not a successful exercise for people. Very few cities come out of Act 47.

Given our budget constraints this year, we see that we are allocating almost no money to provide relief and assistance to cities that will rely on State intervention and help, financially, to bail themselves out of some difficult financial situations. We are, with this bill, taking away their ability to file bankruptcy, and in that, negotiate their way through some very difficult contract situations with creditors.

We are in an almost no-win situation with municipalities in this State that are in financial distress. So, given those circumstances, and a vote today to try to contain the damage in Harrisburg as best as, I think, we see fit to do from this Chamber, and with the assurance that we will develop a much better plan for the future for Act 47, I am willing to vote for this bill today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, with deep regard for my colleague, Senator Eichelberger, the Republican chairman of the Committee on Local Government, the Fiscal Code bill, Senate Bill No. 907, which is likely to meet a majority vote in this Chamber, already has a provision that precludes bankruptcy by the city of Harrisburg for a year. It is a reasonable, I think, probably appropriate, action in the wake of the comments of the maker of this bill. But also, to the point that Senator Eichelberger related on Act 47, it was a bill that emanated from the Local Government Commission, it took an awful lot of deliberation, and yes, there might be flaws in it, but this legislation adds an entirely new chapter to Act 47 without the appropriate deliberation to which my colleague related. I believe that we should vote down this bill, allow the Fiscal Code to accommodate the issues related to bankruptcy in the city of Harrisburg, and move to do the appropriate hearings that an Act 47 amendment warrants.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I request temporary Capitol leaves for Senator Scarnati and Senator Pileggi.

The PRESIDING OFFICER. Senator Browne requests temporary Capitol leaves for Senator Scarnati and Senator Pileggi. Without objection, the leaves will be granted.

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-29

Alloway	Erickson	Pippy	Ward
Argall	Folmer	Rafferty	Waugh

Baker	Gordner	Robbins	White Donald
Browne	McIlhinney	Scarnati	White Mary Jo
Brubaker	Mensch	Smucker	Yaw
Corman	Orie	Tomlinson	
Earll	Piccola	Vance	
Eichelberger	Pileggi	Vogel	

NAY-21

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

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

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

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I request a temporary Capitol leave for Senator Piccola.

The PRESIDING OFFICER. Senator Browne requests a temporary Capitol leave for Senator Piccola. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 15 (Pr. No. 2223) -- 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.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington

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

NAY-0

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

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

HB 38 (Pr. No. 2224) -- 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.

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-41

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

NAY-9

Earl	Folmer	Ward	White Mary Jo
Eichelberger	Pippy	White Donald	Wozniak
Ferlo			

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

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

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WOZNIAK offered the following amendment No. A4204:

Amend Bill, page 1, line 2, by striking out "further providing" and inserting:

in operation of boats, further providing for operating watercraft under influence of alcohol or controlled substance and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. Sections 5502(d) and 5502.1(a) of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:
§ 5502. Operating watercraft under influence of alcohol or controlled substance.

(d) Subsequent conviction.--Acceptance of Accelerated Rehabilitative Disposition, an adjudication of delinquency or a consent decree under 42 Pa.C.S. Ch. 63 or any other form of preliminary disposition of any charge brought under this section or a conviction or guilty plea under 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) shall be considered a first conviction for the purpose of computing whether a subsequent conviction of a violation of this section shall be considered a second, third or subsequent conviction.

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 BROWNE.

BILL OVER IN ORDER

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

BILL LAID ON THE TABLE

SB 469 (Pr. No. 1164) -- 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," providing for a short title; further providing for definitions; and making editorial changes.

Upon motion of Senator BROWNE, and agreed to by voice vote, the bill was laid on the table.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 488 (Pr. No. 2225) -- 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 to 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 General Services, with the approval of 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.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

HB 589 (Pr. No. 573) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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 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.

BILL OVER IN ORDER

HB 915 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

BILL OVER IN ORDER TEMPORARILY

HB 960 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BROWNE.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 995 (Pr. No. 1445) -- 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.

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 PRESIDING OFFICER. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, natural gas drilling will never be totally risk-free, but by putting stronger requirements in law and by encouraging commonsense action, we can dramatically reduce the risk for workers and first responders in the communities located near drilling sites. This bill came about because of conversations with emergency response personnel and through our Senate Policy Committee hearings. These individuals alerted us to worrisome holes in the safety net. At its heart, this bill requires well operators to meet the most basic rule of public safety: plan ahead. Tell us where your wells are, give us your clear directions to each site, call at the first sign of trouble.

Today, firefighters, ambulance crews, and hazmat teams may not be told where wells are being planned or where the access roads to those sites begin. Such notification should be triggered at the earliest stages of planing, rather than after waste is discharged or chemicals are brought onsite. This bill requires operators to post the GPS coordinates for their well sites and reveal them to the proper officials at all levels of government. Then, when a 911 call is placed, the location of the troubled spot is immediately evident.

Today, well operators must file limited information with the State Department of Environmental Protection and the State Department of Labor and Industry. With heavy equipment and chemicals onsite, coupled with the ever-present possibilities for equipment failures or human error, accidents can happen, and we need thorough, effective, and readily accessible plans in place.

This bill will ensure the development of a complete emergency plan covering every stage, from road clearing and well pad preparation through well closure, is provided to first responders and State and local officials. Today, when tragedy strikes at a well site, precious minutes are lost as 911 operators seek to locate the site and dispatch first responders, and that is after a 911 call is made.

In Bradford County this past April, several hours passed before 911 was called as workers attempted to handle the fluid and the gas on their own. In the face of an injury or a leak, you cannot recapture lost minutes, much less, lost hours. The controllable is too easily escalated into the uncontrolled. This is why we need a commonsense reaction compelled by the sense of responsibility, rather than State law. Given the urgency of upgraded standards for emergency planning, emergency regulations are called for. We cannot afford to wait 2 years for the normal regulatory process to play out with new wells being drilled at an aggressive pace.

Senate Bill No. 995 will help prevent accidents, and when accidents do occur, it will minimize the damage to life, property, and the environment. I would like to take a moment to acknowledge the consideration that has been shown by both Senator Hughes and Senator Ferlo, who are holding back amendments to this bill that they had prepared. As many Members of this body have concerns, there are serious concerns about certain aspects of the drilling process. The substantive requirements that they sought in their amendments will be part of our continuing debate on natural gas drilling and upgrading regulations.

This bill is a very important piece, one that we hope to have in place very soon, but it in no way represents the end of the discussion. I will continue to work with my colleagues on both sides of the aisle to address these issues because, I believe, we all recognize additional action will be needed to assemble a package

of community and environmental protections that must accompany the economic benefits of Marcellus Shale drilling.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, first of all, I wholeheartedly support Senate Bill No. 995 and applaud the work of Senator Baker and other colleagues, on both sides of the aisle, who want to hone-in specifically on improved health and safety as it relates to potential and real detrimental impacts in the Marcellus Shale drilling area, nearby communities, and the environment. It is true that there is ongoing debate here, obviously, and there is a divided House and Senate on the issue of the severance tax or the impact fee. That debate and that form of legislation will continue to go on, as well as other aspects and future amendments to the Oil and Gas Act.

I was going to offer a specific set of amendments relative to Title 35, regarding health and safety. They would have improved the notification requirements for areas surrounding well drilling sites. They would have empowered conservation districts to properly oversee sediment and erosion control plans. They would have created further setbacks for well sites and structures near drinking water sources, and a number of other enumerated amendments. In the interest of moving forward on this bill, and not seeing it delayed in any way, I think we live to fight another day. There will be other opportunities through this summer and into the fall, with or without recommendations, that may or may not come from the Marcellus Shale Coalition.

So, in that spirit, I will not be offering any amendments. I hope that we can continue to work in a bicameral and bipartisan fashion to strengthen both the Oil and Gas Act and the health and safety aspects under Title 35. I hope and pray that we eventually will not continue to let folks extract natural resources out of our great Commonwealth, with the reality of detrimental impacts to our ecology, our environment, and our communities, without understanding the financial contribution they need to make. So, in that spirit, I certainly will not be offering any additional amendments, and I urge the passage of this bill. I thank Senator Baker for her leadership. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I had intended to offer an amendment to this bill that would have added, what I believe, to be some very commonsense requirements to this already important bill. However, the sponsor of the bill convinced me that to get the vital GPS location for every well into the hands of the first responders, which is what her bill does, I needed to withdraw my amendment. I agreed to do so. This bill is important enough to get done right now.

I did want to speak on what my amendment would have done, for a brief moment. There are significant shortcomings in our regulation of the Marcellus Shale drilling industry. There are those companies that are trying to do the right things in extracting the shale gas, and my amendment may have required them to do what they are already doing. But there may be companies that are not doing all the safety precautions outlined in my amendment, and they should be. I look forward to working with all of my colleagues to craft a stringent set of laws to insure that the Marcellus Shale industry lives up to its full potential for everyone.

My amendment would have added four requirements to protect the public. Number one, it would have required the establishment of a toll-free number that is monitored 24 hours a day for the public to report water contamination issues to PEMA. Number two, Mr. President, it would have required the use of dual-line impoundment for frack water stored onsite and required DEP to inspect the impoundments monthly for leakage. My good friend and colleague, Senator Solobay, has informed me that this is occurring on many occasions already, but there are some places that this should be enforced.

Number three, it would have established a manifest system to maintain a paper trail on frack water from the moment that it is transported offsite, until the water is safely disposed. Companies would be required to keep those records for 5 years so that DEP could verify that competent haulers were transporting the used water to sites that are equipped to handle the water in a responsible manner. Number four, it would have required the operators to provide a list to DEP of the fracking chemicals and their concentrations, and the source of the water that is to be used in the fracking process.

These ideas are taken from our Caucus' comprehensive amendment to the Oil and Gas Act, Senator Ferlo's Senate Bill No. 680. That bill also contains a reasonable extraction tax. It is, and it remains, unconscionable that, at this point, we have not implemented an extraction tax. That is a topic for another day, and I would remind the Members that I support, wholeheartedly, the provisions of Senate Bill No. 995. It is an extremely important bill.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

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

BILL ON SECOND CONSIDERATION

HB 67 (Pr. No. 66) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

HB 399, SB 626, SB 634, SB 717, SB 896, HB 917, SB 926, SB 992, SB 1087 and SB 1100 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILLS REREFERRED

SB 1129 (Pr. No. 1319) -- 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 pupils and attendance, further providing for liability for tuition and enforcement of payment.

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

SB 1130 (Pr. No. 1320) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

HB 1219 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

SENATE RESOLUTION No. 147, ADOPTED

Senator BROWNE, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 147**, entitled:

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.

On the question,

Will the Senate adopt the resolution?

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

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

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

June 28, 2011

HB 1683 -- Committee on Labor and Industry.

HB 1696 -- Committee on Local Government.

HB 1727, 1728, 1729, 1730 and 1731 -- Committee on Appropriations.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor in the Rules room to

consider House Bill No. 1727, House Bill No. 1728, House Bill No. 1729, House Bill No. 1730, and House Bill No. 1731.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

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

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

AFTER RECESS

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Scarnati, Senator Piccola, and Senator Pileggi have returned, and their legislative leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1485 CALLED UP

HB 1485 (Pr. No. 2228) -- 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.

PREFERRED APPROPRIATION BILL

REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1485 (Pr. No. 2228) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

MOTION TO SUSPEND TEMPORARY RULE ESTABLISHED BY SENATE RESOLUTION No. 100

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

Senator WASHINGTON. Mr. President, in the midst of these exceptionally difficult times, we should not be turning our backs on the most vulnerable people in our community, but that is exactly what we are doing in this budget. We need to reverse the course--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator PILEGGI. Mr. President, if the gentlewoman is rising to make a motion to suspend the rules, that is not a debatable motion, and I have not even heard a motion yet.

The PRESIDENT. The gentleman's point is well taken.

Senator Washington, are you moving to suspend the temporary rule?

Senator WASHINGTON. Yes, I am, Mr. President.

The PRESIDENT. Senator Washington has made a motion to suspend the temporary rule established by Senate Resolution No. 100, Section III, for the purpose of introducing an amendment to House Bill No. 1485.

On the question,

Will the Senate agree to the motion?

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

Senator PILEGGI. Mr. President, I ask for a negative vote.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator WASHINGTON 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.

The PRESIDENT. The motion to suspend the temporary rule has failed.

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

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

Senator WASHINGTON. Mr. President, may I submit my remarks for the record anyway?

The PRESIDENT. Yes. 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 Philadelphia, Senator WASHINGTON:)

Mr. President, in the midst of exceptionally difficult times, we should not be turning our backs on those most vulnerable, but that is exactly what we are doing in this budget. We need to reverse course and make sure that our important human services safety net is intact.

For that reason, I move to suspend Senate Resolution No. 100, to the extent it prohibits amendments on the Senate floor except on second consideration, for the purpose of offering amendment No. A4648 to House Bill No. 1485. This amendment will provide \$64.95 million in funds to restore key funds for the Human Services Development Fund and other lines such as county child welfare, physician practice plans, and homeless assistance. These programs reach out to those in need and touch the lives of so many through county and local programs. This amendment is about children, seniors, and families.

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

MOTION TO SUSPEND TEMPORARY RULE ESTABLISHED BY SENATE RESOLUTION No. 100

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

Senator KITCHEN. Mr. President, there are many who will have to bear large--

The PRESIDENT. The Chair reminds the gentlewoman that she was recognized for a motion to suspend the temporary rule established by Senate Resolution No. 100, Section III, to consider an amendment. Do you make that motion?

Senator WASHINGTON. Yes, Mr. President.

The PRESIDENT. The gentlewoman has made a motion to suspend the temporary rule established by Senate Resolution No. 100, Section III, to consider an amendment to House Bill No. 1485.

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

The yeas and nays were required by Senator KITCHEN 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.

The PRESIDENT. The motion to suspend the temporary rule has failed.

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

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

Senator KITCHEN. Mr. President, I would like to submit 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 Philadelphia, Senator KITCHEN:)

Mr. President, there are many who will have to bear a large burden as a result of the Corbett budget agreement. Hospitals will feel great pain, especially when they are required to deliver care and not receive just compensation for serving those without health insurance. This budget agreement does little for hospitals. We need to right that wrong. We can do that by adding more State funds to the budget agreement so that hospitals are not harmed.

For that reason, I move to suspend Senate Resolution No. 100, to the extent that it prohibits amendments on the Senate floor except on second consideration, for the purpose of offering amendment No. A4545 to House Bill No. 1485. This amendment will provide \$15 million in funds to restore uncompensated care. While there are some mild restorations in the budget agreement, it is hardly enough money for hospitals, and it is still woefully inadequate by any measure. We can act today and ease the pain that hospitals will feel from this unfair budget agreement.

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

MOTION TO SUSPEND TEMPORARY RULE ESTABLISHED BY SENATE RESOLUTION No. 100

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

Senator STACK. Mr. President, I rise to find a way to restore funding for the adultBasic insurance program. I do that through a motion to suspend the temporary rule established by Senate

Resolution No. 100, and I hope that we can find a way to provide affordable health insurance so all those people who were--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. While Senator Stack was creative in his motion to suspend the temporary rule, Senator Pileggi, your point is well taken. The issue is whether or not the Senate shall suspend the temporary rule.

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

The yeas and nays were required by Senator STACK 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.

The PRESIDENT. The motion to suspend the temporary rule has failed.

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

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

Senator STACK. Mr. President, I would like to submit 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 gentleman from Philadelphia, Senator STACK:)

Mr. President, in the midst of recovering from a recession, one of the worst things that we can do is pull the rug from underneath those who need healthcare. The Corbett administration stopped funding adultBasic earlier this year and, in my opinion, really did very little to try to extend access to quality health insurance for another year. We can do better. We should not accept the demise of this program without taking aggressive action.

For that reason, I move to suspend Senate Resolution No. 100, to the extent it prohibits amendments on the Senate floor except on second consideration, for the purpose of offering amendment No. A4527 to

House Bill No. 1485. This amendment will provide \$94.25 million to fund our adultBasic program. As we all know, adultBasic has been an effective program that has delivered quality healthcare at an affordable price to those in need.

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

MOTION TO SUSPEND TEMPORARY RULE ESTABLISHED BY SENATE RESOLUTION No. 100

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

Senator HUGHES. Mr. President, because of the overwhelming cuts in basic education funding, I would like to offer this amendment to House Bill No. 1485 to restore significant dollars to basic education funding across the Commonwealth.

The PRESIDENT. Senator Hughes moves to suspend the temporary rule established by Senate Resolution No. 100 in order to introduce an amendment to House Bill No. 1485.

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

The yeas and nays were required by Senator HUGHES 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.

The PRESIDENT. The motion to suspend the temporary rule has failed.

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

MOTION TO SUSPEND TEMPORARY RULE ESTABLISHED BY SENATE RESOLUTION No. 100

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

Senator FARNESE. Mr. President, as we all know, one of the most unappreciated aspects of this budget is its treatment of arts and tourism. While the Republican budget agreement provides some restorations, more could be done--

POINT OF ORDER

Senator PILEGGI. Mr. President, point of order.

The PRESIDENT. The gentleman will yield.

Senator FARNESE. --and more should be done--

The PRESIDENT. The gentleman will yield for the point of order.

The gentleman from Delaware, Senator Pileggi, will state his point.

Senator PILEGGI. Mr. President, I believe the motion was to suspend the temporary rule, which is nondebatable.

The PRESIDENT. That is correct. The gentleman's point is well taken.

Senator, are you introducing a motion to suspend the temporary rule?

Senator FARNESE. Mr. President, I am in fact making a motion to suspend the temporary rule, because I believe this budget does not do what it should for arts and culture.

The PRESIDENT. Senator Farnese moves to suspend the rules to allow an amendment to House Bill No. 1485.

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

The yeas and nays were required by Senator FARNESE 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.

The PRESIDENT. The motion to suspend the temporary rule has failed.

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

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

Senator FARNESE. 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 gentleman from Philadelphia, Senator FARNESE:)

Mr. President, one of the most underappreciated aspects of this budget is its treatment of the arts and tourism. While the Republican budget agreement provides some restorations, more can be done, and more should be done.

For that reason, I move to suspend Senate Resolution No. 100, to the extent it prohibits amendments on the Senate floor except on second consideration, for the purpose of offering amendment No. A4662 to House Bill No. 1485. This amendment will provide \$13.87 million in funds to restore money for arts programs, tourist promotion, and museum assistance. A good portion of these funds are used for educating children and exposing them to new ideas and thoughts through the arts. These funds will also help us grow our tourist industry and create even more jobs and economic opportunity.

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

MOTION TO SUSPEND TEMPORARY RULE
ESTABLISHED BY SENATE RESOLUTION No. 100

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

Senator FONTANA. Mr. President, I rise to make a motion to suspend the temporary rule established by Senate Resolution No. 100 for the purpose of offering an amendment because I believe we need to invest in job creation programs to help our economy grow.

The PRESIDENT. Senator Fontana moves to suspend the temporary rule to allow an amendment to House Bill No. 1485.

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

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.

The PRESIDENT. The motion to suspend the temporary rule has failed.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

Senator PILEGGI. Mr. President, I rise in support of House Bill No. 1485, our State budget for the coming year. This bill represents a fiscally responsible, sustainable budget with no tax increases. We faced many challenges in developing this budget, not the least of which is the fact that this is a transitional year for State government. Over the past 3 years, Pennsylvania has received nearly \$7 billion--that is billion with a "B"--dollars in budget assistance from the Federal government. Those days are over. This year marks a return to a State budget paid for with State revenues. It is difficult, but necessary, to reset State spending to reflect that new reality.

This is a remarkable break from past budgeting decisions. In prior decades, the first instinct was to raise taxes, not to make the difficult decisions necessary for government to live within its means. This year, we accepted that responsibility, we developed a budget that recognizes economic realities and does not increase taxes. At a time when Pennsylvania families are still struggling to make ends meet, when too many men and women across this State are unemployed and underemployed, our first duty is not to increase the burden on hardworking taxpayers. The budget before us today accomplishes that goal.

I recognize that decisions we made in developing this budget have a real impact on Pennsylvanians. That is why one of my goals during the budget negotiations was to restore, as much as possible, K through 12 education, higher education, and hospital funding. I am pleased that we did achieve some success in those three areas. While there are still spending reductions compared to the current year, House Bill No. 1485 increases basic education funding by \$268 million and higher education funding by \$368 million, compared to the Governor's March 8 budget proposal. That is a total of \$636 million in education funding above the Governor's original proposal.

Not everyone will embrace this budget. I understand that. But House Bill No. 1485 is a prudent budget that puts taxpayers first and sets Pennsylvania firmly on a course of fiscal responsibility. Mr. President, I ask for an affirmative vote on House Bill No. 1485.

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

Senator HUGHES. Mr. President, well, here we are. After days and weeks and months of hearings and conversations and gnashing of teeth and all kinds of angst and whatever, here we are. A budget has been presented to us that is, at best, a trick on Pennsylvania's people. I say that because, very simply, Mr. President, we are sitting right now--again, one more day--with new reports in of receipts of an additional \$66 million that has been returned to the State's coffers, just on yesterday's receipts, which were counted up and reported this morning. That puts us alarmingly, amazingly, incredibly close to a \$700 million budget surplus in this current year.

Some folks have made up different names for that money. Some folks have called it different things. But the truth of the

matter is that on this day, June 28, at 5:02 p.m., we are sitting on what will probably be, by June 30, an extra \$700 million in budget surplus. And this budget, House Bill No. 1485, wants to report to the people that there are not enough dollars to deal with the issues that most Pennsylvanians are concerned about.

So the context is important, Mr. President. The fact is that there are dollars to be spent and to be invested in the issues that Pennsylvania's people care the most about. The process is also important, Mr. President, because after we had hours of public hearings, weeks and months of conversations all across the Commonwealth--as we have gone through that process and have gone from northeastern Pennsylvania to southeastern Pennsylvania, here in central Pennsylvania, southwestern Pennsylvania, through the counties, through lots of public conversations, lots of town meetings, conference calls with 15, 20, 100, 200 people on a call to inform them of what was going on, after we had all of the dialogue, all of the letters and the thousands of e-mails that we received, and I would imagine that probably no Senator in this hall, Democrat or Republican, received more than 10 e-mails in support of this budget, except if it came from the front office--after having lots of conversation, lots of dialogue with lots of people, in the last 3 to 4 weeks, maybe even 6 weeks or so, what has happened is that the Majority has circled the wagons. They have circled the wagons, in the House and the Senate and the Governor's Office, and met amongst themselves and crafted a budget that, again, does not put Pennsylvania's people first. In many respects, Mr. President, it puts the people of Pennsylvania last. It puts the schoolchildren last.

Some will tout an increase in funding for basic education, but the fact is, if you compare the dollars in this bill to what the Governor introduced, in many respects, it is a false comparison. The comparison should be made, Mr. President, between what is in House Bill No. 1485, what was spent last year, and what the available dollars are now. The truth of the matter is, Mr. President, there is a \$900 million cut in basic education funding. As a result of that cut in funding, Mr. President, schoolteachers and teaching personnel, janitors, bus drivers, and all kinds of individuals across the Commonwealth will lose their jobs. Thousands have already received layoff notices, and many more are to come.

That is a reality of this budget that is being presented to us today, House Bill No. 1485, a document that was agreed to by the Majority here in this body, the Majority in the House, and the Governor's Office. There were no four-party negotiations in this process, Mr. President. There was no time when all four Caucuses sat down and had across-the-table conversations about what we would like to do for the people of the Commonwealth of Pennsylvania. At no time was there ever that kind of conversation.

This budget is being crafted by the Majority. This is their budget. Unfortunately, they own the budget, but the impact of the budget will be on the people, all 12 million people of this Commonwealth, and that is a shame, because we do not make the appropriate investments in the education of our children when we have the money to do so. So, school districts across the Commonwealth--you will see it, Mr. President. On July 1, when this budget goes into effect, school districts across the Commonwealth will increase local property taxes. The Governor says he does not want an increase in taxes. He signed a pledge with Grover to not increase taxes. Well, you know what, there is go-

ing to be an increase in taxes, and that increase in taxes does not have to happen, because we are sitting on a \$700 million budget surplus.

But when you craft a budget that only contains the issues of the Majority and does not focus on having a four-party negotiation, a four-Caucus negotiation, when you do it all amongst yourselves, this is what you get. This is what you get, Mr. President. This is their budget. They crafted it, they drew it up with the pressures of Grover standing over them, not wanting to have any tax increases. And nobody asked for a tax increase. There is not one proposal that the Senate Democratic Caucus has ever offered in the context of this budget process that ever asked for a tax increase. So the conversation about having that is a false conversation. But because that is hanging over the Majority's head, that is what we have, an environment where pressure has been put on families across the Commonwealth, and their local property taxes will be increased to deal with the cuts in basic education.

College students, Mr. President, will see a dramatic increase in their tuition at our State-related and State-owned universities. Believe me, there will be a tuition increase for every student who is listening or paying attention. There will be a tuition increase at Penn State University, and it will be a dramatic one. If you are a student at Temple University, you will see a tuition increase, and it will be a dramatic one. If you are a student at the University of Pittsburgh, you will see a tuition increase, and it will be a dramatic one. If you are a student at one of the 14 State-owned universities, from West Chester to IUP to Clarion to Cheyney University, you will see a dramatic increase in your tuition, because the money that exists in this budget that is available to us will not be shared with those students. If you are a student at Lincoln University, rest assured, there will be a tuition increase, and it does not have to be. In fact, there will probably be layoffs at all of those universities because the Majority has chosen not to invest in the students of Pennsylvania and not to invest in the universities of Pennsylvania at an appropriate level to prevent that from occurring.

But this is what they crafted, without making sure that everyone was a part of the process. This is what they crafted in their private rooms, in their private conversations. This is what they crafted, whether it be at the Governor's residence, the mansion, the office. This is what they came up with. This is of their crafting. This is of their doing.

If you are trying to find a job in Pennsylvania, if you are looking for economic development, if you are a small business person trying to look for some help from the Commonwealth of Pennsylvania, if you have a new technology program that you would like to introduce in the Commonwealth of Pennsylvania, well, do not look for a friend in Pennsylvania, because this budget reflects the fact that when there was an opportunity to help you, when there was an opportunity to provide significant extra dollars to help you, this budget turns away from you, and it does it in the context of having money available to be invested.

If you are on healthcare, and you need the help of the Commonwealth of Pennsylvania with respect to health insurance, the amazing thing that occurs in this State budget, and the amazing thing about the process that has occurred in this State budget, is really interesting. Back on February 28, Mr. President--it was a Monday--the adultBasic program came to an end. The adultBasic program had, at that moment, an enrollment of about 42,000 to 45,000 people who were receiving health insurance. These were

individuals who were mostly women, raising families, and working low-income jobs. They did not make enough to pay for their own private insurance, but they make a little bit too much to participate in the State's Medical Assistance program. Well, on February 28, this administration said that it could no longer continue to fund that program. That program is over. It is finished. Kaput. It has ended. The front office said it did not have the money. It does not have the money to spend on that program.

Amazingly enough, 3 days later, on March 3, the Governor announced that, you know what, I guess we just found some new money. Because now that we have new dollars, we can do something that, well, we will just take advantage of our best friends in the big businesses of the Commonwealth of Pennsylvania. They are going to receive a \$68 million tax break this year. So, we cut off healthcare insurance services on February 28 because we did not have enough money. That is what was said. Then, 3 days later, from Monday to Thursday, amazingly, \$68 million appeared, and we provided a tax break to big businesses in the Commonwealth of Pennsylvania.

And the problem with that, among a number of things, Mr. President, is that we get nothing for that tax break. There was no commitment to provide new jobs. There was no commitment to help the uninsured. There was no commitment to do anything. There was no commitment to make investments in the Commonwealth or start new businesses in the Commonwealth. The interesting thing about the kind of tax break that was received, Mr. President, is that a tax break is rated as one of the worst ways to stimulate the economy, start new businesses, and create new jobs. That is what occurred.

On March 3, they said there was no money. On March 8, the Governor introduced his budget, and there was another \$300 million in that new budget for more tax breaks for the largest businesses. At the same time, if we say there is no money, then there is no money. If there is no money for young people to go to school, if there is no money for students to go to college, if there is no money for folks to receive healthcare benefits, how come, amazingly, money can appear for these major businesses in the Commonwealth, with no commitment from these businesses to create jobs or provide opportunity? Nothing in writing. Nothing on paper. No legislation committed to. Nothing. But that is what we have in this budget that we are about to vote right now.

So, there is no commitment to provide healthcare services, even though we have a current-year budget surplus of \$700 million. We could figure out a way to restart the adultBasic program. We could get it started again, if there was some creativity, if there was some ingenuity, if there was a commitment, if there was a will. Apparently, there is no will, but we know there is the dough. We know there is the money, we know there are the finances, because reports are coming in again today that an additional \$66 million was reported to the Commonwealth.

Mr. President, this is the wrong direction for the people of this State. This is not the way we need to be going to grow the State's economy. This is not the way we need to be going to invest in people. This is not the way we need to be going to provide a bright future for the youth in this State, for the college students in this State, for the folks who are looking for jobs and employment opportunities in this State, the folks who need healthcare services in this State. This budget cuts services when the money is available. And the budget was created, again, Mr. President,

by just a handful of individuals in a very partisan fashion. The Republican Majority of the Senate, the Republican Majority of the House, and the Governor's Office convened amongst themselves and crafted this document.

If they had brought other folks to the table, maybe it would have been different. Maybe we could go in a different direction. Maybe we could be responsive to the needs of the people of the Commonwealth of Pennsylvania, but that is not what happened here.

So, consequently, Mr. President, for all those reasons, and thousands more that are in this document, and for millions of people across this State who need this State to stand up for them, who need this State to recognize the fact that there are dollars available to invest in the education of their children, that there are dollars to invest in the job creation programs that put people back to work and put people first—for the millions of people across the Commonwealth of Pennsylvania who need this State to step up for them when they need a little bit of help with their healthcare program, and when they need a little bit of help with their environmental needs.

I have not talked about the issue of Marcellus Shale. I am sure one of my colleagues will talk about that.

That is the other crime that exists in this budget, the fact that we let that industry off the hook one more time. How can we say to the average Pennsylvania homeowner that they are going to have to pay more taxes and our friends in the Marcellus Shale industry do not have to pay a dime? They do not have to contribute anything to this process, while we wait for a commission to produce its report. Well, the report is in right now for the needs of the people of the Commonwealth. The report is in that folks need help when they go to school or when they try to find a job, and this budget does not respond to their needs.

So, Mr. President, for thousands of reasons more on this budget document, but more importantly, for the millions of Pennsylvanians who need this State to stand up for them, I urge a "no" vote on House Bill No. 1485. It is appropriate, it is the right direction, and we need to vote "no" and come back with another solution to respond to the needs of Pennsylvania's people. We need to be in the business of putting Pennsylvania's people first. This budget, Mr. President, puts them last.

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

Senator CORMAN. Mr. President, it is June 28, I believe, a little after 5 o'clock. I do not want to refer to it as historic, because we do not go that far back, but it has been rare, over the last few years, that we finished up our business and put a budget into place before the fiscal year ended.

As a matter of fact, the last time we were able to get a budget done by June 30 was when Governor Schweiker was chief executive. In the last 8 years, we failed to meet that obligation. Although I certainly do not think that the legislature deserves a round of applause for doing its job on time, it is certainly nice that State employees and all those who rely on State funding will not have to wonder if they are going to be furloughed, if their paycheck is going to come, or if the appropriation which has been budgeted will get through because of the lack of a budget being done on time.

We will finish this today, the House will pick it up tomorrow, I believe, and then, hopefully, the Governor will sign it tomorrow or the next day, and we will have an appropriation plan in place

and on time. I think that is a nice change from where we have been over the last 8 years.

Mr. President, this is a historic day in a lot ways, though, in the history of Pennsylvania, at least in its most recent history, when we have had significant recessions, the legislature and the Governor have gone back to the people of Pennsylvania, who were living the recession—let us understand, a recession is less revenue not only coming into the Commonwealth, but less revenue being spent in the economy. And during those times, obviously, when revenue slows down in the State, there is less money in the economy. That is the private sector, people who are not working, people who are not able to buy things—as we are funded mostly on consumption taxes, either income taxes or sales taxes.

Historically, in Pennsylvania, when we have had a recession, when the people of Pennsylvania were struggling to pay their own bills and businesses were trying to do the best they could to keep their people employed, the State of Pennsylvania has always said, you know what, even though you are struggling, we need more money from you because we cannot operate State government without more money, so we need to raise your taxes. In the past, the way of Pennsylvania was that we have always raised taxes during a recession, although, I think, technically, the country is emerging out of this recession, and we are actually seeing some growth. Still, this legislature and this Governor, and the previous legislature last Session and Governor Rendell, in the last 3 years, when we have had a dramatic drop-off in revenue, we have avoided going back to the people of Pennsylvania with any across-the-board tax increase. This budget reflects that as well.

We said, we are going to figure out a way to operate State government with less, because every business person, every family has figured out a way to operate with less. Why cannot State government do the same? And this budget accomplishes that. This budget accomplishes something more important, as the Majority Leader from Delaware County mentioned, something that we have not done in the last couple years because of the stimulus money, something that every family and every business does, we matched up our expenditures with our revenues. We are not spending more than what we have, which is not something we have done in the last couple of years.

Every State is going through this process. We have seen it whether there are Democratic governors, Republican governors, Democratic legislatures, or Republican legislatures. Every State is going through this difficult process of transitioning away from the stimulus dollars and matching up their revenues with their expenditures, mostly because that is what our Constitution mandates that we do. We have to balance our budget. I would like to see our Federal government have a constitutional mandate to balance its budget, but unfortunately, it does not, and we see the results of that.

So, Mr. President, this budget does just that, it matches up our revenues and our expenditures. Now, as was suggested by the previous speaker, my friend and colleague from Philadelphia, there are overages in revenue, and there is no question about it. This year has gone very well. We are seeing increases in revenue, and some of that revenue is spent in this budget. Over \$100 million is spent in this budget. But, Mr. President, we still have extra, and if we would spend it all, we would be going down the same road from which we just came off, which set up this \$4

billion structural deficit, which means we would be spending more money than what we are bringing in.

So, future obligations are out there--just normal growth of some of the programs that are in place, to continue to be able to match that. As any good budget does, you look to at least a 2-year minimum, if not a 3-year outlook, to see where we are going to be, to see what our increases are going to be. We will have significant increases in some of these lines. So, this reserve or overage of revenue is going to put us in a position to handle that without making future cuts to important programs, without going to the taxpayers again and saying, we need more of your money.

So, as tempting as it may be to spend every cent that you have--and that is tempting, Mr. President--the prudent thing to do is to make sure that you put enough aside so that you can pay future bills. And that is what this budget does. So, Mr. President, this budget reflects a good bit of the stamp of the legislature. Governor Corbett, without question, came in to the most difficult time of probably any Governor in his first year in the history of Pennsylvania. To walk in the door, not only to set up new government, not only to hire cabinet people, hire all your staff, and go through that process, but, oh, by the way, you inherited a \$4 billion structural deficit, and you need to close it. The Governor proposed a budget in March which did that, and then, as was mentioned earlier by a previous speaker, we went through a series of hearings, and the legislature was able to put its stamp on this budget.

Although we stayed pretty much within the parameters, which were no tax increases and to balance our revenues with our expenditures, we also were able to add over a half-billion dollars to public education, more than what the Governor had proposed. Think about this, we were able to find a half-billion dollars more in this budget for both secondary and higher education. That shows a commitment of this legislature to public education, to the universities of higher education and to our school districts. Is it as much as I would want? No, probably not. I would like to see it better. But, Mr. President, these are the revenues that we have, and this is what we were able to do.

We were able to find over \$100 million more for our hospitals. Hospitals are extremely important to the Commonwealth of Pennsylvania. Their viability, the extreme increase in Medicaid costs puts a strain on their budgets. This legislature was able to come up with over \$100 million more for the hospitals in Pennsylvania.

Just to back up, regarding education, Mr. President, there is also another fairly historic piece. To show the commitment of this legislature, we are giving back \$50 million in legislative reserves to fund an educational program in this State. There has been a lot of talk about legislative reserves, how much we have, what is appropriate, and what is not appropriate. Even though we could not find it in the General Fund revenues, we found it in the legislative reserves to fund the Accountability Block Grant program. So, there has been a strong commitment to education and hospitals in this budget.

There is also a strong commitment to efficiencies in this budget. If you see our budget, you will see a significant reduction from what the Governor proposed for the Department of Public Welfare. Now, these are not just slashes across the board, these are not just giving less to people who qualify for programs. This was a carefully organized, carefully reviewed process that em-

braces Auditor General, Democrat, Jack Wagner's report of waste, fraud, and abuse, which is a program -- we are committed to find, with the help of the Secretary of the Department of Public Welfare, the waste, fraud, and abuse within some of these programs. Again, that is not taking money away from people who deserve money, who are entitled to money from these programs. According to the Auditor General's report, these are people who are not entitled to these programs, who are getting money for these programs. So, it is not just recipients, it is also providers.

There is a commitment to be efficient within that department. There is a commitment to find ways to find savings. We went through that department, line by line, to review every program in order to find efficiencies. It was strategically done. It was done in a way that, I believe, if you are entitled to a service or to a fee through any of these programs, you will still receive those dollars. That is important, Mr. President, because hopefully these programs are based on a step up, not necessarily a hand-out. There are a lot more than cash assistance programs. There is long-term care. There are a variety of programs. I believe that we found significant efficiencies within that department that helped us move some of these dollars toward education and our hospitals.

So, Mr. President, when you are going through these recessionary budgets, they are difficult. I am sure Governor Cuomo in New York, when he proposed his budget, made very difficult decisions, as did Governor Christie in New Jersey, even Governor Brown in California. They are all making these same type of difficult decisions, because nobody wants to go back to the taxpayers and ask for more money. We have to figure out a way to make State government operate better, and I believe this budget reflects that. I believe this budget gives us strong footing with so many other issues that we are debating, as far as legal reform, education, gives us a strong fiscal footing, Mr. President, with which we can move Pennsylvania forward. This will create the jobs, which will create the wealth in this Commonwealth. We will have topflight education and topflight healthcare, which are essential to healthy communities. So, Mr. President, I strongly urge a positive vote.

Thank you, Mr. President.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise to ask my colleagues for a negative vote on House Bill No. 1485. Since March 8, Senate Democrats have been reviewing this document, and when the Governor made his budget proposal, the buzzword or the theme for that day was shared sacrifice. Mr. President, it was implied that we would all share the pain, as it relates to how this budget, described as "a day of reckoning," was going to be addressed throughout the coming months.

Mr. President, it clearly is a day of reckoning. Unfortunately, it is going to have a significant impact on the people of Pennsylvania, and on our schoolchildren, who will be denied the opportunity to have the requisite amount of funding and programs in place throughout this Commonwealth.

It will be a day of reckoning for our senior citizens, who, inevitably, will be paying more in property taxes. It will be a day of reckoning for those individuals who rely upon the receipt of benefits from the Department of Public Welfare and who do not know, at this point in time, exactly what the reduction in some of those programs will look like. Why is that, because we have a Fiscal Code coming over that is going to authorize the Secretary of the Department of Public Welfare, solely, to decide exactly how those dollars in the budget will be spent. So, those folks do not even know what is coming to them, effective July 1.

Later today, our academic centers, our universities, will find out exactly what, by the time this budget is concluded, will be the depth of the reductions in their funding. We will know later today, and this week, how deep the cuts that we are going to make, a 19-percent reduction to our State-related universities and an 18-percent reduction to our State System schools, what that is going to mean and the impact it is going to have on tuitions.

Up to this point in time, this has all been a conversation that we have had here in Harrisburg, but the reality will take effect on July 1. The reality will be, folks across this Commonwealth, thousands and thousands of people, will be laid off, 1,500 who are part of this State government today as we speak. There will be thousands of teachers, thousands of teacher aides, custodial workers, and clerical workers in our school districts, and more importantly, Mr. President, all those students who are graduating this year, all those education majors who are graduating from those fine Pennsylvania colleges, who are going to be looking for jobs in this Commonwealth, will not be able to find those positions. Why? Because we are eliminating those positions.

So, while we talk on this Senate floor, repeatedly, about job creation, while we talk about trying to create jobs and keeping our best and our brightest, when we have the opportunity to do so, we fail. We have failed to provide the resources that we have available. As my colleague, the gentleman from Philadelphia, described, we will have a budget surplus of \$700 million by July 1. We are using a very, very small part of that. Some of that is reserves that are being created from the reserves. Mr. President, we are failing in the area of job creation as it relates to this budget, to our young people who are graduating from our colleges.

Mr. President, our academic medical centers, a major economic driver in our region and in our Commonwealth, will be taking a cut of about 50 percent. In the southwestern part of the State, one of the major, if not the major employer, the University of Pittsburgh Medical Center, in conjunction with the University of Pittsburgh and the activity that takes place along the lines of the researchers who are there--\$800 million a year in research dollars from the Federal government, resulting in 28,000 direct and indirect jobs in the southwestern part of Pennsylvania. We are diminishing their ability to attract the best and brightest researchers to come to Pittsburgh and southwestern Pennsylvania to practice medicine, to teach medical education, to apply for research, garner research dollars into Pittsburgh and the southwestern part of Pennsylvania, and translate those dollars into jobs. The same thing takes place at the University of Pennsylvania and other research facilities across this Commonwealth. We are impacting those industries significantly.

Mr. President, we do not have to be here. We do not have to be in the position where we are making nearly \$1 billion of cuts in education. And we are going to wake up Friday morning, July 1, stand up, and pat ourselves on the back, and say we got a bud-

get done on time. I will remind my colleagues, last year, we did a budget before June 30. The General Fund appropriation bill, as we are doing today, was done last year before June 30. So let us be clear along those lines.

Now, Mr. President, at the end of the day, we will wake up on July 1, and we will have a \$700 million budget surplus that we are going to squirrel away for some day when we think that we are going to need to make payments for a lawsuit that is pending, and everybody who recognizes it realizes that it is only a small part of that, if we are ever going to be on the hook for it, is a minimal part of the total amount of that conversation. But at the end of the day, Mr. President, we can go right down the line and continuously look at reasons why we should not spend the money now. We do not necessarily call it spending the money or using the people's money. We like to call it investing, investing in Pennsylvania, investing in our children. Well, we have now seen the results of making the investments that we have made the last several years in education have allowed Pennsylvania to stand out as a leader among States.

We know that the investments that we made in economic development across this Commonwealth have paid dividends. All that we have to do is look at our unemployment rate. When we look at our unemployment rate, we trail the national average by a point and a half. I think it is 1.6 this month. We are creating and maintaining more jobs than the average in this Commonwealth because we make smart and wise investments, collectively.

And do you know what else we did? We also provided significant business tax reductions to the business community in this Commonwealth. Granted, for the last 2 years, we froze the capital stock and franchise tax, but we did two other things to offset those losses. We addressed and modified the net operating loss provisions. We increased the sales factor for the past 2 years. All measures, which were permanent measures, I might add, allowed the business community to be more effective and to garner and create jobs, which they are doing.

This budget stifles that activity as it relates to job creation along the lines of programs that will be dramatically cut through the Department of Community and Economic Development. Senate Democrats, dating back to early February, put out a plan called Pennsylvania Works, and we believe that is a plan that should have been considered as part of this budget process. Since March, Senate Democrats have been consistently beating the drum about the most important issue in this Commonwealth, job creation and job retention. We believe that is where this budget should have focused more directly. It should have been like a laser on that, and every decision should have been based upon and focused on how to create and retain jobs in this Commonwealth.

Then we continued to have arguments and hearings across this Commonwealth, and we laid out what we thought was an appropriate response to the Governor's implication that there would be shared sacrifice. Clearly, as I said, there are sacrifices related to our children, our seniors, the various industries in this Commonwealth, but remarkably, the area that we imagine would be part of our solution, the two pieces that we thought would be part of the shared sacrifice, were not.

One, the business community, where we had an expectation that it would feel some of the pain as well. It did not happen in the Budget Address, and it has not happened through this pro-

cess. The second group we thought would be part of the solution is the Marcellus Shale industry, not so much that it would be part of our budget solution, but the fact that it would address the issue of the shale extraction tax in this Commonwealth, because everyone in this Chamber knows that it needs to be done, that it needs to include a structure that provides for the appropriate directing of resources to our local communities to deal with the infrastructure impact, and also, in our environmental community, to mitigate the environmental concerns and damages that are taking place in this Commonwealth.

And now, we are going to leave here, because we adopted a budget by June 30, go back, and our communities across this Commonwealth will continue to experience the impacts of Marcellus Shale without any solution or any help from the industry. Our environmental community will continue to be impacted. Our waterways will continue to be impacted. Our air quality, our streams, all of those environmental concerns that have been raised will continue to take place. The safety measures that need to be part and parcel of our conversation will not be in place.

So, Mr. President, this is a budget that does not provide the requisite shared sacrifice. It lets off the two groups that we think need to be part of the solution. First, the business community has been given the benefit of an accelerated depreciation decision by this administration, as my colleague from Philadelphia stated, at the same time we cut adultBasic. It is incomprehensible, but that is what the administration did.

The second piece was the continuation of the phaseout of the capital stock and franchise tax. We think it is an appropriate phaseout. We supported it for a number of years and will continue to support it as we go forward, but at the end of the day, it is something that should not be done this year. It should be frozen for one more year. That, Mr. President, represents tax fairness in this environment.

We need to have a conversation about the Delaware loophole and the combined reporting, so that there is tax fairness in this Commonwealth and that the business community can be part of the solution. It is not fair. It is not right. It is not shared sacrifice. And, yes, it has been a day of reckoning, but it is unfortunate that it has only been directed to a significant number of people in this Commonwealth who least deserve to have to deal with this day of reckoning. I again ask for a negative vote on this budget.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, many times, the State budget process is all about choices. Sometimes, those choices are tough, but the budget plan pushed through Appropriations yesterday after unilateral negotiations was more about ignoring choices than making tough ones. Teachers will be laid off, and local property taxes will be going up across the State because the Governor puts his promise to a lobbyist ahead of his obligation to education.

This budget is being promoted to protect large corporations that are intent on avoiding their obligations to other taxpayers. More than half of the States that levy corporate income taxes have now adopted a combined reporting requirement, making sure that corporations cannot form out-of-State shell companies to lower their State tax bill. The Department of Revenue has estimated that combined reporting could recoup more than \$500 million in lost tax revenue each year, enough to keep our teach-

ers in their classrooms, protect the hospitals, and lower our highest-in-the-nation corporate net income tax.

Before the explosion of gas drilling in Pennsylvania's Marcellus Shale, energy companies had been creating hundreds of Delaware subsidiaries. Last year, 87 percent of the drilling-related companies paid no corporate income tax in Pennsylvania. At the same time, laid-off workers struggling to recover from the recession have gone back to work over the past 12 months and have contributed from their paychecks to a budget surplus that will hit \$700 million by the middle of the week.

It is an insult to working families that the legislature and the Governor will sit on a surplus, continue to let corporations play their games with tax bills, and then claim we cannot afford to put teachers in our classrooms. The same lawmakers who hyperventilate about \$400 million in nebulous and unidentified welfare fraud have gone mute over \$500 million in unpaid corporate income tax. That is not making tough choices. That is making a clear choice to ease the tax burden of multinational corporations and dump it on the poor, the struggling, and the sick.

If this budget is adopted, thousands of families across Pennsylvania will see property taxes go up as their children go back to school in more-crowded classrooms while the State stashes its tax dollars and protects the wealthy, profitable corporations. With a tax policy that puts the burden on families, schools, and hospitals, while giving a pass to energy and retail giants, it is no wonder that Wall Street recovered from the recession, while the working families continue to struggle. Pennsylvania's families should demand their hard-earned dollars be used to educate their children, improve their communities, and lower their taxes. Mr. President, this budget does not do it. I ask for a negative vote.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, first of all, I do want to commend Senator Scarnati, Senator Pileggi, and Senator Corman for putting an end to the 8-year tradition of not passing a budget on time. But, of course, my Senate Minority Leader said to me that it has been 7 years, because I think last year we did pass it on time. I am grateful that we are ending that tradition of not passing a General Fund budget on time.

I was almost tempted to call it the end of an 8-year losing streak, but then I realized, under this budget, taxpayers are still losing out. They just found out about it before June 30. Make no mistake, this is one very ugly budget before us today. It reflects the ugly reality of a \$4 billion deficit, a huge hole that the Governor promised to fill by cutting spending instead of raising taxes.

Millions of hardworking Pennsylvania families and small business men and women appreciate that this budget does not increase taxes on businesses or individuals, and so do I, especially at a time when we have high gasoline prices, food prices, healthcare costs, and rising electric rates. The taxpayers whom we all represent, from the communities where we grew up back home, the neighborhoods we still walk, the good people whom we bump into at the grocery store or the gas station, and the friends we always see at church events, the local fairs, and Little League games, they know the score. They understand the day-to-day reality of balancing a budget far better than some of the elected officials in this building today, that is for sure. They know that Pennsylvania is one State, under one nation still buried in the rubble of an economy that collapsed 3 years ago.

Mr. President, this budget required some tough, tough choices, some hard but necessary choices to reduce government spending, and I understand that. But it also includes some very bad choices, especially choices about how to reinvest \$27.15 billion that is available for the benefit of many Pennsylvania families as best as we possibly can. Not only does this budget take Pennsylvania back to 2008, back to pre-recession spending levels, but it also pretends that we have not really been in a recession over the past 3 years. Because at a time of continued high unemployment rates, there is absolutely no commitment, no sign of a commitment under this budget, to create new jobs.

I do understand that keeping taxes low helps our overall business climate. But I also know that banks are not lending. Capital is very tight, and it is really hard to find right now. Our economy is the number-one priority to 12 million Pennsylvanians today. Just for the record, improving our economy and creating new jobs has been the top priority of Pennsylvanians, probably across this whole country, for the people we represent, for 3 years in a row now. But this budget actually cuts critical economic development funding over 25 percent. Some of these programs being cut generate as much as a 6 to 1 return on our investment.

This budget also cuts funding for the Ben Franklin Partnership by 16 percent. Now, Ben Franklin helps bring new patents to markets and drives cutting-edge advances in applied technology, biomedicine, and nanotechnology by providing low-interest loans to promising Pennsylvania high-tech companies. Every dollar this program annually invests in one successful start-up brings our treasury a return of \$3. So it is not just a win-win, that is a win-win with dollar signs on top.

But somehow, inexplicably, it is not the top priority of this administration. It was a priority, however, for the Governor to use this budget as an excuse to kick 41,000 people off adultBasic. It did not matter that these were men and women, mostly women, single parents, some skilled, some unskilled, some educated, some uneducated, some trained, some untrained. The key is, these are working women and men, probably working minimum wage jobs, and some working two or three of them just to make ends meet for their families.

Now, the Governor insisted that we could not afford it, because the cost of \$160 million was too high. However, this funding was not even coming out of the General Fund. It was funded by the tobacco settlement dollars. It was not taxpayer-based.

Now, let us put this into context--41,000 hardworking people, working men and women, kicked off healthcare, \$160 million. The Governor has no problem spending nearly double that amount to provide even better healthcare to 51,000 convicted criminals in our State prisons. Now, I have a real problem understanding how it is better to appropriate \$236 million to provide free healthcare to 51,000 murderers, robbers, rapists, gang members, and drug dealers, rather than to spend a fraction of that amount to provide the bare minimum of healthcare to 41,000 struggling, hardworking, law-abiding citizens.

Mr. President, what sense does it make to live within our means--because we hear that a lot, we have to live within our means--so what sense is it to live within your means when you are guaranteed to receive better healthcare if you are living behind bars? It makes no sense to me at all. While the Governor tells us we need to have shared sacrifice, he apparently did not mean that for the Department of Corrections. God forbid, how dare we cut from the Department of Corrections, but great, let us

drastically decrease funding for education, job training, retirees, children, college students, public schools, community colleges, hospitals, and human services for people who are chronically ill or disabled, which is exactly what this budget does.

Now, here is what it does not do. It does not give back to the taxpayers in return for the \$700 million in surplus tax revenue that has been taken out of their pockets and put into the State's piggy bank, some Harrisburg bank account. Zero. This budget does not reinvest or return those surplus dollars to working families who sure could use it right now. Nope. Nada. Nyet. That money belongs to the new sheriff in town. He gets to do what he wants with that \$700 million surplus.

This budget does not recognize any of the sacrifices that millions of Pennsylvania families have already made over the last 3 tough years. This whole overhyped day of reckoning is really nothing more than one more staged trap-door moment, a moment just before thousands of people lose their healthcare coverage, thousands of teachers lose their jobs, thousands of seniors in nursing homes or living on fixed incomes lose faith in how this Commonwealth cares for its elders.

Mr. President, one of my favorite quotes from a political figure is one from Hubert Humphrey. In his last speech, he said, "...the moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those in the shadows of life, the sick, the needy and the handicapped." I think we all know how this budget, this administration, scores on that morality test.

Mr. President, I have been privileged to be a Member of this Chamber long enough to know when to stand up to be seen, speak up to be heard, and shut up to be appreciated. The time for talking has passed us by. Whatever is incomplete and not included in this General Fund budget is because the Governor and the Republican Majority deliberately left it out. They made a choice to leave it out.

At heart, Governor Corbett will always be a prosecutor. Prosecutors always say they seek justice, but every single one of them would gladly settle for a conviction instead. Like every good cop will tell you, I do not believe in coincidences, just the means, the motive, and the opportunity, as they always say.

Mr. President, it is not about how much money the Governor wants to spend in this budget that makes it such a mistake. It is about how he wants to spend it. Irresponsible budget cuts are just as bad as irresponsible spending. Let me say that again. Irresponsible budget cuts are just as bad as irresponsible spending.

It is easy to call for others to make sacrifices, cutbacks, or pay freezes, just as long as it does not apply to you. We cannot help everyone, as this budget proves, but we should all be working toward a common goal of putting taxpayers back to work, putting small businessmen and women back on solid footing again.

No matter how hard anyone tries to spin this year's budget, it will always be known as "the Marcellus shame," and always mentioned in the same sentence as Governor Corbett's name. I suggest that the Governor travel to Titusville this summer to be reminded that way back in the middle of the 19th century, long before Texas gushers and offshore drilling and a century before oil wells were drilled in Arabian sands, the center of the world's petroleum production was western Pennsylvania. Our Commonwealth has been down this road before. We should know about booms and busts and wild speculation about how much coal, oil, or in this case, natural gas, lies deep beneath the ground in Penn-

sylvania's own native soil. Not only does this budget take us back to 2008, it also proves that we really have not come that far since 1859, and that is the greatest mighty shame of it all.

I ask for a "no" vote, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, I thank the gentlewoman for her previous eloquent remarks. I am going to try to be brief. A lot has been said here. I am moved by my place here in this great Chamber of the Pennsylvania State Senate, which belongs to the people of Pennsylvania. If folks ever get a chance to see this beautiful Chamber, one of the greatest artists of modern day is Charlotte Oakley, and I stand before one of her portrayals of President Lincoln making the Gettysburg Address, and there are numerous beautiful murals in here. The Gettysburg Address, most people are not aware, was under 2 minutes long. One of the greatest speeches of mankind by one of my favorite Presidents, Abraham Lincoln, was under 2 minutes long.

So we do not have to be long to state some of the things that are so important. But I guess, mostly, the problem that I have at the end of the day with this whole budget situation is the incredible lack of fairness. I know there are people at home, and I represent them, all of us represent them, who say, who is fighting for me? Who is fighting for the middle class? Who is going to stand up for me? I am the underdog.

Time and time again, the insiders, the special interests, control the agenda, and they are the ones who stick it to the folks who are trying to play by the rules, make ends meet, and do the right thing. I think that is a lot of what this budget reflects. The little guy gets thrown under the bus, and the elite people, the special interests, the big shots, the millionaires, they get taken care of just fine. I think that is an outrageous thing. I think that is something that is wrong today in government, and we have to do better.

At the beginning of this Session, I told a lot of my colleagues that my goal was to stay engaged every day on issues that I thought were important for the underdogs, every single day, not just while we are here in the legislature, but when I am back in my district, in whatever I do. I believe I have kept that commitment to my colleagues and to the people I represent to bring it every day, to bring my A-game. One of the issues for which I have stood up, as well as many folks on this side of the aisle and other folks, was trying to restore the adultBasic insurance program, which, as you know, Mr. President, we had for years in Pennsylvania. It worked. It has been affordable health insurance for folks who are working to make ends meet, as Senator Boscola talked about. In my opinion, there was simply no reason to let that lapse.

One of the things that I tried to do was to find other ways to fund things in the budget. Believe me, I am all for less spending in government. I think most people are. I am a fiscal conservative. I just think we could have spent smarter and more compassionately, particularly when we have a legislative reserve here in this particular body, not just in the general budget, but in this General Assembly, which has grown to about a quarter of a million dollars.

I know the Majority chair of Appropriations has pointed out that we are going to spend some of that money. We are going to spend about \$50 million of that money. In my opinion, that leaves about \$200 million with which we could easily fund the

adultBasic insurance program for those folks who are scared out of their minds right now that they are going to get sick, and the first entrance they make into the healthcare system is going to be through the emergency room doors, and all of us will eventually have to pay.

So, when Governor Corbett talked about his budget early on, his foundation was that there are things in our budget that are must-haves, and there are other things in the budget that are nice-to-haves. Certainly, I agree that when we are trying to be fiscally responsible, we have to make that delineation. I just cannot understand how the Governor makes his delineation and how it is different than mine. According to the Governor's must-haves versus the nice-to-haves, the must-haves are the billionaire gas drillers of the Marcellus Shale, the foreign drilling companies from China and India, the workers from outside Pennsylvania, the big business interests, the rich, the plugged-in, the fat cats. They are the must-haves.

Now, the folks who are the nice-to-haves are the 41,000 people who lost their health insurance; public education, when we are trying to get our people ready for the future; higher education, when parents more and more are struggling to be able to afford education to help their kids. Forty thousand dollars is going to be the amount of debt with which most kids are going to graduate from college these days. Investing in our future, that would be a nice-to-have, according to the Governor. Making our State more job-ready through education, that is another nice-to-have, but we cannot afford it. In my opinion, that is insane, it is wrong-headed, and it is not the way to go.

Now, this budget is going to get passed--I am glad it is going to get passed on time--but I am not done fighting for the people who need our help. I think there are many things here that are wrong-headed, but there is one thing I will tell you, I hold out hope that we can fix the mistakes that we have made in the near future. Just as I made a promise to my colleagues, Democrats and Republicans alike, and the people I represent around Pennsylvania and in my district, just as I made the commitment that I will continue to fight for them throughout this budget Session, I will continue to fight, after the Constitutional budget deadline, for the interests that are important to them. And to the folks characterized in these murals, whom Charlotte Oakley has portrayed, people like George Washington and Abraham Lincoln, I am going to fight for those ideals.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair thanks the gentleman, and especially wants to thank him for recognizing Violet Oakley's artwork in the Senate Chamber.

The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, I just want to make a few brief points. I will not go into a lengthy commentary on all of the Draconian budget cuts that are represented in this budget, which, obviously, very easily give me cause to vote in the negative on the final passage of this bill. I have probably been in public office for 22-plus years, having served on Pittsburgh City Council for 14 years, and now 9 years, into my third term, in the Pennsylvania State Senate. I proudly represent the Senate on the Pennsylvania Historical and Museum Commission. I sit on, as the board treasurer, the Urban Redevelopment Authority for the city of Pittsburgh, which is the economic development engine for the

city and region, and I proudly represent Senate Democrats on the Port of Pittsburgh Commission.

Those three programs, in particular, have helped lead a re-birth, a renaissance, in the greater Pittsburgh region. True, many of our programs emanate within the city of Pittsburgh proper, but, as I oftentimes will say, very clearly, the city of Pittsburgh is both the living room of the region, but it is also the economic engine, not only in manufacturing, research and development, but obviously, we are characterized as the "meds and eds" of the southwest community, jobs that do not just happen within the city of the Pittsburgh's 55 square miles, but, in fact, feed the economic base for a 10- to 12-county region. We work together, and we all benefit mutually from that economic activity.

Bar none, the Draconian cuts, which are too numerous to mention, I will not belabor them, as other colleagues have eloquently outlined and spoken about some of them. But I want to make three brief points, if I can be brief. First of all, to respond to the mischaracterizations, what I would consider creative storytelling, the tale that is being spun here today in large part by, respectfully, our Majority Appropriations chairman, that somehow we are quick to get this done on time, but it was such a tremendous failure for Governor Ed Rendell, our good friend, and let us at least be honest—I will not use the word "disingenuous" because he banged the gavel and said I was out of order in a meeting of the Committee on Appropriations; I guess that went a little too far and was too offensive, so I will not use that word—let us at least be honest in terms of what has transpired. The Republican Majority has ruled the roost and has had dominion during the 8 years of the Rendell administration in these Chambers, and every "I" had to be dotted, every "T" had to be crossed, sans executive orders. But everything the Rendell administration did legislatively, administratively, would always be point, counterpoint, and checkmate because the Republican Majority held dominion and could always off-set final passage of any bill, including the Fiscal Code, the Welfare Code, the School Code, and the annual budget.

So let us at least be fair about what has transpired previously, and the power and politics of who can control what. We now have a situation where the Republican Majority has control of all three branches, and, obviously, it would be outright, even criminal, for them not to come to conclusion by June 30, meeting the constitutional mandate. So, I think, at least, we should be fair and honest about that.

Secondly, to the credit of the previous administration, Governor Rendell in particular—and I proudly harken back to those days. I know he has taken it on the chin on a lot of issues, but one of the reasons why I believe very strongly that we are beginning to come out of the recession in better shape than other States is because of the economic development programs and initiatives that we helped to fund, in a bipartisan manner, during the 8 years of the Rendell administration. Again, they are too numerous to mention, many of which have become sacrosanct to both sides of the aisle, and in fact, continue to be funded and enumerated in this budget, albeit in lesser amounts, like the film tax credit, the research and development tax credit, the tax credit for job creation, I could go on and on.

I think one of the reasons why we have come out of the recession in better shape, notwithstanding the advent of the Marcellus Shale industry, even with the 3,300 wells that have been dug and the economic and business activity that has brought about, is

because of the positioning that the previous administration and Democrats in this Chamber, and certainly the Democrats who controlled the House, were a vital part of moving that forward.

Thirdly, and let us at least be honest, if you read the Fiscal Code, the Welfare Code—oh, my God, there are generalizations that give to this new Governor, carte blanche, every conceivable power. With the previous Governor, the Republican Majority nitpicked down to the T's and I's, sentence by sentence, item by item, funding by funding, nuance by nuance. The Republican Majority in the Senate checkmated the previous administration. They did not let him get away with anything. Now, there are wholesale references legally defined in the Fiscal Code—which we will talk about later—and the School Code, and the Welfare Code, that, in simple sentences, give carte blanche authority to these secretaries, oh, my God, to do every kind of regulatory change - fee change, administrative change - with no discussion, no debate, no public hearing, no argument, no discussion here in the Senate, just, hey guys, whatever power you want, let us have a dictatorship.

The Governor rode in on his white horse, and in the hearing of the Committee on Appropriations, after his Budget Address, I talked about the fact that the Governor promised no taxes—that is, in fact, probably why he got a majority vote in this time of economic recession and people's feeling about what is happening in Washington, D.C., not specifically with President Obama, but just generally what is the response to what is happening in Washington, D.C. The Republican Majority—the Governor rides in on his white horse, with the banner on the mantle of no taxes.

Look, the people I represent did not just fall off the turnip truck. The fact of the matter is, they know in their hearts, they know in their pocketbooks and wallets, and in monthly budgets, that if you decimate public education—the largest single tax that the people I represent pay is the school property tax. If you cut basic education and funding to universities, what I described after his Budget Address as a whack job on working people across the State, they know that they will be faced with increased taxes at the local level, and they will not be cheap.

Property tax increases will be significant. They will be devastating to the daily pocketbooks of individuals trying to keep food on the table, a roof over their heads, the utility lights on. And God forbid they should get sick, because in this society, if you have a catastrophic illness, and you do not have quality health insurance, you are going to die.

So let us be honest about what the reality of this budget is. It is passing the buck, it is a bunch of baloney, and it is so disingenuous for the administration to say, no taxes, no fees, while leaving an excess in revenue. We are the first ones to say we are not going to spend irresponsibly. I have never referred to the revenue increases that we have accumulated now, in excess of \$650 million to \$700 million, as a surplus. I concede that point. We have expenses that are coming up next year for which we know we have to be frugal and cost-effective, but leaving hundreds of millions of dollars on the table with the Marcellus Shale industry, and then not responsibly evaluating the revenue that we do have and going back through this budget with a fine-toothed comb to reassess and reevaluate some of the Draconian cuts that were first presented, is wrong.

Yes, I applaud the Republican Majority in this Senate for at least moving off the dime and recognizing, to some extent, the will of the people, recognizing the need for restoration of basic

education and higher education, but it is too little, too late. We have the opportunity and the moral obligation to do more than that. Mr. President and colleagues, these are the reasons I strenuously object to some of the characterizations made to date, and why I will be respectfully voting "no" on this budget. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Washington.

Senator WASHINGTON. Mr. President, I rise to talk about this Draconian budget bill that we have in front of us today. Governor Corbett gave a gift to multimillion-dollar corporations and a slap in the face to Pennsylvania families. This budget will result in local tax increases, teacher layoffs, and pain for Pennsylvania's families.

Earlier today, I tried to offer amendment No. A4648 for the Human Services Development Fund, which is cut significantly, from \$24 million last year to \$14.5 million in this budget. It will make it difficult for counties to continue to provide services, and that will hurt the most vulnerable people. This package fails to include the Marcellus Shale fee as an energy extraction tax that could be used to pay for roads, rehabilitation, conservation programs, and environmental protection. Emergency funds that are used to keep homeowners in their homes are cut back significantly. Last year, the program was funded at \$10.5 million. This year, the appropriation is cut to \$2 million.

I see our Housing Finance director on TV, advertising HEMAP and telling people they can get assistance if they cannot pay their mortgage, but where is the money going to come from? There is no money there now. I know, with the cut in jobs and the things that are going to be happening across the State of Pennsylvania, that people will not be able to pay their mortgages, and people will be losing their homes. We will have more homeless people and less programs to provide services for them.

Governor Corbett said that we all have to sacrifice, yet out-of-State corporations escape their tax obligations. We are tightening our belts and shortchanging our kids and allowing proven jobs programs to wither on the vine while these corporations are making billions and billions of dollars. Mr. Corbett is sitting on a growing revenue surplus that belongs to Pennsylvania taxpayers. In his Pennsylvania, we are asking the poor to sacrifice while the rich get richer.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, many people have said it already, that tonight brings to a close a budget process and a budget season that, in many ways, has been unfair. Unfortunately, the reality is that this budget process has really shut out the voices of millions and millions and millions of Pennsylvanians across the Commonwealth, because it does not reflect a budget that has come together through negotiation, through compromise, and through concern for the people whom we were sent here to represent. So whomever happens to see this, tonight, tomorrow, in the weeks to come, remember that.

Somebody talked earlier tonight about the wagons circling. Well, Mr. President, the wheels on that wagon are going to come off very, very quickly when the people in the Commonwealth of Pennsylvania realize what has transpired here in this rush to get a budget done by June 30. I think we all recognize the importance of that. I myself have spoken that we really are sent here to do one thing. We must do one thing, and that is to get a budget

done. And the fact that we have not been able to do it on time, yes, that certainly is a dark spot. But what we have done today, and what we did through this budget process, is equally, if not more, devastating to the people of Pennsylvania, because this administration has chosen, at a time when the people of Pennsylvania need their elected officials to step up, this administration has made a conscious decision, through this Republican budget, to step aside and put the essential needs of people behind it, to put people second, and to put corporations and big business first.

What does that say about this administration's priorities, an administration that very quickly, in the fledgling weeks, made a statement about who it cares about and who it does not? That is right, I am going to talk about adultBasic, the 41,000 people kicked off of adultBasic healthcare coverage. Now, you can kid yourselves and say they have been taken care of--50 percent have been taken care of--but the people in this building know, and like many of my colleagues have said earlier tonight, the people whom we represent, most importantly, know, that we have not yet, and it looks as if this administration and the Republicans will never find a sustainable and comparable program to what 41,000 Pennsylvanians used to have. Now that, Mr. President, in my opinion, set the tone for where this administration wants to take us as a Commonwealth.

So we continued down this path that has led us here today, a path that, in my opinion, has been filled with promises that have never come to fruition, promises of reform, promises of transparency, promises of doing what Pennsylvania needs to do to get people back to work. Yet, where is the jobs program, on June 28? Why has this administration not, why have the Republicans not rolled something out? We have. The Senate Democrats have. Yet, we were not invited to participate in the process. Earlier this week, I already told you how I think the process stinks, so I will not get back into that again. What is our role? Again, what is the priority of this administration when it consistently takes measures in this budget, and in the weeks leading up to this budget, to strip people of their healthcare access, to hurt women and children across the Commonwealth?

Moving parallel to this budget, specific pieces of legislation were demanded, not requested, but demanded by this Governor. The Fair Share Act, another example, earlier on, that is part of this budget discussion, does nothing but put people at risk of losing what they need to sustain themselves. I do not understand, Mr. President, how an administration can support those types of cuts, yet turn its back and leave \$650 million to \$700 million on the table; an administration that has touted the Fair Share Act, yet consistently refuses to ask, or demand, that everyone in the Commonwealth of Pennsylvania, everyone, every taxpayer, pays their fair share.

The Marcellus Shale industry is an opportunity that we recognize for economic development, for jobs. Yet, the industry has been here for nearly 9 years. So the fact that we discuss taxing it or asking it to pay its fair share is not unusual. It is not remarkable. It is certainly reasonable and expected. How can you allow this industry, how can you allow the economic development--look, Mr. President, I understand, and I have always supported, the American dream, a dream that is shared by everyone in this country and everyone across the Commonwealth, the opportunity to go out and make something of yourself, to create wealth for yourself, for your family, for your children, and for their children.

Fiscal conservatives are what I want to talk about, because I think that is how I would define myself. And I appreciate efforts that are made to help people keep what they have worked for. You should be able to keep what you work for, but you also must pay your fair share, and that is the tragedy of this budget, that some of us have been asked to pay our fair share, and some of us have been given a free ride.

That is why, Mr. President, so many times over the last 6 months, I have talked about this apparent, and unfortunately significant, disconnect between what it takes to run for office and what it takes to govern. It takes leadership to govern. It takes a recognition that you have made a mistake, but you have the fortitude, the knowledge, and the guts to correct that mistake, something that I have been hoping this administration would come to realize over the last 6 months. Unfortunately, the people of Pennsylvania should realize that this administration has failed.

This budget is confirmation that this administration and the Republicans do not understand how badly people are hurting. Yes, we all need to live with less. I understand that. I think we all do. But how can you ask middle-class America, how can you ask middle-class folks across the Commonwealth of Pennsylvania, how can you ask single-family homes, people who are working two or three jobs, how can you ask them to pay their fair share when you do not ask corporations like the Marcellus Shale to be a part of the process as well? This makes no sense, Mr. President. We know that.

This administration supports cutting education funding that will inevitably trickle down. It has been said before, so let me join in the words of the previous speakers, who said it more eloquently than I. These cuts in education will result in property tax increases. They will affect every Pennsylvanian. So your pledge, Mr. Governor, will be broken, and you will have to answer to the people of Pennsylvania, and, unfortunately, you are going to have to answer to Grover Norquist, who appears to be driving this train, and the special interests. Because eventually, like the speaker from Allegheny County said, the people will figure it out. When the property taxes go up, they are not going to care how it happens. They are going to hold the makers of this budget responsible, and, Mr. President, they have every right to do so, because it is not a compromised budget, it is not a negotiated budget. It is what we all know it is, a Republican budget driven by the Corbett administration. And yes, on July 1, he can pop the champagne, shake hands, and pat himself on the back because he got his first budget done on time. Unfortunately, it will be on the backs of working Pennsylvanians.

This administration, Mr. President, supports cutting hospital funding. It supports cutting education funding. It supports cutting funding to programs that help those in need of job training and business development. Why? Why would you systematically hurt people and take away the programs that they need, under the facade that we have to live with less?

We are not talking about perks here. We are not talking about people getting fat off of government. We are talking about essential services that people need at the most critical times. If you believe we are still in a recession, then they need it. If you believe we are on our way out of recession, then, by God, they certainly do need it. Because if you do not need it then, then when do you need it?

Prudent. Resourceful. Those are words that describe how a Commonwealth must spend in difficult times. We understand

that. And yes, in many areas, that has been the case. It has been done with a scalpel in some areas, and it has been done for the good of the Commonwealth of Pennsylvania. We should applaud those cuts, especially the education restoration, the cuts that we fought to restore in arts and culture. But there is just too little to make this budget even remotely appealing to the people of the Commonwealth of Pennsylvania.

So the question is, does the fight stop today? I do not think it does. I know, when I look around here, my colleagues on this side of the aisle understand that this battle was lost. But the people of Pennsylvania should know that after July 1, we, Senate Democrats, will go right back to work, and we will continue to fight for those programs that you need to simply exist.

The people in this Commonwealth deserve better than this, Mr. President. We know that. You might say, we did our best, we could not do more, we wanted to do more. I have been here for 3 years. I know that is not a lot, Mr. President, but every year, I hear the same thing: We would like to do more. We wish we could do more. It would be great if we could do more, but we just cannot. People will have to tighten their belts. There are no more holes on that belt, Mr. President. That belt is done. It is done.

I thank you for the opportunity. You know where I stand. I am going to vote "no." The reality is, this budget will pass. We know that. Everybody in this building knows that. This budget will pass, and this agenda will move forward. But after tonight, and after July 1, the people in Pennsylvania will have an opportunity to be heard again, and I believe, like many of us, that their voices will be much, much louder than anybody on my side of the aisle. Only then, I hope, that the Governor, as he sits in his mansion, will decide to listen. I know he has not listened for the last 6 months, but maybe, just maybe, he will decide to do so.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I approach this podium perhaps a little differently than some of my Democratic colleagues because I represent a Republican district. Let me say, I would not be here if I did not understand the fundamental values and sentiments of my constituency, of which there are three, Mr. President. And I know you know them, because you also represent such a district.

The first is that the people of Chester and Montgomery Counties whom I represent care dearly about the environment. In fact, they care about the environment, stewardship of the environment, that taking care of God's creation is a most conservative value, and we value it. You know, in our county, we have saved over 100,000 acres of open space in perpetuity. In our county, township after township has voted to tax themselves to save that open space, to protect that environment, something of which we are very proud.

So one of the disappointments, I believe, of many of my constituents, certainly of myself, who for 14 years as a Chester County Commissioner led the fight to preserve the environment, one of my disappointments is that this budget really does not take care of our environment. It could have, if we had an impact fee or a tax on the Marcellus Shale. Let me say, I know that my colleagues from southeastern Pennsylvania, be they Democrat or Republican, would have liked to see that happen, because all of us together in southeast Pennsylvania are environmentalists, and

we care. So I am having difficulty with this budget because it does not provide the adequate funding to preserve open space for our environmental stewardship, to protect the citizens of my counties.

Let me read, if I may, Mr. President, for one second, another problem I have with this budget, related to the environment. Let me read to you from the Constitution of Pennsylvania. If you look at Article I, Section 29, it says that one of the fundamental rights of any citizen of this Commonwealth is the protection of the environment, and this budget does not do it. So I have difficulty with this budget because it does not reflect the values and purposes of my constituency or the values and the will of the people as is expressed in our own Constitution. A bill that Senator Folmer and I sponsored says that every Member must read the Constitution, and say they have read it, when taking the oath of office. If they had, we might not have this budget.

Let me read this to you, as it relates to the environment: "The people have a right to clean air, pure water, and the preservation of the natural, scenic, historic and aesthetic values of the environment." This budget does not do that. This budget does not protect what we value so highly in Pennsylvania. It goes on to say, "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come." And it ends saying, "As trustee--**meaning we the legislators, meaning the Governor**--of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." With the failure to have an impact fee, with the failure to have a tax, there is the possibility that we are going to see a destruction of our environment similar to what happened in the age of coal. That is the problem, Mr. President, that this does not protect our environment.

Secondly, the people of Chester and Montgomery Counties whom I represent value education. In fact, we have the highest education levels of any counties in the United States. Now, this budget hurts us when it comes to basic education. I appreciate and thank my Republican colleagues for the money that they put back into this budget. But we are still short in our educational dollars.

Please understand that every dollar we are short from the State means a dollar increase in the property tax, the most onerous of taxes. The other speakers are right. The Governor and the legislature can wave the flag and say, we held the line on taxes, but the truth is that every citizen in this Commonwealth will see their taxes go up in the worst way, on their property, because that is the most unfair of taxes, is it not? Because it does not reflect your true worth. It simply reflects what your house, which you might have bought 30 or 40 years ago when there was a far different assessment, is worth.

Mr. President, also, we not only value basic education, but we value preschool education. In fact, in Chester and Montgomery Counties, we have more four-star preschools than anywhere in this Commonwealth, and we are disappointed when preschool education is not supported.

Mr. President, on education, we understand, in higher education, that we have wonderful facilities, such as Lincoln University, West Chester University, parts of Cheyney University are in Chester County, Immaculata University, Valley Forge Christian College. We understand that every dollar less is a dollar more in tuition. I thank my colleagues, who put some of that money back, but the tuition is still going up.

Mr. President, I want to address the concerns on human services. The people of my county are fiscal conservatives, but they also understand, based on our Quaker tradition, the founding that we celebrate in this very Chamber, they understand that the Quakers believed that the light of God burns in every individual, and therefore it is incumbent upon us to give every individual the greatest opportunity to succeed. Mr. President, when you are blessed with a bounty, you share that bounty with which you have been blessed with all.

So, Mr. President, my concern with this budget, as I represent the conservative people--actually, not so much a conservative as a centrist position--of a fundamentally Republican county is this: I understand how they feel. They care about the environment. They care about education. They care about the dignity and respect of every individual in reaching their highest potential. But, Mr. President, that is what we do not have in this budget.

Do you know what else is missing, Mr. President? Government. And each of us as an official needs to help our citizens dream together, dream about the possibilities of what we can become. When we have a budget like this, which takes away from education, takes away from the environment, takes away from the potential of each person, we destroy the ability to dream. Elie Wiesel, who was a novelist, said the two most beautiful words in the English language are "and yet." It expresses the possibilities of what we all can become, and this budget is certainly not an "and yet" budget.

Finally, Mr. President, let me end with a story, which tells the reason I cannot support this budget. If you go to the Holy Land, if you go to Israel, you will see that there are two seas that are fed by the Jordan River, the Dead Sea and the Sea of Galilee. Both receive the waters of the Jordan. If you look at the Dead Sea, you will see, Mr. President, that it is totally devoid of life. It is totally devoid of all the glory of God's kingdom. But if one goes to the Sea of Galilee, one sees the abundance of trees, flowers, birds, and fish. One sees all of God's glory. Well, how can it be that one is dead and one is so alive, if they are both served by the same river, the Jordan River? Because in the Dead Sea, every drop of water it gets, it keeps; but in the Sea of Galilee, every drop of water it gets, it returns.

When we have a budget that takes and does not give back to the people, and when we have a budget that only takes care of some of the people and ignores education, ignores stewardship for the environment, ignores the human dignity and potential of every individual, we will create a Dead Sea in this Commonwealth. What I want is the Sea of Galilee. I want this Commonwealth to blossom, and that will happen when we make the investments in education, that will happen when we deeply care about the stewardship of the environment, and that will happen when we understand that the flame of dignity and respect burns in every single human being, as our Quaker founders taught us, and to which has been added further by other religious faiths. These are the values of my constituency. This is the reason I am here, because I respect those values, even though I represent a Republican county. I cannot vote for this budget because this budget is contrary to those fundamental values that I, and the majority of my constituents, hold so dear.

Thank you, Mr. President.

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

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, as all of us know, this has been a very difficult budget year. We all know that there needed to be a little belt tightening, but this spending plan is terribly misguided and unnecessarily harsh.

It did not have to be this bad. It did not have to be this harsh. We could have done better, and we should have done better. If allowed to participate, we, the Senate Democratic Caucus, working with our colleagues on the other side of the aisle, could have collectively made this a better budget, a better spending plan. We certainly had the resources to do better. We had \$700 million in resources that could have helped to make this spending plan better. Mr. President, we could have done better for our schools. We have failed our children, one of our most precious resources and assets.

Also, Mr. President, this budget saddles our rural communities, our community hospitals, with huge funding reductions that will spur tragic healthcare cuts and hospital closures. While our hospitals are struggling to deal with an alarming growth of uncompensated care cases, nearly a 48-percent increase over the last 5 years, the problem has worsened by callously eliminating the adultBasic program and cutting coverage for over 40,000 working families.

Mr. President, this budget was concocted behind closed doors. Cuts are made in school funding by nearly a billion dollars in the same year that wealthy corporations are being handed huge tax breaks. In the end, many of our schools, the vast majority of our schools, will have to hike local property taxes, and our children will be deprived of vital educational programs.

So what does this budget do? What does it do? It hurts our youngsters. It hurts our citizens who are in need. It hurts the most vulnerable people in our communities. Mr. President, in terms of hospitals, what does it do? It makes matters worse. It makes matters worse by cutting the State's share of uncompensated care dollars, turning a dire problem into a full-blown crisis. Emergency rooms in our community hospitals have become the family doctor. Mr. President, we could have done better for our hospitals and our citizens, who rely on local hospitals and healthcare services. Adding insult to injury, it has been decided to hoard \$700 million of taxpayer money rather than restoring these critical line items or even returning the taxpayers' money to the taxpayers.

Mr. President, just a few years ago, some of the same people who crafted this budget were openly outraged about State government hoarding a surplus in the Rainy Day Fund. Whatever happened to that conservative mantra, it is the taxpayer's money, give it back? Mr. President, last year, many of us in this Chamber, and those across the building, including the Governor, campaigned on transparency and openness. Again, I would like to note that this budget was negotiated in secret, with Democrats and rank-and-file Members excluded from the discussions, thus thwarting the voices of millions of Pennsylvanians. Mr. President, it is now obvious that this budget asks our least fortunate to shoulder the greatest sacrifices.

Mr. President, I intend to vote "no" on this budget, and I urge my colleagues to also vote "no." Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, this budget does restore a modest amount of money for uncompensated care, and I should say, if it was not for Senator Vance and Senator Mary Jo White, I do not think we would have even received that modest restoration.

But, Mr. President, nevertheless, this budget is really a gift to multibillion-dollar corporations, and a slap in the face to the families of Pennsylvania. To take \$900 million out of education, Mr. President, is more than what the families in Pennsylvania can absorb. A cut in funds, such as what we are taking from this budget, will cause families to lose their homes because people will lose their jobs. Poor people will lose services, their lifestyle will change, and the jobs that a lot of people did so well, serving people with special needs, will be gone.

This budget is being balanced on the backs of the poor and on the backs of the working class. We can do better by the people of Pennsylvania. We have a surplus. We are not looking for this surplus to be spent entirely, but a reasonable amount can be added to our bottom line so that the hardship that is being created by this budget will not have to inflict pain on Pennsylvania families that it will if it passes in this form.

Mr. President, I cannot vote for this budget because it causes the people of Pennsylvania too much pain. Thank you.

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

Senator BLAKE. Mr. President, first of all, I commend my colleagues and echo the comments that I have heard from them.

Mr. President, I just want to do a quick reading from an article that was in the Scranton Times today, reported by the Times-Shamrock, in northeastern Pennsylvania. It says, "The region's unemployment rate increased two-tenths of a percentage to 8.7 percent in May, ending 5 months of consecutive declining or holding rates...The Scranton/Wilkes-Barre Metropolitan Statistical Area's unemployment rate remains the highest of the state's 14 MSAs. It is also above the state's unemployment rate, which decreased one-tenth of a point to 7.4 percent..."

Mr. President, I begin my remarks with that very somber unemployment data quite simply because State spending has dramatic impact on the performance of our economy as a whole. It is clear that the Governor and the General Assembly had to be austere and fiscally responsible in crafting a State budget to deal with the \$4 billion deficit, but because Pennsylvania continues to struggle to exit this deep recession, making deep and, in fact, unnecessary cuts to education and human services that have proven State job creation and job retention programs is not responsible.

Mr. President, I was told by my distinguished colleague, Senator Tomlinson, that freshmen did not even have the chance to speak in this Chamber when they first arrived, so I guess I am dealing with a special privilege here. But, I want to echo the comments yesterday of my very distinguished colleague from Berks County, Senator Schwank, who said, this is our first time through this process. I think that it was an important opportunity for me to rise on behalf of the people I represent, and, indeed, on behalf of the 5 million people that the Senate Democratic Caucus represents, to say that it is unfortunate the way this budget was negotiated, and it did not have the transparency that would have resulted in a more balanced and appropriate plan for our State.

Mr. President, the Governor, I remember the Governor being on the record saying he would veto a budget that came in at more than \$27.3 billion. Well, I want to commend the other side for a couple of good things that they did. They backed out the tobacco settlement money, about \$320 million. They did a few things for me, for which I am grateful. The Commonwealth Medical College in northeastern Pennsylvania will be supported in this budget. I am grateful for that. I am grateful that the Northeast Regional Cancer Institute is getting some support in this budget.

But, Mr. President, as my colleagues have said, there are \$700 million worth of excess revenues, and there are at least three other ways we could have achieved savings in this budget cycle, more progressive means, things the Senate Democrats have been talking about since March. Managed care could have raised millions of dollars for the State, and in counties where it currently does not exist. Procurement reform, as our Auditor General has expressed, could obtain savings. There are at least other means of savings that could have been obtained in terms of alternative sentencing and treatment courts that save our counties money, but we have not done the same thing at the State level. We would not have to touch the excess revenues, Mr. President. We still could have lessened the pain on our citizens.

I also want to go on the record, Mr. President, with two cuts that I think are really difficult to take, especially in northeastern Pennsylvania, the district I represent. HEMAP provides emergency mortgage assistance to struggling homeowners and helps keep them in their homes while they try to get back on a sound financial footing. We have had a foreclosure crisis in this State, Mr. President, and we are cutting \$8.4 million from an important program that helps people keep their homes.

Further, Mr. President, the Human Services Development Fund, essential safety net money with a lot of discretion for our counties, funding upon which human service organizations and workers rely to provide care and help to many of our citizens, is cut by \$8.5 million. This hurts the least among us, Mr. President.

I think that we could have come up with a better plan. I wish that I could say that there is as much good in this budget as there is bad, but I cannot. I will join my colleagues in a negative vote on this budget.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, we are here, at about 6 minutes to 7 p.m. on June 28, about to vote on a tragedy to Pennsylvania's people, a tragedy that does not have to happen, a tragedy that does not have to exist. We want, at least, the opportunity to include all Members of this body who have something to say about what is going on.

This document, House Bill No. 1485, which appears will be the budget for the coming year for the Commonwealth of Pennsylvania, was crafted by only a portion of the total Members of the Senate, only a portion of the total Members of the House of Representatives, and definitely by the Governor. It is their document. It is their plan. It is their program. The pain that will come from this document will be the pain that they will have to bear.

When property tax is raised in a local community, they can call to the other side of this body and say, why is my property tax increased? Why did you not give us the extra money to help ease the pain? When a teacher or some other individual is laid off across this Commonwealth, the call that they should make will

be to the front office or to the Governor's mansion, and say, why did you not speak up for me when you had the money to do it? Why did you not put me first as opposed to putting the Marcellus Shale industry drillers first?

Why did you not put me first? I needed that job to pay off my student loan. Why did you not put me first? I needed a little extra help so the tuition increase would not be so high. Why did you not put me first, Mr. Governor, leaders of the Republican Majority in the Senate, leaders of the Republican Majority in the House? Why did you not put me first when I was forced to go an extra semester and incur more debt at college? It will be those individuals who will be feeling the pain.

The folks who needed help in terms of making sure that their home would not be foreclosed will not see the help that is necessary for them in this budget. The Homeowners Emergency Mortgage Assistance Program is cut by 80 percent, from \$10 million spent last year, to \$2 million. They all want to know, why did the State of Pennsylvania not stand up for them? All they have to do is call the front office, call the mansion, call the Majority Leadership in this Chamber and the Republican Leadership in the House and ask them that question, because we have the extra money to help them.

The most pressing problem, not just in the State of Pennsylvania, but in every State in the nation, that is dragging our economy down is the housing crisis. It is holding everybody back. It is holding this nation from moving forward. It is holding Pennsylvania from moving forward. Yet, it is found in this mission, in this budget, written by the Majority that did not let anyone else participate, that the HEMAP program is cut by 80 percent. That is the program with which we should be helping people the most. But if you have a mortgage right now, and you are standing on the edge, you are looking into the abyss and at foreclosure about to shut you out of the process, this State will not stand for you.

If you work in a hospital or some other healthcare institution, this State chooses not to stand for you, as it unnecessarily cuts the funding out of those programs. If you are a low-income working Pennsylvanian who, on February 28, saw your health insurance program, the adultBasic program, shut off, this State chooses not to stand for you, but it chooses to stand for the Marcellus Shale industry, it chooses to stand for the big corporations in this Commonwealth, who, in this budget, get a \$300 million tax break. That is what they get, while the average working Pennsylvanian gets the shaft in this budget, gets their local property taxes increased, and more than likely, a lot of them get laid off. That is what this State budget does for them.

If your child is struggling in a low-income school district, and you are trying to do your homework and you are trying to get your studies straight, and you are trying to figure out a way to make it through, because you bought into education, and you got turned on by education, well, this budget shuts you out. It shuts you down. It says, you know what, if you are in a difficult community, if you see the opportunity that education can provide to you, this State will not stand for you. This State unfairly discriminates against the low-income school districts. This budget does not stand for these children. That is what this budget does. That is what House Bill No. 1485 does.

We stood up, Mr. President, and Senator Fontana introduced an amendment that was representative of putting jobs first in this Commonwealth and putting people back to work. That is what he did. He offered that amendment. That is what our proposals were

for, that is what they stood for, to put people to work. The amendment was shut down. He tried to offer the amendment on the floor of the Senate, and he was shut down and cut off from debate.

Senator Washington wanted to generate tons of dollars and bring them back into the mix, enough dollars that would not break the State budget, but enough dollars in our Senate surplus in this current budget year. She offered that amendment. It was voted down in the Committee on Appropriations. She tried to offer it on the floor, and she was shut out of the process.

Senator Kitchen stood up to try to introduce an amendment to stand up for those healthcare institutions that provide healthcare services. Those institutions are not being compensated because so many people do not have the money to pay for those healthcare services. She was shut down, and that amendment was voted down in committee, but she stood up for people who deserve to have someone to stand up for them.

Senator Stack stood up for adultBasic, but he was shut down in this process. We stood up, collectively, for putting money back into basic education to make sure that low-income school districts, but more importantly, all school districts, were treated fairly in this budget process. To say that the money does not exist is a falsehood. The money is right there. It is counted every day. The number is going up dramatically. If we do not put the people first, if we do not invest in the human capacity of this Commonwealth, then those individuals will know that no one stood for them, or at least some stood for them, but this State made a callous decision not to respond to their needs. That is not where we need to be going.

We wanted to put more money in our arts community, we wanted to revitalize our artistic and cultural community and bring them to the level at which they deserve to be. The surplus exists to do it, Mr. President, but folks stood against them.

They stand against children. They stand against economic development. They stand against folks trying to get back into their homes and prevent themselves from going into foreclosure based on an economy that they did not create. We have stood up for them.

The Majority crafted this budget amongst themselves. If they had opened up the table and allowed all to participate, maybe the wisdom of full participation would have spread over the Majority and they would have taken on some of these ideas and been more thoughtful about the needs of the people of the Commonwealth of Pennsylvania and allowed those ideas to come into form, into fashion, in this budget document. But, no, they looked the other way. They closed doors amongst themselves. And to some, I guess, that is the privilege of being in the Majority. You run the House, you run the Senate, you run the front office, you have the privilege of running the whole deal. But I can tell you this: Pennsylvania's people did not buy into the results of what will happen from this budget.

Some will say the people voted, and this is the government for which they voted. I will tell you right now that every poll that exists in this Commonwealth of Pennsylvania says that these are policies that they do not want, that this budget is a document that they do not want. They will not support it. Unfortunately, it will be forced down their throats.

Mr. President, at 7:03 p.m. on June 28, we are poised to take a vote on something that will have a devastating effect on the economic reality of so many millions of Pennsylvania citizens.

The progress that we were making in this Commonwealth, which is indicated by a \$700 million current-year budget surplus, will be stunted. Hopefully, we will be able to recover from that. But if you are a working person in Pennsylvania, if you are trying to make it through, look to the Majority, look to the Majority in the House, look to the Majority in the Senate, look to the Governor's Office. See who is standing for you. Clearly, they are not. They are standing against you, and it is reflected in this budget document. Mr. President, I urge a "no" vote to stand up to for the people of this Commonwealth. Thank you.

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

Senator BREWSTER. Mr. President, I offer my comments for the record, please.

(Applause.)

Senator BREWSTER. I studied that all night.

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 BREWSTER:)

Mr. President, I rise today to offer my comments in opposition to House Bill No. 1485. There has been a great deal of talk and focus on how education is treated in this spending plan, our State budget, and for good reason. How we treat our education system is a window into our future. It provides a glimpse to young men and women, from kindergarten through post-graduate work, of our commitment to them.

Well, if we are looking out that window today, with what is included in this bill for education, there is no question that the view is hazy, the sun is covered up, and there are storm clouds on the horizon. There is nothing bright and sunny about this budget for our schoolchildren. The huge cut in education dollars spells trouble for all of us.

I think the passage of the budget today, with the paucity of dollars for our schools, is the first step toward the dismantling of our education system. From the slashing of more than \$900 million in this budget, to the disproportionate distribution of funds for our most economically challenged areas, to the introduction of even more Draconian pieces of legislation impacting teachers that have been part of our discussions, I think we are entering a real dark age for our schools.

This is the first step today. The next step that will be taken in the self-destruction of our schools is the consideration of school vouchers. By cutting nearly a billion dollars from our school systems, we are pushing schools that are already hard-pressed to the brink. Vouchers will put them over. There is no question that tax increases loom, layoffs will ensue, and our schools and our children will suffer, and that will happen if the multimillion-dollar voucher plan is not a part of this plan. Vouchers will make this plan even worse. That is no way to build a future.

The uneven distribution of education dollars that are captured in this spending plan, plus vouchers down the road, will mean that our public schools will be starved of good students, denied good facilities, and unable to realistically compete. It will set up a two-tier system of public education that will allow a private education system to pick winners and relegate losers. Excuse me, but I have never thought that this is a function of our school system. And it is certainly not our business to do that kind of social engineering here on the floor of the Senate with a State budget.

Mr. President, let us think long and hard about what we are doing here. While we certainly can do better with our public schools, and we must still reform and address problem areas, are we comfortable with dismantling our education system? Mr. President, I think the right vote on this budget is "no." Let us not take the first step, so we do not have to worry about that other step down the road. On behalf of our school students, those who need our help and our future, let us reject this plan. We can do better.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, we have sat here for the last couple of hours, and certainly it is important to give everyone a chance to speak, to debate, and to be passionate about this bill. The most important bill that we do every year is, of course, the Commonwealth's budget. Let me just try to summarize some of the complaints from the other side, some of their passionate arguments, and then maybe we can move to a vote, Mr. President.

Because the Governor does not want to raise taxes, there was a lot of talk here about how this budget is going to raise taxes locally. First of all, let us remember, this Governor did not make any secret about how he was not going to raise taxes. He went to all 67 counties over the last couple of years campaigning, and he said, I am not going to raise taxes. I know there is a big structural deficit, I know we are going to have to cut State spending, but I am not going to raise taxes, I am going to cut spending to balance the budget.

Even the severance tax, which, quite frankly, has a lot of popularity out there. I understand that. If you look at all the polling, you see that it has popularity. The Governor said very clearly, I am not going to raise taxes. I am not going to raise the severance tax, in particular. That was his decision. And what did the people of Pennsylvania do? They elected him. They elected him with a significant margin for a Republican in a State that has a million more Democrats than Republicans.

So, Tom Corbett did exactly what he promised he would do. Is that not refreshing? He did exactly what he promised to do. He put together a budget that reflects the principles on which he ran a campaign. Some of us may agree on that, some of us may not, but let us all understand, the people of Pennsylvania supported the platform that he ran on.

So, now the question is, are we going to raise property taxes around the State? Well, I have been in the legislature for 13 years now, and every year they have raised properties taxes whether or not we have given school districts a lot of money, which we did many years under Governor Rendell. We gave them a lot more money and property taxes still went up. I do not vote on property taxes. The Governor does not vote on property taxes. Property taxes are voted on at the local level. They have that decision. We have local control. Seventy-five to eighty percent of their budget is salaries and benefits. They control that, we do not control that. So that is a decision each school districts makes.

We have tried to assist the taxpayers with back-end referendum legislation. Act 1 contains that. And so, because of that, there may not be significant tax increases. You can scream to the hills that there are going to be large property tax increases, but the fact is there will not be, unless the voters approve it. There will not be large property tax increases unless the voters approve it. That is a fact. We can scream all we want that property taxes are going to go up because of this budget, but the fact is they are not. Act 1, from a few years ago, will not allow it, unless the voters approve it, and if the voters want to approve it, that is certainly their prerogative.

The gentleman from Chester County talked about the environment. If I understand exactly how he said it, the impact fee was not addressed as of yet, and there were bipartisan Members in southeastern Pennsylvania who are all environmentalist and who would have supported it. I guess he is implying that the rest of us

in the State do not care about the environment. That is what I took from that comment. Well, let us review. The gentleman from Luzerne County, in the great northeast, introduced a severance tax. The gentleman from Jefferson County, the northwest, introduced be an impact fee. We are living the Marcellus Shale industry. You may read about it in the paper, but we are living it, and there is no one who has more at stake in the environment than those of us who have districts in which the Marcellus Shale industry is being operated.

We have said to this Governor, this Secretary of DEP--and we said to the last Governor and the last Secretary of DEP, John Hanger, who certainly is an environmentalist by any reason--if you need more money to make sure that we are monitoring what the Marcellus Shale industry is doing in this State and protecting our water and our environment, you let us know and we will give it to you. He did not ask for more money. We did raise the fees. We did raise the permits significantly. We can only ask, and we stand ready to appropriate more money for this area to make sure the environment is monitored. All the Governor has to do is ask, and we will be there to do it. They believe they have the resources, through permitting fees and others, to do that, and they are showing that. This Governor levied the largest fine in DEP history on the industry in Pennsylvania that had a pollution issue - the largest fine in history. So, do not tell me this Governor does not care about the environment.

We talked a lot about adultBasic today, and I think that is a great program at which to look. I was here when we did the tobacco settlement and created the adultBasic program under Tom Ridge. We created it with what we call sustainable funding, meaning money coming to the State through the tobacco settlement that we get every year would be appropriated to fund adultBasic. Although maybe it was not as much money as we would have liked, and although maybe it did not cover as many people as some would have liked, it was sustainable, and it would be here today, if that was still the case.

Well, then the former Governor comes onto the scene, goes outside the legislature, reaches an agreement with the nonprofit healthcare organizations in Pennsylvania to get more money to change the adultBasic program and make it grow. That is fine if you want to do that. One problem: he put a sunset on it. It was only for a short period of time. That funding was not sustainable. And so, what happened? The funding came to an end, and there was no money for the program anymore.

Now we are talking about a State budget where we want to spend more money than what we have, than is sustainable for the next year, so that we can spend more on government programs. Maybe we can do that for now, but we will not be able to do that next year, much like the adultBasic. We ruined the sustainable funding of the adultBasic program. So, maybe we can revive it, find other sustainable funding so we can use it in the future. I would certainly like that, because I think it was a good program, but you cannot rob Peter to pay Paul. You cannot figure out ways to put more funding without sustainable revenue sources to them.

That is what the former Governor did. This Governor is not comfortable doing that. So if we, at some point, can find sustainable funding, I would like to see the program come back. I was here when we created it. I think it was a very important program, but we need to find sustainable funding that is recurring every year to fund these programs, or else all we are doing is setting

ourselves up for another cliff that we are just getting off of now, because of the stimulus.

Finally, Mr. President, I heard a lot today about corporations, all these greedy corporations that are getting breaks while the little guy is taking it. I certainly understand the desire to help the little guy. Certainly, this budget reflects about \$27 billion that mostly goes to help people who are in need. But, Mr. President, I was here a few years ago, when one of the largest companies in this country, based in the biggest city we have in Pennsylvania, got one of the biggest tax breaks, one of the biggest grants in Pennsylvania history, a tax break to some of the wealthiest people in this Commonwealth. Where was the outrage? Where were the people coming to the floor and raging about this corporate welfare that was going on for one of the largest companies in the history of Pennsylvania? There was silence here. There was no outrage. You know, maybe it is economic development when it is in your district, and it is corporate welfare when it is in someone else's.

Mr. President, this is a tough budget. It is a tough budget that reflects the times that we are in. It is a tough budget that does what Governor Corbett said it was going to do - it puts the revenues to match our expenditures. This budget sets ourselves up to grow in the future, this budget is sustainable, and I encourage an affirmative vote.

POINT OF ORDER

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

Senator COSTA. Mr. President, before we begin voting on this piece of legislation, I rise to ask for a point of order on whether or not I am permitted to vote. Mr. President, I rise and ask for a ruling of the Chair under Senate Rule XX.3(b).

The PRESIDENT. The gentleman will state his point.

Senator COSTA. Mr. President, I am a member of a law firm that has a client which is a municipal port authority, and the authority will receive funding under the General Appropriation bill which the Senate is considering now. Mr. President, am I permitted to vote on House Bill No. 1485?

The PRESIDENT. It is the ruling of the Chair, as you have explained it to the Chair, that you are a member of a class that may or may not benefit from your vote here today, and it is clear that there is no pecuniary interest going directly to you, and as such, you are required, under Senate Rules, to vote on this matter.

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

POINT OF ORDER

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

Senator DINNIMAN. I rise to request a ruling of the Chair under Senate Rule XX.3(b). I am on leave as a faculty member of West Chester State University, a university that receives funding through this bill, House Bill No. 1485. Am I permitted to vote, Mr. President?

The PRESIDENT. Senator Dinniman, the ruling of the Chair is the same as in the case of Senator Costa. You are declared to be a member of a class that may or may not benefit from the vote that is taken here today, and certainly nothing personal to you, no

direct pecuniary interest, would result from your voting on this matter, and as such, under Senate rules, you are required to vote.

Senator DINNIMAN. Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

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

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

HB 960 CALLED UP

HB 960 (Pr. No. 2048) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator PILEGGI.

BILL OVER IN ORDER

HB 960 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

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

HB 1352 (Pr. No. 2227) (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.

HB 1448 (Pr. No. 1738) (Rereported)

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

HB 1449 (Pr. No. 1739) (Rereported)

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

HB 1727 (Pr. No. 2192)

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.

HB 1728 (Pr. No. 2193)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University--Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1729 (Pr. No. 2194)

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

HB 1730 (Pr. No. 2195)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, 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.

HB 1731 (Pr. No. 2222)

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.

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bill:

HB 345 (Pr. No. 300)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

Senator Eichelberger, from the Committee on Local Government, reported the following bill:

HB 1549 (Pr. No. 2221)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in names and corporate powers and classification of counties, further providing for counties divided into nine classes; and, in prothonotary, clerks of court, clerk of orphan's court, register of wills, recorder of deeds, further providing for how offices to be held.

RESOLUTION REPORTED FROM COMMITTEE

Senator McILHINNEY, from the Committee on State Government, reported the following resolution:

SR 130 (Pr. No. 1292)

A Resolution honoring William Penn and Hannah Callowhill Penn and endorsing the construction of a Penn Memorial at the Independence Mall National Historical Park in Philadelphia, Pennsylvania.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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.

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 Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I urge all of my colleagues, including the ones on my side of the aisle, to support this bill. You know, on this particular piece of legislation, thanks to our good chairman, Senator Piccola, we were able to share the provisions of this bill days before it was finally passed. It has both Democratic and Republican parts that are incorporated into this bill. This bill is truly bipartisan.

I understand, sometimes, the desire to vote "no" when you are in a Minority, but I do hope that we will all come together and understand that the School Code bill has some very precious and special aspects of it. Among these are, for example, finally, after waiting for years, we have alternative certification. If you remember, we passed this unanimously last Session, and then it got bogged down in an issue involving the Harrisburg schools.

The fact remains that alternative certification is a good thing. It allows the Secretary of Education to declare a shortage of teachers in a particular area, when it exists. Then it allows, say,

a physicist or a chemist who has a master's degree to go to school for the summer, learn basic teaching techniques, and get their certification. It is better to get someone who understands the knowledge base of that classroom than someone who is certified but does not have the knowledge. We only do that in areas where there is a shortage in the Commonwealth, and not for the whole Commonwealth, but in that area.

Also, if you remember, it was the lack of alternative certification which destroyed our ability to get to Race to the Top and win any grants. There will be more Federal grants associated with Race to the Top. We need alternative certification in our code if we expect to access any of this Federal money that is so needed and so useful for education.

Let me also add that there are parts of the Fiscal Code in which we temporarily put education provisions last year, including Senator Tartaglione's aspects for a worker safety committee, including my work, along with that of so many others, that we worked out with our State-relateds, our community colleges, and our State-systems, an articulation agreement which allows any student to go seamlessly through our educational system without having to take the same course two or three times and spend their resources frivolously. It allows the Commonwealth to spend its resources more wisely.

I know there might be some provisions that people are unhappy with, but when we can finally reach an agreement on something that has both Democratic and Republican aspects to it, let us celebrate for a change. Let us come together for a change. The way to do that is to approve the School Code.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, I would like to thank my colleague from Chester County for his very kind remarks and his support of House Bill No. 1352, the omnibus School Code provisions for fiscal year 2011-12. The gentleman has covered a number of the provisions in the bill, and there are a lot of good provisions that will improve public education, and education generally, within the Commonwealth of Pennsylvania.

On the subject of process, this, as the gentleman has indicated, is a bipartisan but also a bicameral project. We have worked very closely with the House of Representatives on issues that are of importance to them, issues that they have passed from their Chamber over here to the Senate. Virtually all of the issues, other than budget-related issues, have been thoroughly vetted, most of them this Session, a few of them in the immediate prior Session. It is my fervent desire that the process that we have engaged in on this omnibus School Code bill for 2011-12, which mirrors the process we engaged in on, I believe it was, House Bill No. 101 at the end of last Session--I hope that this template serves as a model for approaching educational issues as we proceed down the road. I urge an affirmative vote.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, one of my dear colleagues on this side of the aisle suggests a kumbaya kind of a vote here today, and I respect his hard work and the work of the Committee on Education, to which I have been recently added as a Member. I could speak at length about many of the lofty and laudatory aspects of this comprehensive bill, and I think it is correct to

point out that there are major reforms in this bill that were suggested, approved, and debated at length and represent a quality byproduct of both the House and the Senate, on both sides of the aisle.

But for me, I have to bring this home to my respective district. I represent a three-county area, including the city of Pittsburgh proper, and it is a very diverse geographical district with urban schools and many small-town communities, some wealthy school districts, and some at the poorest rung of the economic ladder.

When I look at the vote, in the end--because it does include the direct basic education subsidy and other direct subsidies from State government--I have to look at the Fox Chapel Area School District, which will lose \$364,000-plus; Highlands School District, which will lose \$1,377,000 and more; our Pittsburgh School District--I live in Highland Park--under this proposal will stand to lose \$26,669,000; the Riverview School District will lose \$242,000; the Shaler Area School District--which is actually more of a Republican district, but I have part of it--will lose in excess of \$1,183,000; Wilksburg has the highest property tax rate in Allegheny County, 40 mills, and Wilksburg School District will lose \$1,206,000 under this vote that we are about to make.

Small communities in the Apollo-Ridge School District will be cut \$947,000-plus; the Armstrong County School District, in which I have several communities, in a very poor and somewhat rural county with a low tax rate, but facing the inevitable tax increase and job cuts associated with this basic ed subsidy cut, will lose in excess of \$2,208,000; the Freeport Area School District will be cut in excess of \$845,000; Leesburg Area School District, in excess of \$380,000; and the Kiski Area School District--the Kiskiminetas River is up river from the Allegheny River, the great part of the Ohio River basin--will lose in excess of \$1,800,000.

So, in its totality, I have been elected to come here to best represent my constituents. Again, there are important reforms in this comprehensive package, many of which I did vote in favor, some of them I did not. But the bottom line for me is the devastating cuts in the basic ed subsidy, which I know, inevitably, will lead toward a reduction in quality education which we have been building up for the last few years, the elimination of vital teacher jobs in the area of education where it is most needed, not in principals and administrators, but in teachers, especially those who do not yet have substantial seniority. And for those reasons and more, with all due respect to the two chairs of the Committee on Education, I cannot, in good conscience, and rather urge my colleagues to please vote "no" on this legislation. Thank you.

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

Senator DINNIMAN. Mr. President, I understand that the basic school subsidy is part of this. I oppose much of the basic school subsidy. It is a given. You are not going to change the basic school subsidy. So if you vote against it, I can understand that. But on the other hand, you are also voting against some very good pieces of legislation, some pieces of legislation which are going to make a great difference in terms of getting the best teachers in the classroom because of alternative certifications, some pieces of legislation which are really going to finally allow us to apply for Federal funds.

If you remember, last year, because our former Governor did not like one piece of this, all of it went down. There are some times when we need to say--and I understand how anyone in my Caucus votes, because I think people want to say we do not like the basic school subsidy, and I do not like it either, and I understand the difference between what is going on. But on the other hand, I do not want to see it defeated.

Some really good pieces of legislation that Democrats and Republicans together--Senator Ferlo, this is not a kumbaya moment. This is moment in which we are able to really produce some really good things for young people in the Commonwealth.

So, even if I have to split from my Caucus, each of us has to make the decision, and my decision is, I dislike the basic school subsidy formula, I do not think it is the best, but I can still vote for good pieces of legislation because I know, at the end of this day, the basic school subsidy is going to be the same whether you vote for it or you vote against it.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will be very brief. I just stand to also add my comments, in the form of a negative vote, on this School Code bill. As was indicated by a number of my colleagues, this bill represents implementation of the funding for the reductions that have taken place with respect to our schools.

I do not think it is an appropriate formula. I do not think this is an appropriate amount of money that should be funded, as I indicated in my previous remarks. So I intend to vote "no" and wanted to state the reasons for the record.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, to reiterate the comments of our Leader, Senator Costa, this is the formula, which is the most important aspect of this particular bill. In spite of some of the good things that may exist, this is the bill that has the funding formula for the basic education spend in the Commonwealth. I remind all Members, this is the funding formula that costs poorer school districts almost \$900 per student in terms of loss as opposed to wealthier school districts, where the losses are about \$47 per student. This is the funding formula that advantages the wealthiest school districts in the Commonwealth, and disadvantages the poorest school districts in the Commonwealth. That is what is in the School Code bill, the funding formula that advantages those who already have, and disadvantages those who are seeking to get a little bit more.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-33

Alloway	Erickson	Pippy	Waugh
Argall	Folmer	Rafferty	White Donald
Baker	Gordner	Robbins	White Mary Jo
Browne	Greenleaf	Scarnati	Williams
Brubaker	McIlhinney	Smucker	Wozniak

Corman	Mensch	Tomlinson	Yaw
Dinniman	Orie	Vance	
Earl	Piccola	Vogel	
Eichelberger	Pileggi	Ward	

NAY-17

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

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**NONPREFERRED APPROPRIATION BILLS
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.

On the question,
Shall the bill pass finally?

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

Senator GREENLEAF. Mr. President, I rise to comment in regard to this bill, and the comments also apply to three of the other bills dealing with the nonpreferreds on which we are about to vote, our institutions of higher education in Pennsylvania.

Several months ago, we had hearings of the Committee on Appropriations, and the presidents of four of these institutions were in front of the Committee on Appropriations. At that time, I asked them two questions: Would they give me their costs since 1980 to the present time, how much they increased during that period of time. I also asked them how their tuition has increased during that period of time.

I am concerned about the burden that has been placed on many of our students who leave these institutions and others with a tremendous economic burden, tens of thousands, sometimes hundreds of thousands, of dollars in school loans that they end up paying for a good part of the rest of their lives. It has a tremendous impact on these students.

The reason for the question was to determine whether there are some areas in which their spending could be curtailed, and these children who are going there, our children, would avoid some of the burden that they have experienced. That was, I

guess, 4 months ago, and to this date, I have not received any of that information. Each of them indicated to me that they would supply me with that information, and supply the Committee on Appropriations with that information. We do not have it.

I will vote for these bills at the present time, but we need to be diligent about that and make sure that we monitor these institutions and how they are spending our taxpayer money, how they are making our students pay that money and incur that debt. We need to be diligent about pursuing it so we can do everything we can, yes, to fund them adequately, as we are going to do tonight, but also to make sure that they are doing their part to take the burden not only off of the taxpayer, but off of the shoulders of the young people who go to these institutions.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, this is the first in a series of nonpreferred bills on which we voted yesterday. The remarks I am about to give, I would ask that they be made part of the record for each of the successive bills, the next four or so bills.

The PRESIDENT. Without objection.

Senator COSTA. Mr. President, my remarks will be very brief. Since the time we had this conversation yesterday, we have already voted and reviewed thoroughly the General Appropriation bill, as well as the School Code, and had a significant briefing on both the Welfare and Fiscal Codes. Our Members believe it is appropriate at this point in time to move the process forward, to allow the nonpreferred bills to be voted on today in this Chamber, and get them over to the House, so it has the opportunity to do so. I ask for 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-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 two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

SB 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.

On the question,
Shall the bill pass finally?

(The remarks of Senator GREENLEAF and Senator COSTA regarding SB 1122 are incorporated hereto.)

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 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.

On the question,
Shall the bill pass finally?

(The remarks of Senator GREENLEAF and Senator COSTA regarding SB 1122 are incorporated hereto.)

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 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.

On the question,
Shall the bill pass finally?

(The remarks of Senator GREENLEAF and Senator COSTA regarding SB 1122 are incorporated hereto.)

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	Vaugh
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 two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

SB 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.

On the question,
Shall the bill pass finally?

(The remarks of Senator GREENLEAF and Senator COSTA regarding SB 1122 are incorporated hereto.)

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

A constitutional two-thirds 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.

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

The SECRETARY. Consent has been given for the Committee on Local Government to meet off the floor to consider House Bill No. 1696.

RECESS

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

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

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

AFTER RECESS

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

**UNFINISHED BUSINESS
BILL REPORTED FROM COMMITTEE**

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

HB 1696 (Pr. No. 2260)

An Act providing for a temporary moratorium of court-ordered countywide reassessments and for reforms based upon study.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Bernard M. Luksic by Senator Baker.

Congratulations of the Senate were extended to Norman E. Brower, Jr., by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Steven Silva by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Wesley I. Crowder and to Zachary R. Klingler by Senator Gordner.

Congratulations of the Senate were extended to Bishop Terrence Priester by Senator Leach.

Congratulations of the Senate were extended to Brian Koeplinger by Senator Mensch.

Congratulations of the Senate were extended to Benjamin Wilson and to Dennis Biancuzzo by Senator Piccola.

Congratulations of the Senate were extended to Zachary S. Fannin by Senator Scarnati.

Congratulations of the Senate were extended to Christ United Church of Christ of Latrobe by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Streams, Mr. and Mrs. James Collesar and to the Mahoning Hills Social Center by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. William D. Harvey, Brodie Ercole and to the Lewisburg Area High School Boys' 3200-Meter Relay Team by Senator Yaw.

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 Andrew W. Nix, Jr., by Senator Kitchen.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

HB 345, HB 1549, HB 1696, HB 1727, HB 1728, HB 1729, HB 1730 and HB 1731.

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

HOUSE MESSAGES**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 387**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 151**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILL FOR CONCURRENCE

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

June 28, 2011

HB 1337 -- Committee on State Government.

BILL SIGNED

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

SB 387.

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	LOCAL GOVERNMENT (to consider House Bill No. 1696)	Rules Cmte. Conf. Rm.
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WEDNESDAY, JUNE 29, 2011

Off the Floor	EDUCATION (to consider House Bill No. 1330)	Rules Cmte. Conf. Rm.
Off the Floor	LABOR AND INDUSTRY (to consider House Bill No. 1683)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 151; and certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	TRANSPORTATION (to consider Senate Bill No. 1177; and House Bills No. 389 and 1304)	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 Wednesday, June 29, 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 8:01 p.m., Eastern Daylight Saving Time.