

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, MARCH 28, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 20

**SENATE**

WEDNESDAY, March 28, 2012

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

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

**PRAYER**

The Chaplain, Reverend FRANTZ SHLOMO ST. IAGO-TOURO PERETZ-BENNAZAR, of Hopewell Mennonite Church, Reading, offered the following prayer:

Let us pray.

Blessed are You, Lord, King of the universe. Bless our ministry. Our Heavenly Father, who loves like a mother cares for her children, empower us with wisdom, knowledge, and understanding, that everything we do and say will be a source of joy, happiness, and blessing for the communities of the Commonwealth of Pennsylvania and humanity. Bring glory to Your name, for solely to You belongs all the glory, the kingdom, and the power, forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Frantz, who is the guest today of Senator Schwank.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 304** and **SB 560**, with the information the House has passed the same without amendments.

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 730** and **SB 815**, 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, the bills will be referred to the Committee on Rules and Executive Nominations.

**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:

March 28, 2012

Senators SMUCKER, PICCOLA, ERICKSON, RAFFERTY, WAUGH, ORIE, BRUBAKER, WILLIAMS, BROWNE and MENSCH presented to the Chair **SB 1459**, entitled:

An Act amending the act of December 12, 1973 (P.L.397, No.141), known as the Professional Educator Discipline Act, making extensive substantive and editorial changes; and providing for imposition of discipline on additional grounds, for imposition of discipline on founded and indicated reports, for confidentiality, for subpoenas and for disposition of fees and fines collected.

Which was committed to the Committee on EDUCATION, March 28, 2012.

**BILLS SIGNED**

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

**SB 304** and **SB 560**.

**BILL REPORTED FROM COMMITTEE**

Senator BRUBAKER, from the Committee on Finance, reported the following bill:

**HB 1761 (Pr. No. 2894)**

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in employees' retirement system, further defining "compensation"; further providing for retirement board; providing for tax qualification; and further providing for employees eligible for retirement allowances and for amount of retirement allowances.

**DISCHARGE PETITION**

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

March 28, 2012

A PETITION

To place before the Senate the nomination of Alfonso Frioni, Jr., Esquire, as a member of the Workers' Compensation Appeal Board.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8(b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Alfonso Frioni, Jr., Esquire, Mount Lebanon, Pennsylvania, as [data missing] Workers' Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins  
Joseph B. Scarnati III  
Dominic F. Pileggi  
Michael L. Waugh  
Patrick M. Browne

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

**LEGISLATIVE LEAVES**

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

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

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

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

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

Senator Ferlo requests a temporary Capitol leave for Senator Yudichak, and legislative leaves for Senator Kasunic and Senator Washington.

Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

Senator PILEGGI asked and obtained a leave of absence for Senator ORIE, for today's Session, for personal reasons.

Senator FERLO asked and obtained a leave of absence for Senator LEACH, for today's Session, for personal reasons.

**JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of February 7, 2012, February 8, 2012, and February 10, 2012, are now in print.

The Clerk proceeded to read the Journals of the Sessions of February 7, 2012, February 8, 2012, and February 10, 2012.

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals 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-48

Alloway	Eichelberger	Mensch	Tomlinson
Argall	Erickson	Piccola	Vance
Baker	Farnese	Pileggi	Vogel
Blake	Ferlo	Pippy	Ward
Boscola	Folmer	Rafferty	Washington

Brewster	Fontana	Robbins	Waugh
Browne	Gordner	Scarnati	White Donald
Brubaker	Greenleaf	Schwank	White Mary Jo
Corman	Hughes	Smucker	Williams
Costa	Kasunic	Solobay	Wozniak
Dinniman	Kitchen	Stack	Yaw
Earll	McIlhinney	Tartaglione	Yudichak

NAY-0

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

The PRESIDENT. The Journals are approved.

**LEGISLATIVE LEAVE CANCELLED**

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

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

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

Senator SCHWANK. Mr. President, I am delighted to introduce to you and my Senate colleagues the record-breaking 2011 Pennsylvania State Athletic Conference champions, the Kutztown University Golden Bears football team. This talented and motivated group of young men won the 2011 PSAC, the first in school history. Their efforts on the gridiron earned for them the respect and admiration of their fans, their opponents, and football enthusiasts throughout the entire east coast.

Joining them today as well is Dr. F. Javier Cevallos, president of Kutztown University; Mr. John Green, vice president of university advancement; Mr. Greg Bamberger, director of athletics, and his staff; Mr. Raymond Monica, Jr., head coach of the football team, and his staff; Mr. Matt Santos, director of public relations; and Mr. Jose Molina, director of governmental affairs. They even brought a gift for me, Mr. President, probably the first named jersey for the team. I do not know how I will get into this, but I am honored and delighted to have it. I would greatly appreciate it if you would join me in welcoming these fine young men, and the entire staff. Thank you.

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

(Applause.)

**GUESTS OF SENATOR LLOYD K. SMUCKER,  
SENATOR MIKE FOLMER, AND  
SENATOR MIKE BRUBAKER  
PRESENTED TO THE SENATE**

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

Senator SMUCKER. Mr. President, I have a football team I would like introduce as well. In fact, they were both on the floor at the same time a little bit ago, lined up at opposite ends of the room. I thought we would see a scrimmage right there. We are joined by the 2011 PIAA Class AA State Champion Football Team from Lancaster Catholic High School. The school is in my district, but the students here are from Senator Folmer's and Sen-

ator Brubaker's districts as well. So I extend congratulations and welcome them on behalf of the three of us.

In December, the Crusaders won their second State title in just 3 years in a hard-fought 17-7 victory over District 6 champion Tyrone. The Crusaders, in addition, finished with a perfect record of 16-0 in 2011, and will enter the next season riding an incredible streak of 27 consecutive wins in league games. That is a Lancaster-Lebanon League record. The team's achievement is a result not only of the heart and determination of its players, but also the dedicated contributions of coaches and parents, and the overwhelming support of the school's student body. Winning a second State title is an amazing accomplishment, and I congratulate today all of the players, coaches, parents, and staff who made that possible. I ask my colleagues to join me in giving the State champion Lancaster Catholic Crusaders football team our usual warm Senate welcome.

Thank you, Mr. President.

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

(Applause.)

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER TEMPORARILY

**SB 10** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

### LEGISLATIVE LEAVE CANCELLED

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 790 (Pr. No. 2052)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 Philadelphia, Senator FARNese.

Senator FARNese. Mr. President, I know that we want to get moving, but I want to make some very brief comments on Senate Bill No. 790 on final passage. I am going to be supporting the bill. Mr. President, I certainly want to commend my colleagues on the other side of the aisle, Senator Earll, for her hard work on

this bill, Senator Pippy, and Senator Ferlo, the Minority chairman of the Committee on Law and Justice. But I do want to rise and express my disappointment with specific provisions of Senate Bill No. 790 and the direction which this bill has taken over the last several weeks. Rather than a broad and open shipping bill, something that we have worked on for many, many months here, we have backtracked from previous amendments and are again limiting the direct shipment of wine by allowing only U.S. producers to ship to our legal drinking age population.

Again, I underscore that I am supporting this bill today, but unfortunately, I do not think it is as good as we could have had it. While I understand the political obstacles to moving an open bill, I am displeased in the opposition's late arrival in the debate. Opposition to this language did not surface until after the meeting of the Committee on Appropriations on March 13. By then, the bill had already been amended to broaden direct shipper language, mirroring Senate Bill No. 886, my direct shipping proposal, a proposal that was supported by the board, importers, wineries, and hundreds of my constituents. The broad shipper bill was reported out of the Senate Committee on Law and Justice, and again, I commend Senator Earll, Senator Pippy, and Senator Ferlo for their leadership and their support of this very, very important legislation, but it was reported out without a peep from those now opposing it.

I have many constituents, Mr. President, in my district who are limited in their ability to get out of their homes and shop for their favorite bottles. Limiting this bill creates an access issue and essentially cuts out 90 percent, let me repeat that, 90 percent of the world's wine from being shipped. Even the board, in its testimony before the Committee on Law and Justice on this very issue back in August, said, "...while the Board has access to thousands of different wines, there are many thousands more which it cannot acquire, principally because of their scarcity." Is not a large part of the intent of direct wine shipment to allow people to get wines they cannot get from abroad?

Now, some lobbyists have vigorously been making rounds to Members' offices in the last 2 weeks, arguing that keeping this bill open would jeopardize the middleman's business in a three-tier system. Outside of Pennsylvania, Mr. President, many wholesalers and retailers are able to ship directly to consumers. If we look at New Hampshire, where a broad direct shipping program has been in effect for about a decade, we see a State with a system that is similar to Pennsylvania's in that they buy and resell wine and liquor. While their broad system has had a significant, positive impact on the consumer experience, which is why I believe it is a point for allowing direct shipment of wine, direct shipment of sales account for over 1 percent of that State's net wine sales and have not negatively impacted the State's revenues.

I guess what I am saying, Mr. President, in closing, is that we have a good bill, and this is yet another example of where the process, a process that I believe at many times is flawed, has taken an idea with broad support on both sides of the aisle, muddled it up, and now the people in Pennsylvania are really getting less than what they should be getting.

So as I voice my disappointment for Senate Bill No. 790, I am happy that we are getting something for the people of Pennsylvania, that consumer choice is moving forward. Again, if we allow the process in this building to dictate where we take legislation

that is designed to help people, we really are not doing what the people of Pennsylvania have sent us here to do.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman, and was unaware of the gentleman's desire to speak on the bill.

The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Mr. President, my apologies. I went to the back of the room, thinking that there would be more salutations to some of the guests in the audience today.

I want to make a clear thank you to a bipartisan effort here to move the ball significantly forward as it relates to customer friendliness and consumer choice. We all have knowledge of, and I am sure many of us have participated in visits to, wineries, both our great wineries here in the Commonwealth, as well as wineries in California, Oregon, Washington, and States throughout the United States, only to be hamstrung in our inability to have direct wine shipment of a bottle or a case back to our home residence. This legislation is important because it finally brings into law a resolution of a Supreme Court case from years back, an interstate commerce case known as the *Granholm* decision. I know that we have been a little bit lax in not modifying our State law to meet the constraints and obligations under that action of the Supreme Court.

This would allow individuals, as Senator Farnese has spoken about, to purchase through direct wine shipment, this would be wineries in the United States of America. It opens up an opportunity, and I think it is important to indicate that the 18-percent taxes, including the 6-percent sales tax, associated with the sale of liquor in our Commonwealth will be collected. Wineries will have to be registered and pay a small fee to be formally registered, and there will have to be a system of notification and obligations to the State Department of Revenue and the LCB for the collection of that tax and that badly-needed revenue. I do believe, quite honestly, that this will affect a very small percentage of customers who choose to do direct wine shipments. They will have this ability and opportunity in the State store system as well and on the Internet. I encourage folks to visit the LCB Web site.

So it is a positive step in the right direction. It corrects and resolves an action of the Supreme Court. It provides consumer choice, and it is customer-friendly. We continue to collect badly-needed revenue. I just want to thank Senator Earll and others for their bipartisan support and leadership, especially my colleague, the Majority chair of the Committee on Law and Justice. Thank you, Mr. President.

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

Senator PIPPY. Mr. President, very briefly, I want to echo the sentiments of my good friend from Allegheny County, Senator Ferlo. I thank everyone who has been involved in this bill. I know that many of us would have loved a broader bill and a more reaching bill, but the reality is that we did not have all of the mechanisms we needed in place, and we were starting to get significant resistance, as was mentioned by the gentleman from Philadelphia. Having served for 16 years in the legislature, in both Chambers, I see the value of taking that big step forward. Do not take this for granted. This is a significant step forward for wine consumers in the Commonwealth of Pennsylvania. They will now be able to directly order from the wineries, the vineyards, not only in Pennsylvania, but across our country. I hear

day after day, literally, from constituents who are traveling in the Napa Valley and would have loved to just ship a box home, and now they will have that right.

So, for all those who have been involved, Senator Earll for championing the issue for many years, Senator Farnese for his work in Philadelphia and his bill, and of course, my good friend, Senator Ferlo, it has been a pleasure working with him. I thank all of you.

Thank you, Mr. President. I ask for an affirmative vote.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola. Without objection, the leave 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-48

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

NAY-0

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

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

BILL OVER IN ORDER

**SB 932** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1169 (Pr. No. 2038)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1987 (P.L.412, No.86), known as the Pennsylvania Fair Dealership Law, further providing for definitions, for termination of dealer agreement and for death or incapacitation of dealer; repealing provisions relating to coercion; and providing for unlawful acts by supplier and for waiver.

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-37

Alloway	Erickson	Pileggi	Vogel
Argall	Farnese	Pippy	Ward
Baker	Folmer	Rafferty	Washington
Boscola	Fontana	Robbins	Waugh
Brewster	Gordner	Schwank	White Donald
Brubaker	Greenleaf	Solobay	Wozniak
Corman	Hughes	Stack	Yaw
Costa	Kasunic	Tartaglione	
Dinniman	Kitchen	Tomlinson	
Eichelberger	McIlhinney	Vance	

NAY-11

Blake	Ferlo	Scarnati	Williams
Browne	Mensch	Smucker	Yudichak
Earll	Piccola	White Mary Jo	

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 1203 (Pr. No. 1598)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating antique, classic and collectible plates.

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-48

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

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.

**SB 1329 (Pr. No. 2053)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, further providing for prohibited means of destruction of animals, for methods of destruction of animals, for exclusions and for use of carbon monoxide systems; providing for disclosure; and further providing for penalty.

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, today is a good day for dogs and cats and human beings in Pennsylvania. Remember that the way we treat animals is reflective of the way we treat each other. When we stand up for the humane treatment of animals, we stand up for all of God's creatures, including ourselves. Indeed, we have a responsibility to do so.

This bill does three things. One, it ends the gassing of animals by carbon monoxide. Hundreds of animals every week have died in Pennsylvania as a result of the gas chambers that exist in this Commonwealth. That will be ended. It requires the dismantling of those chambers. Third, it requires that public notices be at all veterinary offices and shelters, so that people will know the type of euthanasia that is practiced by that veterinarian or by that shelter.

I want to thank the Majority Leader, Senator Pileggi, for allowing this bill to come forward. I want to thank Senator Vogel, chair of the Committee on Agriculture and Rural Affairs, and the Minority chair, Senator Schwank, for their work, as well as Michael Rader and Martin Indars. It is a good and progressive bill for the Commonwealth.

Finally, let me say that tonight, when we go home, I know that Senator Alloway is going to say to those two miniature dachshunds that he walks every night that he is home, you know what, we did a good thing for you here in Pennsylvania, right Senator Alloway? And I know that Senator Argall is going to say to those terriers that he has, you know, we did something for you today in Harrisburg. And I know that Senator Eichelberger is going to go home and talk to those Airedales and tell them the same thing. And Senator Boscola is going to say to T and T, her two cats, that we took care of you today. And Senator Erickson is going to talk to Gloria and tell Gloria, well, we took care of you, too, and helped you in Harrisburg today.

Finally, let me say this to you, my friends, when we do something and stand up for the humanity of animals, we stand up for our own humanity. We join with a number of other States in ending this practice of gassing of dogs and cats. We should be proud of our action today because in Pennsylvania, until we acted, it was legal for you to put your dog in a bin, bring your car there, and put the hose into that bin, under Pennsylvania law, under the 1983 act, and kill your dog or your cat. That is inhumane. We stopped that today. We should all be proud of our actions.

Finally, I will tell you what, when I go home tonight and see my dog, Henry, he is getting some extra dog biscuits because I am going to say to Henry and remind him that in the words of that song, that hymn that all of God's creatures, great and small, our Lord, our God, made them all. Thank you.

The PRESIDENT. The Chair thanks the gentleman. I would like to assure him that I will mention something to my wife's Himalayan, Samson, tonight when I go home.

The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, I rise briefly to thank my good friend, Senator Dinniman, for those kind words and for pushing this bill. This bill means a lot to me and to other Pennsylvanians who love their pets. As the gentleman said, tonight, everyone go home and hug your pet. Thank you, Senator Dinniman, for getting this done. I appreciate it.

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-48

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

NAY-0

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

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

BILL OVER IN ORDER

**HB 1500** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

**HB 165** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

**SB 210 (Pr. No. 1992)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a task force on Lyme disease and related maladies; and providing for powers and duties of the task force, the Depart-

ment of Health, the Department of Conservation and Natural Resources and the Pennsylvania Game Commission to execute prevention and education strategies.

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

BILL ON SECOND CONSIDERATION

**SB 341 (Pr. No. 2036)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

**SB 345, SB 351, SB 466, HB 469 and HB 470** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

**SB 477 (Pr. No. 482)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for compelled removal.

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

BILLS OVER IN ORDER

**SB 512, SB 682 and SB 819** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

**HB 823 (Pr. No. 3060)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; in planned residential development, further providing for application for final approval; and providing for wastewater processing cooperative planning.

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

## BILL RECOMMITTED

**SB 964 (Pr. No. 2050)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensing and regulation of cremation; prescribing penalties; and establishing the Crematory Regulation Fund.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was recommitted to the Committee on Consumer Protection and Professional Licensure.

## LEGISLATIVE LEAVE CANCELLED

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

## CONSIDERATION OF CALENDER RESUMED

## SECOND CONSIDERATION CALENDER RESUMED

## BILL LAID ON THE TABLE

**SB 968 (Pr. No. 1901)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals.

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

## BILL ON SECOND CONSIDERATION

**SB 1150 (Pr. No. 2037)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing tax credits for the rehabilitation of historic structures.

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

## BILL OVER IN ORDER

**SB 1175** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILLS REREFERRED

**SB 1223 (Pr. No. 1525)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 20, 1968 (P.L.1075, No.329), referred to as the Public Television Network System Law, abolishing the Pennsylvania Public Television Network Commission; and making editorial changes.

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

**SB 1225 (Pr. No. 2043)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for public library code; and making related repeals.

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

**SB 1257 (Pr. No. 2048)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for revolving loan program accounts; repealing First Industries Program and Second Stage Loan Program; providing for the Liberty Financing Authority; imposing duties on the Department of Community and Economic Development; providing for First Industries Program, for Second Stage Loan Program and for transfer from Commonwealth Financing Authority to Liberty Financing Authority for First Industries Program and Second Stage Program; and making related repeals.

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

## BILLS OVER IN ORDER

**HB 1264, HB 1280 and SB 1314** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 1351 (Pr. No. 1873)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for death and fetal death registration information for certificates, for coroner referrals and for pronouncement of death by a professional nurse.

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

## BILL OVER IN ORDER

**SB 1382** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 1395 (Pr. No. 1925)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating State Routes 3035 and 3033 in Robesonia Borough, Heidelberg Township, North Heidelberg Township and Penn Township, Berks County, as the Captain David Eric Pannabecker POW-MIA Memorial Highway.

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

BILL REREFERRED

**HB 1400 (Pr. No. 2652)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Statewide stroke system of care by recognizing primary stroke centers and directing the creation of emergency medical services training and transport protocols; and providing for the powers and duties of the Department of Health.

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

BILLS OVER IN ORDER

**SB 1410, SB 1436, SB 1440, HB 1525 and HB 1720** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

**HB 1827 (Pr. No. 2345)** -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating a bridge in Irvona Borough, Clearfield County.

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

BILLS OVER IN ORDER

**HB 1830, HB 1960 and HB 2133** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

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

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

**MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD**

March 27, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 6, 2011, for the appointment of Alfonso Frioni, Jr., Esquire, 210 Main Entrance Drive, Mount Lebanon 15228, Allegheny County, Thirty-seventh Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

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

TOM CORBETT  
Governor

**NOMINATION RETURNED TO THE GOVERNOR**

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

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

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

**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 Game and Fisheries, to be held in the Rules room immediately.

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

**AFTER RECESS**

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

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Earll and Senator Baker.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Earll and Senator Baker. Without objection, the leaves will be granted.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 10 CALLED UP**

**SB 10 (Pr. No. 173)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 10 (Pr. No. 173)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for health care services.

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

**KITCHEN AMENDMENT A9472 OFFERED**

Senator KITCHEN offered the following amendment No. A9472:



Amend Bill, page 1, line 9, by inserting before "A":

(a)

Amend Bill, page 2, by inserting between lines 4 and 5:

(b) Nothing in this section shall preclude or impact any Federal laws related to Medicare or Social Security.

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

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

Senator KITCHEN. Mr. President, my amendment addresses my concern that whenever we talk about healthcare, healthcare reform, or healthcare changes, we have to speak of senior citizens. And if it is a serious discussion, then we have to talk about Medicare and Social Security. Medicare will be a part of any healthcare reform, it is a part of it now. Mr. President, I would like for us to commit that we will not make any changes, currently as it stands, with Medicare and Social Security concerning this amendment. Thank you.

KITCHEN AMENDMENT A9472 TABLED

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, the amendment that is being offered by the gentlewoman from Philadelphia specifically states, "Nothing in this section shall preclude or impact any Federal laws related to Medicare or Social Security." While the amendment is well-intended, it does have two flaws.

First and foremost, nothing in Senate Bill No. 10 will impact current law on Medicare or Social Security. Nothing in Senate Bill No. 10 will impact current law on Medicare or Social Security. Senate Bill No. 10 was specifically drafted to affect only the individual mandate in Obamacare.

However, Obamacare itself has tremendous impacts on Medicare. It imposes hard caps on Medicare spending, ends fee-for-service payment delivery, and diverts \$575 million out of Medicare to pay for the expansion of additional entitlements contained in Obamacare. If you are truly concerned about our seniors, if you are truly concerned, as all of us should be, and I believe we are, we should be voting to invalidate Obamacare, not Senate Bill No. 10. For this reason, I move to table the amendment.

The PRESIDENT. Senator Scarnati has moved to table the amendment. The motion to table is nondebatable.

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

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

YEA-29

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

NAY-19

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

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

The PRESIDENT. The amendment is tabled.

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

YUDICHAK AMENDMENT A9443 OFFERED

Senator YUDICHAK offered the following amendment No. A9443:

Amend Bill, page 1, line 1, by striking out "an amendment" and inserting:

separate and distinct amendments

Amend Bill, page 1, line 2, by inserting after "services":

; and further providing for tax exemptions and special provisions

Amend Bill, page 1, line 5, by striking out "amendment" and inserting:

separate and distinct amendments

Amend Bill, page 1, line 6, by striking out "is" and inserting:  
are

Amend Bill, page 1, line 7, by inserting before "That":

(1)

Amend Bill, page 2, lines 5 through 27, by striking out all of said lines and inserting:

(2) That section 2(b)(vi) of Article VIII be amended to read:

§ 2. Exemptions and special provisions.

\*\*\*

(b) The General Assembly may, by law:

\*\*\*

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. [The exclusions authorized by this clause shall not exceed one-half of the median assessed value of all homestead property within a local taxing jurisdiction.] A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions.

\*\*\*

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Yudichak.

Senator YUDICHAK. Mr. President, while I can certainly see and appreciate the process that is going to unfold, it is not often that a bill proposing an amendment to the Constitution of Pennsylvania is brought to the floor of the Senate. Because of that unique nature, I think we should address one of the most egregious problems that we have in our school districts and municipalities, and that is rising property taxes.

My amendment would help eliminate property taxes in Pennsylvania and help address a growing concern for our school districts and our municipalities. I think it is an appropriate amendment to Senate Bill No. 10, and an appropriate time for colleagues, both Republican and Democrat, who have long labored on the issue of property tax relief.

Mr. President, my amendment, very simply, deals with the homestead exclusion. We all know that municipalities and school districts can only go up to 50 percent in reduction. There are a lot of communities, particularly York, for example, that have revenue to reduce property tax beyond 50 percent, but cannot do so because of the Constitution of Pennsylvania. It is important and unique that we debate an amendment to the Constitution. When we do that, we should address some of the more egregious concerns that we all share, and I can think of none other than property tax elimination. I think property taxes are rising too high across Pennsylvania, both at the municipal and the school district levels. My amendment would help bring property tax relief to Pennsylvania.

Thank you, Mr. President.

#### YUDICHAK AMENDMENT A9443 TABLED

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

Senator PILEGGI. Mr. President, while I very much share the gentleman's interest in working on the issue of property taxes, and this is certainly a matter that would require an amendment to the Constitution, our rules specifically limit amendments to bills to those that are germane to the underlying bill and, unfortunately, this amendment would constitute a violation of our Senate rules, specifically Rule XIII, Section 1, which prohibits an amendment which is not closely allied to the original purpose of the bill. Clearly, the original purpose of the bill before us is dealing with Obamacare, not property taxes. I would say that, clearly, this amendment is not germane and therefore, I move to table the amendment.

The PRESIDENT. Senator Pileggi has moved to table the amendment currently under consideration. The motion to table is nondebtable.

#### POINT OF ORDER

Senator WILLIAMS. Point of order, Mr. President.

The PRESIDENT. Will the gentleman state his point.

Senator WILLIAMS. Mr. President, the gentleman rises because in the comments directed to this body was a reference to Obamacare. To my knowledge, there is no piece of Federal legislation or any legislation that denotes something called "Obamacare." What it does do is characterize a particular partisan perspective of policy that is actually law in this country. I

believe that it is only fair that if we are going to limit the debate, then we need to be specific about that, and if we are going to cite rules, we should follow them. So I move to strike the comment of Obamacare, refer to it as what it is appropriately termed as, and then discuss it within the confines of those rules.

Thank you, Mr. President.

The PRESIDENT. The Chair is somewhat struggling to find a point of order. The Chair would perhaps invite the previous speaker, if he would like to recap--

Senator WILLIAMS. I can define what the point of order is, Mr. President.

The PRESIDENT. If the gentleman would, please.

Senator WILLIAMS. Mr. President, the point of order is if we are going to talk about legislation, then talk about legislation. If we are going to cite regulations and rules in specific items, then follow that process. That is what I am talking about.

Senator PILEGGI. Mr. President, if I could treat that as a point of order and just respond, the gentleman might not be aware that President Obama's campaign has itself adopted the term "Obamacare" as a shorthand reference to the legislation that we are talking about, which has a long and awkward name. I will submit for the record the article that was recently published in the Washington Post today to that point.

Senator WILLIAMS. Mr. President, I thank the gentleman for his review of editorial commentary. The fact that it is engaged in a campaign further makes the point. We are not here on the Senate floor to campaign, we are on the Senate floor to actually provide covered care protection to the Commonwealth of Pennsylvania. So, regardless of whether the campaign of the current President made a mistake, it is only illustrated in the rules that the gentleman cited, section whatever he cited, that we have to follow, then I think that we are either being paradoxical, to be kind; duplicitous, to be general; and, specifically, unfair, to be very direct, if we are going to continue to reference Obamacare and make it a partisan activity.

The PRESIDENT. For the interest of moving the business of this body forward, perhaps in the future, any subsequent references to healthcare be referred to as the Federal healthcare initiative. Is that satisfactory to all concerned?

Senator WILLIAMS. Mr. President, I believe that is what it is actually called.

The PRESIDENT. That is not satisfactory to those concerned.

Senator PILEGGI. Mr. President, I do not know why we should adopt different rules than the President himself for referring to his own legislation. I do not know that we should not have the right to refer to this legislation as we care to. I have indulged this point of order, which is really a debate over a term, and I think we have before us a motion to table. I ask for a roll call on the motion.

The PRESIDENT. I think that, in fact, that is indeed appropriate. I do not see where there is a point of order in the gentleman's comments.

Senator WILLIAMS. Well then, Mr. President, I think that if we are going to follow rules, then they need to be there. We are going to follow them or we are not. I think the gentleman referenced the fact that it is in the context of a campaign that the comments were made, not in the terms of us governing. Today, to my knowledge, we are not campaigning, we are governing. But, if we want to campaign on the floor, we will fully engage, but do not expect us to follow any rules. Thank you.

Senator COSTA. Mr. President.

The PRESIDENT. For what purpose does the gentleman seek recognition?

Senator COSTA. Mr. President, I believe you asked the question of what is the point of order that has been raised. The point of order that has been raised by the gentleman from Philadelphia is a motion to strike, a motion to strike the comments and a reference to Obamacare from previous comments that were made as part of the motion to table this piece of legislation. I ask that we address that motion to strike accordingly.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The issue before the Chair is a request on a ruling for the motion to strike, specifically, the use of the word "Obamacare" in the previous speaker's comments. It has been brought to the Chair's attention that the administration itself has embraced the term. Therefore, the Chair does not find that the use of the word is dilatory. As such, the motion to strike is not accepted at this time.

#### RULING OF THE CHAIR APPEALED

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

Senator WILLIAMS. Mr. President, I would like to appeal that ruling.

The PRESIDENT. Senator Williams has moved to appeal the ruling of the Chair.

Senator WILLIAMS. Mr. President, can I comment on the appeal?

The PRESIDENT. If the gentleman will yield for a minute, I will explain the rules.

An "aye" vote is to sustain the appeal, to overrule the ruling of the Chair. A "nay" vote is to support the ruling of the Chair.

With that, debate is appropriate.

On the question,

Shall the Senate sustain the appeal of the ruling of the Chair?

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

Senator WILLIAMS. Mr. President, the context in which the Obamacare reference has evolved has clearly been one of partisan campaign activity. The ruling of the Chair is to suggest that the entire administration of the Federal government is traveling the nation using the reference Obamacare, which is actually not accurate. They are using the accurate term. When the Members of Congress in the Senate and the House of Representatives debate this on the floor of the Senate and the House, they have used the appropriate term. We would be setting a precedent by this body to suggest that, because in a campaign activity, as it was previously described by a Member of the other side of the aisle, that the entire administration has embraced it, would not be fair, nor would it be accurate.

With that said, I think that we all know where this is coming from, and I think that appealing the ruling of the Chair would only exemplify to the Pennsylvanians watching us that we, too, are declining into the erosion of what captures the gridlock of Washington, D.C., and that is ideology drives us, not substance; that people being protected is not what we are here for, we are

more concerned about who has more in terms of numbers as opposed to who has more in their homes. So, while it disappoints me greatly that we have actually devolved ourselves and devalued the Commonwealth of Pennsylvania to allow for references such as "Obamacare" to be part of this Chamber, I am more concerned about the consequence of us moving and doing business going forward because ideology would be driving it as opposed to substance driving it.

For all that I care about, at this point in time, I am sure they will win this appeal and we will be politely referring to this as "Romneycare," and I hope that we will not have a challenge of that as we devolve and devalue this conversation about healthcare, which is what this is really all about. But we will take up the armament, we will do the activity, we will look just like Washington, we will devalue the quality and content of this debate, and we will devalue it and devolve into partisan bickering for the rest of the day. That is fine with me, and I will allow the President to proceed.

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

Senator FERLO. Mr. President, first of all, I want to apologize. I certainly identify with the emotion as well as the articulation of concern that my colleague from Philadelphia, Senator Williams, has raised, but I am concerned about limiting free speech and the words and adjectives that we use. I do not want to get into the history about any number of times individuals rose to the podium, to the microphone, regardless of what side of the aisle, regardless of what side of the debate or whatever the issue was, but we have free use of democratic free speech and the use of adjectives, adverbs, and nouns. I will readily admit that the administration in Washington, only a week ago, has begun to use the vernacular, which, prior to that, was considered pejorative as a phrase.

I want to go back to what I believe to be the case right now and the immediacy of the issue, and that is Senate Bill No. 10, which, obviously, I do not support and will speak about later, but I do not believe that has any reference, explicitly, to any Federal law. So there is not a reference in that legislation to the Affordable Care Act protection of patients and/or what Senator Williams articulated as a pejorative term which begins with "O" and ends with "E."

So I am just very concerned. I have to respectfully disagree with my colleague from Philadelphia, and I would not want to limit free speech here on the floor. Thank you.

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

Senator PILEGGI. Mr. President, to the particular point of the use of the word "Obamacare," I referenced earlier a Washington Post article that was recently published. The source was the Associated Press, and it was published on Wednesday, March 28, in the Washington Post. I have a copy of it before me. I do want to make it part of the record, but I just want to refer to the first paragraph of the article. (*Reading:*)

At least one part of the nation's health care debate is settled: Now they're calling it Obamacare.

Since President Barack Obama's re-election campaign has lifted an unofficial ban on using the opposition's term for his health care law, Democratic activists have been chanting "We love Obamacare" in front of the Supreme Court.

"It just rolls off the tongue much easier than 'We Love the Affordable Care Act,'" said Lori Lodes, who supports the law and has been coordinating public outreach keyed to the court deliberations for the Center for American Progress.

It goes on for another two pages with more and more examples of its use by the supporters of the law. So it is in common usage.

To the point of the gentleman from Allegheny County's, he made the point that I was also hoping to make, but I want to emphasize how important it is that we respect the First Amendment on the floor of the Pennsylvania Senate. We should not be getting up trying to limit what words of the English language we use because someone might think that they are not complimentary. We should have a full, robust debate on all of these issues. Whether it is this term or another term that someone might not think is a complimentary term, that is certainly no reason for us to stop our debate in its tracks on the substance and get involved in these semantic arguments. It is a dangerous precedent, one that we could spend days debating each word that Members use each time someone feels slighted or offended in some way. I certainly support the Chair's ruling on the motion to strike.

Thank you, Mr. President.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

*(The following submitted article was made part of the record at the request of the gentleman from Delaware, Senator PILEGGI:)*

SPIN METER: Just call it Obamacare; President embraces term used to ridicule his health law

By Associated Press, Updated: Wednesday, March 28, 12:16 PM WASHINGTON — At least one part of the nation's health care debate is settled: Now they're all calling it Obamacare.

Since President Barack Obama's re-election campaign has lifted an unofficial ban on using the opposition's term for his health care law, Democratic activists have been chanting "We love Obamacare" in front of the Supreme Court.

"It just rolls off the tongue much easier than 'We love the Affordable Care Act,'" said Lori Lodes, who supports the law and has been coordinating public outreach keyed to the court deliberations for the Center for American Progress.

But no presidential campaign makes such a move lightly. Obama's campaign is trying to use the weight of his opponents' rhetoric against them. Like martial arts or wrestling, except with words.

"It's rhetorical jujitsu," said Kathleen Hall Jamieson, an expert on political communication at the University of Pennsylvania's Annenberg Center.

Republicans coined the term as an insult, linking Obamacare to an apocalyptic litany of woes they contended it would bring about: rationing, soaring costs, unemployment, death panels -- even if they were nowhere mentioned in the law.

As "Obamacare" became a household word, the President and his supporters faced a choice. They could keep snubbing the term, leaving it to the law's critics to define what it stands for. Or they could embrace it and try to put their own spin on it. That's what the campaign chose to do, going public last Friday on the second anniversary of the law's signing.

"It meets the voters where they are," said deputy campaign manager Stephanie Cutter. And it does show that Obama cares, she added.

"It's a word that is hugely popular with our supporters, who will fight to the end to defend the law," said Cutter.

Some Republicans are not exactly amused.

"It doesn't matter whether the President and his political campaign choose to use the term," said Michael Steel, spokesman for House Speaker John Boehner of Ohio. "I believe they have been confident

since the beginning of the President's term that the new law would prove to be popular, and that simply isn't the case."

Jamieson said Obama's move makes sense from a practical standpoint.

"The word has moved into common usage," she said. "They can't afford to have their candidate's name tied to socialism, rationing and death panels. That means they've got to claim it and embrace it."

"Care" is a word that carries positive connotations. So Jamieson says the Obama campaign can now work on directly equating his health care law with Medicare. Denounced as a stepping stone to socialism when it was being debated in Congress, the health insurance program for seniors and disabled people is now considered politically unassailable.

Cutter says it will also help Obama draw a contrast between his approach to health care and Republican plans, including the House budget proposal that calls for converting Medicare for future retirees into a system dominated by private insurance plans.

In the official name of the law, the word "care" was somewhat overshadowed. Congress named it the Patient Protection and Affordable Care Act, or PPACA. Some lawmakers still refer to it by that acronym, pronouncing it pea-pah-cah.

Supporters have preferred to call it the Affordable Care Act, or ACA for short. But "ACA" doesn't convey anything about caring.

Campaign officials say there wasn't much discussion about embracing Obamacare. The President tested the approach at fundraisers. Then campaign manager Jim Messina emailed supporters: "Happy birthday Obamacare ... make sure your friends and family know that Obamacare is something to be proud of -- and worth fighting for."

Last year, Rep. Debbie Wasserman Schultz, D-Fla., tried to block lawmakers from uttering the term "Obamacare" on the House floor.

Now the Obama campaign is selling "I Like Obamacare" T-shirts.

No matter which way the Supreme Court rules, they could become the next collector's item for political junkies.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, to my colleague from Philadelphia, with whom I have a friendship and for whom I have respect, I just have to say that anybody who is watching this on PCN or up in the gallery, they have to be shaking their heads. They have to be shaking their heads. We are consuming time arguing whether to call it Obamacare. For goodness' sake, people. For goodness' sake. We spent last time on the floor here with a bill for voter ID, and what was it called? The voter suppression act. I did not jump up and down. I did not raise red flags. You are free to call it what you want, vote how you want. That is what we do here. I have been here for 12 years, and I remember when I first got here, I heard about Reaganomics. We did not jump up and down. We are kind of proud of Reaganomics. I think everybody wants to be Reagan-like now. And the Delaware loophole, show me a piece of legislation that is called the Delaware loophole. I do not know where that could be written in the Tax Code.

So please, let us not go down a slippery slope here and reduce ourselves to child-like antics. Vote how you want to vote, call it what you want to call it. We represent diverse people, and I can tell you that the people I represent in the 25th District, they call it Obamacare - Republicans, Democrats, Independents, seniors, everyone. So, if, indeed, we are slighting anybody, just grow up. Thank you.

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

Senator WILLIAMS. Mr. President, I have a driver's license here that has my date of birth, 1957. I am 55 years old. I think I am grown up. So I am quite prepared to have this conversation. I am not offended. I do not bring my personal feelings to this

floor. My personal feelings stay at home with my wife, and I have that exchange when we are having an argument. This is a debate, and it is a quite mature and substantive debate. It is about whether we campaign on the floor of the Senate of Pennsylvania, or whether we campaign outside of the Capitol and allow us to govern when we are here. So if somebody is asking whether people are watching us, yes. I just saw a blog that literally talked about us bickering on the floor about this conversation, just like they do in Washington, D.C. Hooray for us. We have achieved the pinnacle of what all Pennsylvanians want us to be, to look like the guys in Washington, D.C.

That said, I listened to the gentleman speak about a full and robust debate. I remind him that we actually had a debate about the call of the question, so I hope we will never return to that consideration on this floor again. And the amendments we wanted to have come forward today, which have been tabled, maybe we should actually consider them to allow them to be debated before we table them, if we want to have a full and robust debate. Hypocrisy should not be a part of this conversation today, so pointing your finger at me--do not point it at me, point it at yourself. Look in the mirror. If you think I am doing something that is inappropriate, fine, let me characterize it as a character flaw. Do not point it out, because trust me, there is a whole litany trailing the gentleman down the hallway as we have this conversation today.

Again, I referenced the gentleman's comment to periodicals talking about Obamacare. Not one of those periodicals he said advocates, absolutely, outside the building. Presidential campaigning outside the building. Health Secretary, I did not hear that. Anyone else in the administration, I have not heard it. Now, maybe that will change. While I respect the amendment that allows one to have freedom of expression, understand, that does not mean unlicensed, unbridled expression. You cannot go into a movie theater and cry "fire," and so you should not be coming on the floor of the Commonwealth of Pennsylvania when we are talking about government and mis-terming ideologies.

That said, I did hear about the Reaganomics, I did hear about the voter suppression act, I did hear about all of that, so I do take that into consideration, and if that is where they fall, that is where they fall, because we are going to vote upon it. But please do not reference me when you are talking about this process and suggest to me that I should be limited in my references for the hypocrisy and duplicity of these arguments, because they are what they are. Now, what we do with them is a totally different conversation in that process, and I am certainly not going to challenge anybody's maturity because they make an argument. You either agree with it or disagree with it, and that is the manner in which I convey it.

Thank you, Mr. President. We can go on to voting.

The PRESIDENT. To remind the body, a "yes" vote is a vote to appeal the ruling of the Chair. A "no" vote is a vote to uphold the ruling of the Chair. The ruling was that the use of the word "Obamacare" was not out of order. Again, a "yes" vote sustains the appeal; a "no" vote upholds the ruling of the Chair.

And the question recurring,  
Shall the Senate sustain the appeal of the ruling of the Chair?

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

YEA-18

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

NAY-30

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

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

The PRESIDENT. The ruling of the Chair is sustained.

And the question recurring,

Will the Senate agree to the motion to table Amendment A9443?

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

YEA-29

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

NAY-19

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

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

The PRESIDENT. The amendment is tabled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

STACK AMENDMENT A9518 OFFERED

Senator STACK offered the following amendment No. A9518:

Amend Bill, page 1, line 1, by striking out "an amendment" and inserting:

distinct amendments

Amend Bill, page 1, line 2, by inserting after "services":  
, for motor vehicles and for real estate loans

Amend Bill, page 1, line 5, by striking out "amendment" and inserting:

distinct amendments  
 Amend Bill, page 1, line 6, by striking out "is" and inserting:  
 are  
 Amend Bill, page 1, line 7, by striking out "a section" and insert-  
 ing:

sections  
 Amend Bill, page 2, by inserting between lines 4 and 5:

§ 34. Motor vehicles.

A person shall be entitled to the freedom of determining whether to obtain and maintain motor vehicle insurance coverage. No law shall:

(1) require a person to obtain or maintain motor vehicle insurance coverage;

(2) prohibit a person from operating a motor vehicle without motor vehicle insurance coverage; or

(3) render a person liable for any penalty, assessment, fee or fine as a result of the person's failure to obtain or maintain motor vehicle insurance coverage.

§ 35. Real estate loans.

A person shall be entitled to the freedom of determining whether to obtain and maintain fire insurance coverage as part of obtaining a real estate loan. No law shall require a person to obtain or maintain fire insurance coverage as a requirement for obtaining a real estate loan.

Amend Bill, page 2, lines 5 through 27, by striking out all of said lines and inserting:

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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

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

Senator STACK. Mr. President, I offer this amendment, and I really hope that my friend and colleague, the author of Senate Bill No. 10, will not move to table it, because my amendment, I think, makes his bill better. I, like him, want government off of our backs. I want to see less mandates of what kinds of insurance we have to purchase, and I figure, according to my amendment, as long as we are going down the road where we are not going to let health insurance be something that we have to buy according to the Federal government, I think we should get rid of fire insurance and auto insurance as well, because I believe, as does the author of Senate Bill No. 10, that folks in Pennsylvania can make their decisions best for themselves and they do not need government telling them what to do.

So that is all my amendment simply says, that we should no longer be in the business of mandating fire insurance or auto insurance. I want the Federal government off of our backs, and as long as we are amending the Constitution, let us get the State

off of our backs. Let us get less government, let us let Pennsylvanians make their own choice.

Thank you, Mr. President.

STACK AMENDMENT A9518 TABLED

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, I thank my colleague from Philadelphia for stepping up to get government off of our backs. We continue to believe government intrusion in our personal lives needs to end. I would love to support the gentleman's amendment, however, purchasing auto insurance, for those who drive, is only a necessity to those who avail themselves to the privilege of driving. And then it only really covers a liability which exists from the risks of injury of property and damage to others, not necessarily to themselves. Now, purchasing fire insurance is required only as a condition to those who contract with a lending institution in order to avail themselves of the privilege of owning a home.

Now, the Obamacare mandate is a mandate on all Americans, regardless of whether they participate in any aspect of the healthcare system, or intend to. It would be the equivalent to requiring every Pennsylvanian to purchase auto and fire insurance regardless of if they ever own a car, or if they ever own a house, or if they ever plan to.

So, the key difference is that individuals have a choice as to what they do. They have a choice if they want to drive here in Pennsylvania, and they have a choice if they want to own a home. If they so choose to take that, then they have to obtain liability insurance to protect others and the institutions from which they are borrowing the money. Individuals also have a choice as to whether they apply for a mortgage from a bank, and therefore obtain fire insurance to protect the bank's interest in their home. If you do not have a mortgage from a bank, you do not have to have fire insurance. Pennsylvanians have that choice now.

But when you go to the heart of what Senate Bill No. 10 does, it is up to the States to regulate. It is up to the States. Those powers are vested in the States and the people, not the Federal government. The Federal government does not require us to have auto insurance or fire insurance because that is not their responsibility, it is the State's. Obamacare gives Pennsylvanians no choice whatsoever, no choice. All citizens will be forced to purchase insurance, or worse yet, pay a substantial penalty for not doing so.

Therefore, Mr. President, I move that we table the amendment.

The PRESIDENT. Senator Scarnati has moved to table amendment A9518. The motion to table is nondebatable.

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

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

YEA-29

Alloway	Erickson	Pippy	Ward
Argall	Folmer	Rafferty	Waugh
Baker	Gordner	Robbins	White Donald

Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	McIlhinney	Smucker	Yaw
Corman	Mensch	Tomlinson	
Earll	Piccola	Vance	
Eichelberger	Pileggi	Vogel	

## NAY-19

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

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

The PRESIDENT. The amendment is tabled.

And the question recurring,

Will the Senate agree to the bill on third consideration?

## BOSCOLA AMENDMENT A9567 OFFERED

Senator BOSCOLA offered the following amendment No. A9567:

Amend Bill, page 1, line 1, by striking out "an amendment" and inserting:

distinct amendments

Amend Bill, page 1, line 2, by inserting after "services":  
; and further providing for uniformity of taxation

Amend Bill, page 1, line 5, by striking out "amendment" and inserting:

distinct amendments

Amend Bill, page 1, line 6, by striking out "is" and inserting:  
are

Amend Bill, page 1, line 7, by inserting before "That":

(1)

Amend Bill, page 2, lines 5 through 27, by striking out all of said lines and inserting:

(2) That section 1 of Article VIII be amended to read:

§ 1. Uniformity of taxation.

[All] (a) Except as provided in subsection (b), all taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

(b) Any political subdivision levying a tax on real property shall be prohibited from levying the tax on homestead property for any tax year beginning after December 30, 2013.

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall:

(1) Submit the proposed constitutional amendment adding section 33 of Article III of the Constitution of Pennsylvania to the qualified electors of this Commonwealth as a single separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General

Assembly.

(2) Submit the proposed constitutional amendment amending section 1 of Article VIII of the Constitution of Pennsylvania to the qualified electors of this Commonwealth as a single separate ballot question at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

On the question,

Will the Senate agree to the amendment?

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

Senator BOSCOLA. Mr. President, I see the fate of this amendment, but I am going to try anyway because I believe so passionately in this issue. When I offer this amendment, Mr. President, what this does is provide for a constitutional amendment to eliminate property taxes on homeowners in Pennsylvania. Since the intent of the bill, Senate Bill No. 10, is to supposedly stop government mandates from impacting the lives of Commonwealth residents, my amendment will force the legislature to find a solution to a mandate impacting our residents with local school property tax and property taxes.

It has been almost 10 years, 10 years since this legislature made history, asking a Governor, the Governor at the time was Governor Ridge, and then Governor Schweiker, to call a Special Session of the legislature to deal with eliminating property taxes. That had support of both Chambers, the House and the Senate, a majority of Members. It was never done in the history of the Commonwealth. That is how important this issue was to Members of this body. It has been almost 10 years, and property taxes continue to rise, and Pennsylvanians continue to lose their homes because of ever-increasing local school property taxes. It is not a fair tax. It is not a good way to fund education.

This amendment simply states that come December 30, 2013, the local school property tax can no longer be used by local governments. By mandating their elimination, it will force this General Assembly to make a difficult decision that needs to be made in order to replace the revenue lost by collecting property taxes. Mr. President, other States have done this. They have eliminated local school property taxes, or property taxes, and have mandated a deadline, and that is what I am trying to do. It appears that forcing this legislature to act is probably the best way to finally achieve the elimination of property taxes.

I know that this is a very bold move, but I have never shied away from boldness, and I do not think we should in this Chamber either. This is so needed, the people of this Commonwealth demand this type of change. As was said earlier by another colleague, it is very rare that we try to amend the Constitution in this Commonwealth. It is very rare that a bill like this comes up. So, I saw this as another opportunity to say, let us do something here to eliminate property taxes. I know we can do it, I know we can find a tax mechanism that is much more fair, and all I am asking you is to give me that date certain. It is almost 2 years that I am giving you to come up with another form of taxation. So, this amendment is just to finally begin the process to eliminate property taxes in Pennsylvania, and I urge an affirmative vote.

Thank you, Mr. President.

BOSCOLA AMENDMENT A9567 TABLED

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

Senator PILEGGI. Mr. President, while I certainly appreciate and share the gentlewoman's enthusiasm for addressing the issue of property taxes in the Commonwealth, trying to do it through this vehicle not only violates the Senate Rules as to germaneness, but also if the amendment was successful and the bill moved forward, it certainly would be subject to attack in the courts as violating the single subject rule and the original purpose rule.

So if it is something that is, as the gentlewoman so passionately said, important to all Pennsylvanians, we want to make sure that we do it in a way that is within our Rules, within court precedent, and could withstand judicial challenge. For those reasons, I move to table the amendment.

The PRESIDENT. Senator Pileggi has moved to table the amendment before the body. As has previously been established, the motion to table is nondebatable.

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-28

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

NAY-20

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

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

The PRESIDENT. The amendment is tabled.

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

On the question,  
Shall the bill pass finally?

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

Senator D. WHITE. Mr. President, I rise today in support of this bill because it takes the first step toward adoption of a State constitutional amendment protecting the rights and freedoms that all Pennsylvanians are entitled to as Americans. To be honest, I hope this bill becomes unnecessary and today's vote ends up nothing more than a symbolic expression on the part of the Penn-

sylvania Senate to Washington, D.C., reminding Congress and the current administration that we hold liberty and freedom as important cornerstones of our basic rights as citizens.

For 3 days, the legal minds of our nation are arguing the fine points about the constitutionality of the Federal healthcare reform act before the U.S. Supreme Court, and the media experts have played this out in detail in all of the news and television outlets. I am not prepared to stand here and repeat all of those interpretations or discuss all of the legal points. Instead, I want to stress and forward the views of the people I represent.

The Federal healthcare reform act is a matter of great interest among my constituents, and I have heard from Republicans, Democrats, Independents, young professionals, working families, and retired senior citizens. The vast majority have told me they like some parts of the act, but almost universally oppose the insurance mandate. They believe it to be an expensive intrusion by the Federal government on their lives. I can say with certainty, that we are at the point where if this amendment were a referendum on the upcoming ballot, it would pass by an overwhelming majority. That is not to say that my constituents are heartless people who do not care about their friends and neighbors who are in need. Nothing could be further from the truth. We look after each other, but we also take heart in Ronald Reagan's famous saying, "The nine most terrifying words in the English language are: I'm from the government and I'm here to help."

The Federal healthcare law does not address the basic problems facing our healthcare industry, primarily cost. It simply creates a new, far-reaching bureaucracy, ramps up spending, and forces people to comply or face a substantial financial penalty. In essence, this mandate tells families they must put healthcare spending above everything, above housing costs, above putting food on the table, above all basic necessities, or Uncle Sam is going to take 2.5 percent of your income. This is overbearing, and it runs counter to the very principles of this country.

As chairman of the Senate Committee on Banking and Insurance, I want the people of Pennsylvania to know that we understand the gravity and importance of healthcare and the healthcare debate going on. This is an issue that has far-reaching ramifications that impact consumers, providers, businesses, and our economy. There is not an easy answer, or it would have been solved, I think, many years ago. However, an unconstitutional individual mandate is not one of them. Hopefully, the Supreme Court will agree and lay this matter to rest once and for all, but, Mr. President, we should not wait for the court to act.

When you look to the landmark legislation that has occurred in this country over the last 50, 60, 70 years, you see programs like the New Deal, the New Frontier, the Great Society, civil rights legislation, and what these have in common with the Federal healthcare reform act is nothing, zero, primarily because even though they were Democratic initiatives, they had bipartisan support, each one of them. They changed Americans lives, just like this attempts to do, but in this case, this was pushed through by one particular party, with no Republican support, no input from the medical community, and is unsustainable.

This is a classic example of government at its worst. This was written by a bunch of bureaucrats with little or no input, as I said, from the medical community. Not one moment was spent addressing the issue of the cost of healthcare insurance, not 1 minute. If this is implemented, I cannot wait for that 23-year-old--and I remember what it was like to be 23, believe



it or not--single male or female, who at that stage of their life feels pretty indestructible. A person who struggles to pay his rent, make a mortgage, or a car payment, and now he or she has to shell out \$200, \$300, \$400, \$500 for medical insurance because it is his or her duty toward the betterment of all in the community mission. Well, good luck. I urge strong support and an affirmative vote on Senate Bill No. 10. Thank you very much.

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

Senator STACK. Mr. President, once again, with all due respect to my friend and colleague, the maker of the bill, and to my friend and colleague, my co-chair on the Committee on Banking and Insurance, we have agreed on a lot of things, and we will continue to agree and work on solutions. I offered an amendment, Mr. President, just a few minutes ago, and I said on the floor that I want to do away with mandates that Pennsylvanians have to buy auto insurance, fire insurance, and as long as my friend, the maker of Senate Bill No. 10, wants to get rid of the Federal government being involved and being on our backs with health insurance, I join in and say, let us get rid of all the mandates.

Now, he made some very intelligent and well-thought-out arguments, and I truly understand and believe he has a good point with many of them, but the fact of the matter is, people at home, people in Pennsylvania, they do not know the Constitution inside and out, the technicalities. To them, a mandate is a mandate. A government being on their back, whether it is State government, local government, or Federal government, is too much government involved in their life. That is what is going on. That is what I was saying when I offered my amendment. That amendment, unfortunately, was tabled. I was happy to be able to get my say, and I continue to try to get my say.

The bottom line on this entire argument with Senate Bill No. 10, Mr. President, is that you would have to be in an igloo in Alaska to not know that this issue is being debated already before the United States Supreme Court. We are all talking about it. Its constitutionality is already being discussed. So, the court is going to make a decision on this mandate, and I understand it is not going very well for the government. They are going to make this decision anyway by June.

For us to spend all of this time and energy debating this issue when we still have a huge fiscal problem here in Pennsylvania, when we have a tragedy going on with massive cuts to higher education and public education, when one of the biggest issues we should be worried about is how we are going to educate our young people and keep them here in this State, we are wasting our time talking about an issue that may never come into play for us. It is just simply absurd, Mr. President. We should move on. We should solve the problem of 1.4 million uninsured Pennsylvanians right here and now, because the longer these folks stay uninsured, the longer all of us are going to have to pay the bottom line, which is thousands of extra dollars from our own premiums.

We, in this Chamber, all know we are very lucky. We have a fabulous, tremendous health insurance policy. Our families can sleep at night knowing that they are not going to have to worry about these issues. We are the exceptions. There are a lot of people out there who worry every day how they are going to pay those health insurance premiums. They are the ones for whom we should be solving this problem. Mr. President, we had some

answers with the adultBasic insurance program that Republicans and Democrats had carried on for a number of years and for whatever reason, Governor Corbett--he is interested in this issue which is taking place in Washington, and may never be an issue we have to deal with here in Pennsylvania. In the meantime, he let the adultBasic program lapse. I do not think there is any question that the 40,000 people and a half-million on the waiting list are now out there still struggling to get covered under insurance. It is costing all of us dollars out of our pockets. It is creating massive additional unemployment. It is a tragedy which in many ways--we cannot solve all of the problems, but I think we could have stemmed some of the harm that has gone on out there.

The bottom line is, Mr. President, in addition to all of those other issues that we should be working on in this Senate, right here and now, instead of figuring out how to do a constitutional amendment--which, let me backtrack for a second, I know that many of my friends on the other side of the aisle are firm believers in our Constitution. My friend, Senator Folmer, Citizen Mike, carries a copy of the Federal and State Constitution with him everywhere he goes. I cannot understand the folks who want us to follow the Constitution for what it says, but, by the way, let us change it too. Follow it to the letter of the law, what it says, unless somehow maybe we want to change it. So, I cannot understand that argument. It is also going to take us two Sessions of debating this bill that, as I said, may never be an issue that we even need to look at. Then we have to get it on the ballot, and I am sure the people across Pennsylvania want to spend the time, they want to see commercials on this issue and receive all of that direct mail, and be bothered about this issue in addition to paying their bills, finding a way to get their kids in school, and basically trying to hold on to their jobs.

So, Mr. President, that is why, although as I said, I look forward to working with Democrats and Republicans in solving these very difficult issues, including the availability of affordable health insurance for all of the folks in this State, however we can do it. It is in our interest to cover as many people as possible. In the meantime, I look forward to working with the maker of the bill because he has a lot of great ideas, and great minds think alike. I think we differ on how to do it with this particular issue, so I look forward to working with him on another day. But, I hope our strict constitutionalists over there will vote just purely on the constitutional issue--uh oh, I see Citizen Mike, Senator Folmer, over there.

So I urge my colleagues to vote against Senate Bill No. 10, and let us move on with the people's business.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, the reason why we should be voting for Senate Bill No. 10 is exactly why the argument that my esteemed colleague from across the aisle said we should vote against it. If you are a strict constitutionalist, you have to vote for Senate Bill No. 10. This issue is not about the importance of healthcare for the working poor, or the citizens of Pennsylvania. That debate can happen right here in this Chamber, and I would be glad to have that debate with him at any time, any place. But I am sick and tired of the Federal government acting as if each of the 50 States are nothing more than 50 administrative units at their beck and call. We are 50 independent States, each being able to devise and take care of our problems as we see fit. Now,

if my colleague across the aisle wants to have that debate, I will be glad to do so on a statewide basis. That would be truly constitutional.

I am asking that we vote for Senate Bill No. 10 on the basis of the Tenth Amendment, which says that all laws that do not belong to the Federal government belong to the States and/or the people. Now, it is a very important issue, and the heartfelness of the working poor not having health insurance is not at issue here. What is at issue here is this, the Constitution. I am hoping that the Supreme Court finally gets it right, because the Federal government has no business in this. This belongs to each individual State. I have it right here, if he wants to debate it, I can word it out for him. I can read it to him, if he wants to, and I hope he has read this. But my point is this: Vote for Senate Bill No. 10 because it is the constitutional thing to do.

Thank you very much.

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

Senator ERICKSON. Mr. President, I rise in support of Senate Bill No. 10. There is an extremely important point that seems to be missed in this whole debate, and that is, just because you have insurance does not mean that you have healthcare. I keep hearing references to providing healthcare to people. Well, this bill simply provides a burden to people. It takes away freedom of choice, as the previous speaker just indicated. So I urge that we vote for Senate Bill No. 10 now, and then in a subsequent vote that will come before the Senate, put it on the ballot to let the people of the Commonwealth of Pennsylvania have a voice in what is going on with this very ill-considered Obamacare.

It has the potential to bankrupt our Commonwealth. It, again, will not, I repeat, will not provide healthcare necessarily. We see physicians turning away people on Medicaid. That will only continue. We see situations where there is not capacity within the system. We here in the Senate unanimously passed a bill that would provide for clinics. We have addressed people with previously existing conditions. We have addressed allowing young people to stay on their parent's healthcare plan. We have covered children. So, we have taken a number of steps. Again, I will simply repeat myself and say, we need to support Senate Bill No. 10. We need to finally get to a point where the people of the Commonwealth are able to speak on this issue.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, well, believe it or not, just like the voter suppression bill, politics returns to the floor of the Senate of the Commonwealth of Pennsylvania. Let us be real clear, when you look across the States, you look at what they did in Congress, every legislature where the Republicans are in charge are voting to repeal Obamacare--and I am calling it Obamacare because I am proud of the fact that 54 million American citizens, many of them women, now get coverage, now get coverage that the Republicans could not provide for them when they were in charge in Washington, D.C., when they had the White House, and they ignored the situation. Okay? So I do not have a problem calling it Obamacare. I am proud of the fact that the President of the United States took it upon himself to put his own political future in jeopardy to make this thing happen.

Senate Bill No. 10 is a farce, just like the voter suppression bill. That is all this is. Let us call it for what it is. That is all this

is. So if you want to vote for Senate Bill No. 10, you are sending a message to the 4.5 million Pennsylvanians who have benefited from the removal of lifetime limits on benefits, nearly 1.1 million of those who have benefited in Pennsylvania are children.

The number-one reason why there is a huge increase in bankruptcies all across the country is related to healthcare costs because folks were getting healthcare and they could not afford it. So they get these incredible bills, they wind up in a bankruptcy situation, they have limits on the amount of coverage that their insurance policy could provide for them, the meager insurance policy that it is, and so now we have a provision where those lifetime limits are over, where women are precluded from getting care, where just being a woman used to qualify as a preexisting condition. If you vote for Senate Bill No. 10, you are saying that if you are a woman, your status as a female is now a preexisting condition. That is what you are saying. Let us call it for what it is.

We had this conversation in the Committee on Appropriations. We had this conversation in the Committee on Banking and Insurance. We will have this conversation on the floor. This is a structured move put in place to try to impact the United States Supreme Court discussion that is going on right now in Washington, D.C. To say that this is government intervention, my goodness gracious, the private sector gets to have all the policies. They get all the policies. So they are running the insurance program, they get the money, they run the plans. How is the public sector running the deal? This is ridiculous.

We should not be talking about this. What we should be talking about, Mr. President, are the millions of Pennsylvania citizens who are not working right now because the front office has not figured out a way to put people back to work. We should be talking about, Mr. President, a failure to move on a transportation initiative, while everybody else is waiting to deal with it. But we talk about this foolishness, because that is what it is, pure and simple foolishness. The people in Pennsylvania will see through this as it comes closer to public conversation.

But all I know is this, Mr. President, 105 million Americans now enjoy improved coverage without lifetime limits on their benefits. Approximately 28 million of those persons are children. The law currently prohibits insurance plans from imposing lifetime dollar limits on benefits. More than 54 million individuals with private health insurance, including more than 21 million women, have received preventive healthcare at no cost. Children with preexisting conditions can no longer be denied coverage. If you vote for Senate Bill No. 10, you are saying those children with preexisting conditions who no longer are denied coverage will be denied coverage. That is what you are saying.

Mr. President, this Chamber, we thought, was above this kind of conversation, was above this kind of dialogue, was above allowing certain kinds of politics to enter into the fray and have their day on this floor. I thought we tried to prevent that kind of stuff, but it is clear to me that we are moving down the path now, Mr. President, with the voter suppression bill and with this bill to end the provisions of providing health insurance to Pennsylvania citizens. That is something that this body could not figure out a way to do, something that this Governor said, you know what, we are going to end adultBasic without lifting a finger to try to bring everybody together to try to solve that problem. It is clear where this is going. Folks around here do not care about the citizens of the Commonwealth of Pennsylvania. They do not care

about their healthcare. They are not doing anything to try to address this issue. What they are doing right now, and the one move that was put in place to try to put a healthcare program together for the citizens of the Commonwealth of Pennsylvania, is trying to end it. It is an abomination. It is a direction we do not need to be going in.

Senate Bill No. 10: attacking healthcare reform. They could not get it done on their own, they could not figure out a way to get it done on their own, so now they want to attack any provision that was done to try to take care of folks. Mr. President, we are better than this. We should be better than this. We have folks who are interjecting themselves in the public discourse of this Chamber who are taking us down, not moving us forward and not allowing us to have constructive conversations to try to solve real problems.

Mr. President, this is an orchestrated attempt by the Republican Party to deny healthcare coverage for millions of American citizens who need it, who deserve it, who want it, and who need it in a way that is beyond the comprehension, clearly, of all of us in this Chamber who have our own healthcare insurance. We have coverage, now they want to deny it to the other folks who do not have coverage so that they can get it.

Mr. President, without any question, I ask for a "no" vote. Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, I rise in support of Senate Bill No. 10 today because I think from a different avenue. A lot of this comes down to jobs and employment, and what we need to do in this country and in our State is make it a better place for businesses. Because when we have business, we have employment, and therefore we have more healthcare coverage.

Senate Bill No. 10 does not deny anybody the right to healthcare. All it does is say that we are not going to mandate anyone to purchase healthcare. How can we do that? How can the government force a new college graduate or someone unemployed to buy healthcare when they cannot even pay their rent? One of my jobs as a Senator is to represent my constituents and to give them a voice, and that is what Senate Bill No. 10 does. We should take it to the people. Let them to decide if they want to pay for healthcare or not, be forced to pay for healthcare, and let them decide if they want to give up one of their liberties to the Federal government.

Thank you very much.

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

Senator FERLO. Mr. President, I very much appreciate the opportunity to speak. I will try to be brief, but this is a very extensive, important issue, and I am going to take my time, given some of the lengthy debate and discussion earlier. First of all, I was a little bit floored by my good colleague from Indiana County. He could have knocked me over with a feather, quite honestly. He mentioned that the need to pass Senate Bill No. 10 is an important, symbolic expression. Well, if you want a symbolic expression, I have no problem at the end of the agenda approving or debating the will of the Senate in a resolution, a nonbinding resolution, which we typically do extensively. I do note that I have one pending on encouraging Congress to act on undoing the *Citizens United* case, but that has not been able to be brought to the floor for discussion or debate.

But we should not be engaging in appeal back to our Commonwealth constituents and amending the Pennsylvania State Constitution, a democracy document itself, to have a symbolic expression. We should be doing it for something important. My other colleagues have mentioned the need to deal with property tax reform, uniformity clause, things that could go back to the electorate to weigh in on our State Constitution. We could talk about reducing the size of the legislature, the Senate and House, something that could go back to the constituents to opine on. I believe strongly in marriage equality. We should go back to expand the Declaration of Rights under our Pennsylvania State Constitution. There has been a lot of debate about whether or not we should have merit selection of judges.

My point being, there are serious constitutional obligations and opportunities that we could be debating and talking about. But this bill, Senate Bill No. 10, again, rather than spending our time on important legislation, we are spending our time on what I consider to be misguided, pandering, unproductive attempts to amend our State Constitution. I think it amounts to nothing more than fueling the emotion that is out there and the lack of education and understanding of what the Federal healthcare law does or does not actually contain. I think, obviously, I would prefer, as a strong healthcare advocate, for a single-payer system at the State level, Senate Bill No. 400, and the congressional bill, H.R. 636, sponsored by Congressman Conyers. I prefer we actually have a debate and discussion about reforms that I think are needed at the local and State level, both in the healthcare delivery and the finance system. But none of that is really the point of debate here today, so it is very disappointing that, once again, similar to the voter ID legislation, we are talking about reducing rights in a whimsical fashion, proposing to amend our State Constitution. Regardless of whether the Supreme Court upholds or overturns the Affordable Care Act, in whole or in part, the unfortunate reality is that the Federal healthcare law of 2010 will not work.

Now, some of my comments are not going to please anybody in this room, Democrat or Republican alike. So I want to speak freely and clearly about my own views on this whole issue.

Again, I state that the law of 2010, unfortunately, in my opinion, will not work. It will not achieve universal coverage, as it leaves at least 26 million uninsured. It will not make healthcare affordable to Americans with insurance because gaps in their policies will leave them vulnerable to catastrophic bankruptcy in the event of a major illness. And significantly, and thirdly, it will not control costs. In contrast, a single-payer improved Medicare-for-all system would achieve all three goals. It would truly be universal, it would be comprehensive coverage, it would provide health security for all of our constituents and their families, and it would have true cost control. It would do so by replacing private insurers with a single nonprofit agency like Medicare that pays all medical bills, streamlines administration, and reins in costs for medications and other supplies through its bargaining clout, something which was denied in Congress when it passed Medicare Part D, a reprehensible act as it relates to not allowing the purchasing power of the government, like the VA, which does purchase pharmacy bulk rate at much lower costs. That is one of the reasons why Medicare Part D, which is a badly needed extension of pharmacy to our elderly, is a budget-buster and is a major problem contributing to the further demise of the quality of our healthcare system.

The major provisions of the Affordable Care Act do not go into effect until 2014. Although we will be counseled, and have been counseled, to have a wait-and-see attitude about how this reform will play out, we have seen how comparable reforms in Massachusetts--no disrespect to our Republican nominee or candidate, whatever the heck he is these days, Governor Romney--and other States, but they have been worked out for the last few decades and there are major problems associated with similar programs initiated in Massachusetts and at the State level. They have invariably failed our patients. They are floundering on the brink of skyrocketing costs, even as they have profited the big private insurance corporations and the large pharmaceutical corporations. The Supreme Court's ruling is not expected until June, if even at that early date. Regardless of how it rules, we cannot wait for an effective remedy to our healthcare woes any longer, nor can the patients who are suffering. The stakes are too high.

I pledge to continue working on the only equitable, financially responsible, and humane cure for our healthcare mess, and that is a single-payer national insurance program and expanded and approved Medicare for all that preserves and protects the individual rights of patients to choose the provider, the physician of their choice. I wish I could have joined a couple of years ago with the passage of the Affordable Care Act, something that has been labeled so-called Obamacare. As I pointed out in the Committee on Appropriations, nobody calls Social Security Rooseveltcare. They seem to have grown to respect the urgency and the need and the acceptance of that program. They do not give it a pejorative term. And I noted in the Committee on Appropriations that people do not call the Federal Medicare program, which is so dear to the livelihoods, lives, and well-being of so many of our older residents, they do not call Medicare Johnsoncare. They would not dare do that. So I think, going back to Senator Williams' approach to the podium earlier, I think he was definitely justified in trying to outline what the intent really is in people using that term prior to Presidential politics.

Instead of eliminating the root problem, the profit-driven, private insurance corporation and industry, the costly new legislation will enrich and further entrench these firms. The Affordable Care Act would require millions of Americans to buy private insurers' defective products, and turn public money over in vast amounts to these private health insurance carriers. Again, there was no public option offered in the final passage of that bill.

The hype surrounding this healthcare bill belies the facts. About 23 million people will remain uninsured 9 years out. That figure translates into an estimated 23,000 unnecessary deaths annually and an incalculable toll of suffering. Millions of middle-income people will be pressured to buy commercial health insurance policies, costing up to 9.5 percent of their income, but covering an average of only 70 percent of their medical expenses, potentially leaving them vulnerable to financial ruin if they become seriously ill. Many will find such policies too expensive to afford, or if they do buy them, too expensive to use because of the high co-pays and deductibles.

Again, I will not go into length. I could talk about the demise of the quality, or lack thereof, of our U.S. healthcare system, of which I could talk about the lack of quality care, the cost, the waste, and the abuse. I think it is important, though, that in terms of the bill that is before us today, there is no purpose and no

rhyme or reason to it. The legislation at the Federal level is now before the high court, the United States Supreme Court. They, and they alone, under our own Constitution, since we have all these constitutionalists in the room, have been given the authority, the obligation, and the power to decide the constitutionality of this legislation. Regardless of what views the individual members of the Supreme Court may or may not have, I would not presume just because the Court is inquisitive during the line of questioning to the various attorneys who have been before them over the last several days, I would not necessarily draw any conclusions. Although, obviously, I think it has been a spirited line of questioning. But the point is, that is their role. They have to decide constitutionality, in whole or in part.

This bill is completely unnecessary. It is pandering. It is a ridiculous use of our time, when we could be talking about serious amendments to our own Constitution to expand the Declaration of Rights and the opportunities that we have present to reform and cure the property tax, and any number of other issues that my colleagues have eloquently spoken about and will come continually to this microphone to explain.

Again, this bill is inappropriate, and I would strongly urge that we do not take symbolic votes here when we are talking about amending our State Constitution. It should be considered a serious matter for this body, the House, and the electorate, not pandering and political posturing just to try to win some political brownie points at the height of a Presidential election. So please vote "no" on this legislation. Thank you.

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

Senator BOSCOLA. Mr. President, I am very much proud to be a Member of this Senate body. You know, sometimes I agree with my colleagues, most of the time, actually, I agree with my colleagues, but sometimes we disagree. And on this one, I have to respectfully disagree with the other side of the aisle. I am also a proud citizen of the United States of America, where we have a government with Federal powers and States' rights. But when you are the United States of America, sometimes the Federal government legislates in the best interests of the United States of America. I think that is why we have Social Security. What would have happened with Social Security, a Federal mandate, if the States were allowed to opt in or opt out? They did not even think about it then. But if you think about it, if what you are saying today, that this Obamacare is a States' rights issue, so should Social Security have been, but we chose, as States, to say, for the betterment of this country, this Federal mandate works for all of us, the United States of America. Sometimes, what we hear from the Federal government is good because it unifies us, keeps us together, and there is continuity between the States.

So I find it interesting that this issue, why is it just this issue that is a States' rights issue, because I remember No Child Left Behind. Nobody challenged that, and if anything should have been a States' rights issue, No Child Left Behind should have been. But nobody said, let us challenge No Child Left Behind, probably because of what I said earlier. Maybe we thought it was for the betterment of the country as a whole to have some continuity with some type of legislation, in that instance, education.

How about when the Federal government says to us on, say, withholding highway funding if we do not have a uniform speed limit, or even DUIs, .08, the Federal government said we had to do this or we are going to withhold your Federal highway dol-

lars. Now, is that really fair? So this is why, on this issue, I have to honestly say I agree with States' rights, but you are picking and choosing when, and it seems to me it is more political than anything, and that is a shame.

Now, the Federal legislation also says that you can opt out, the States can opt out in 2017 if you come up with a State plan. I do not see the harm in that, because what the legislation says is, we are going to pass a law to try to cover everybody with insurance, and we are going to give the States up to 2017 to come up with their own State plan. Now, I think that is kind of a compromise that came down from the Federal government.

I also want to make the added point that when you talk about insurance, one of the most frustrating things for me is, many, many people go without insurance. And because they go without insurance, they go to the emergency room when they need care, which drives up healthcare dollars. They are going to the most expensive form of care. If everybody contributes something to their healthcare, we could actually drive down the costs of everybody else's premium, and I think that is a good thing.

So, Mr. President, all I want to say is, I wish this debate would have never happened here today. I think it was uncalled for, because we are the United States of America. There is a Federal government. There are States' rights, and I actually think that the President did have a balanced piece of legislation out there. It might have upset the other side of the aisle, but I get upset sometimes with what they try to do as well. Given that, Mr. President, I think I am even more convinced now about Obamacare than I was a day ago.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, I rise in support of Senate Bill No. 10, the individual healthcare freedom amendment. Senate Bill No. 10 spells out some important rights in the Pennsylvania Constitution. Senate Bill No. 10 prohibits government from mandating that a person obtain or maintain health insurance. It prohibits government from penalizing a person for paying for healthcare expenses out of pocket. It prohibits government from imposing any penalty, tax, assessment, fee, or fine on a person for failing to obtain or maintain health insurance.

Not long ago in our country, in this Commonwealth, those rights probably would have been taken for granted. Then, Congress passed, and the President signed, the Patient Protection and Affordable Care Act, over the objections of a great majority of American citizens. Obamacare, as it has come to be known, forces U.S. citizens to purchase health insurance by 2014 or face escalating financial penalties as high as 2.5 percent of their total household income. Since that time, 19 States have passed binding legislation, and 7 have passed constitutional amendments invalidating the individual mandate contained in Obamacare. Three State amendments have already been approved by citizens, four more will be decided by voters this election year. Just this past November, Ohio voters approved a constitutional amendment very similar to Senate Bill No. 10, invalidating the individual mandate in Obamacare by a resounding 2 to 1 margin.

This issue has never been more timely than it is today. It has been just over 2 years since the President signed Obamacare into law, and the Supreme Court is currently hearing a challenge to the individual mandate filed by 26 States, including the Commonwealth of Pennsylvania. While obtaining reasonably-priced healthcare insurance should be an affordable option for all Penn-

sylvanians, it should remain each individual's personal choice whether to do so. If we allow the Federal government to force people to purchase health insurance against their will, then is there anything the Federal government cannot do?

The recent religious institution insurance coverage mandate is a prime example of the corruption that unchecked power creates. Nowhere in the U.S. Constitution is the Federal government given such power to compel individuals to purchase a specific product as a condition of existence. Therefore, the Tenth Amendment clearly states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

You know, every 2 years, in my case, every year, I stand at that rail and I take the oath of office. There are a lot of oaths and a lot of pledges that circulate in political circles, but the real oath counts when we stand there and we put our hand on the Bible to uphold the Constitution. That is the only oath we all take. No one can dispute the oath, and no one can dispute the fact that this violates the Constitution, and that is what this argument is about. I am not standing here to argue about the need or lack of need for healthcare, or how we provide healthcare. The Federal government is trampling on our rights, and we as the elected representatives here in this Chamber have the obligation to stand up for States' rights, or we will be trampled again and again and again. The Pennsylvania State Senate is availing itself of that Tenth Amendment today as we vote for Senate Bill No. 10, Mr. President. In doing so, we are taking a stand for individual freedom and the rights of the people of this great Commonwealth. I urge a positive vote.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I was not intending to speak on this, but I am inclined to do so to make sure the record is at least consistent with the facts. We are making a great deal about the Constitution today. While I respect the gentleman's opinion that many will disdain this particular legislation and suggest that it is not constitutional and, in fact, state for the record that it is not constitutional, well, as I understand America, if it were not constitutional, then the bill would not exist as a law, and the law would not be in front of the Supreme Court. So, with all due respect to those who want to pontificate whether this is constitutional or not, I do respect the Constitution, which creates three separate branches of government and the Supreme Court to make sure that checks and balances exist. And they will be the final arbiter and binding opinion with regard to whether this is constitutional or not.

Further, when people speak about the Constitution in the context of this particular mandate that is placed upon us, again, the record is replete with inconsistencies with regard to that argument. Previously, I think, one of my colleagues outlined innumerable items that the Federal government requires of us, including Social Security, No Child Left Behind, transportation funding, et cetera, regulations with regard to food, that the Federal government does in fact put its hand in, and by the way, amply for generations, we have allowed to exist. As a matter of fact, whether you are a Democrat or Republican, we have championed in Washington, D.C., that we will not remove one's right to Social Security. In fact, when it was uttered, we ran from it, deserted it when George Bush brought up changing it.

So if we are going to make arguments about the Constitution, at least let them be consistent and supported by a set of facts, over not just today because we want to argue it, but, in fact, the history of this country. I think that is what troubled me the most as we proceeded down this path. We show a disrespect to the Constitution because it is not littered with the details as it relates to the history of the Constitution, it is sort of like we want to pick lines or items and interject our opinions as to what it means. This is not what it means. It does not mean that in a Commonwealth where thousands of Pennsylvanians are without healthcare and jobs, we should spend about 5 or 6 hours of their time to remove what healthcare they, in fact, do have without replacing it, and then spend countless hours on debating something that is in front of the Supreme Court that we can do nothing about.

We have not changed the quality of life for one Pennsylvanian by passing this piece of legislation. There will be no one who is affirmatively affected, but there certainly will be an opinion about the Senate of Pennsylvania in its lack of consistency and, frankly, lack of those who are in support of the most vulnerable Pennsylvanians. That will be the record, which has nothing to do with the Constitution.

Finally, while I find many people standing at the mike talking about States' rights, I want you to understand something. For some of us, that is code word and chilling commentary. While I respect the Constitution of the Commonwealth of Pennsylvania, and I certainly respect the fact that we have a right to do certain things in a certain order, and the State of Pennsylvania is a State that has a body and a government that supports its people, understand that sometimes those who argued for, quote, unquote, "States' rights" have done it in a context and a perspective that limited Pennsylvanians should have an opportunity to express themselves in this Commonwealth. So, while I would not suggest that arguments about the Constitution, arguments about healthcare, arguments about whether you support it or whether you do not support it, should be tampered with, I do think that if one wants to pound their fist and suggest that they are preserving something for Pennsylvania, that they do just that, preserve something for Pennsylvania. But States' rights is just not the appropriate terminology I feel comfortable with. While I do not want to interject into the conversation, it is obvious to many Pennsylvanians who have now suffered through the voter identification process that they will now suffer through this.

My hope is that we will certainly go on and vote this, and I am sure it will pass on partisan lines. I hope that this is a moment of reflection for us as a body. This is not a win in terms of government. This is a political football. This is simply a partisan activity to extract a pound of flesh in an election year to support someone from a different party, who will probably be named Romney, who will have done something in a different State similar to this, and we will not make a comment about that. So we will spend the Commonwealth's time on something that will mean nothing in the context of the quality of life, and frankly, will flip-flop on a position as it relates to the guy running for President of the United States from a different party.

My hope is that those from the other side, with whom I enjoy good relationships and have worked with on common ground, will seize that common ground as this conversation evolves, and that those people who are most vulnerable, who need healthcare, we as a Commonwealth will do something affirmatively as opposed to something negatively in the form of Senate Bill No. 10.

For those reasons, Mr. President, I will be voting against Senate Bill No. 10.

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-29

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

NAY-19

Blake	Farnese	Kitchen	Washington
Boscola	Ferlo	Schwank	Williams
Brewster	Fontana	Solobay	Wozniak
Costa	Hughes	Stack	Yudichak
Dinniman	Kasunic	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 present said bill to the House of Representatives for concurrence.

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEE**

Senator ALLOWAY, from the Committee on Game and Fisheries, reported the following bills:

**SB 1340 (Pr. No. 1800)**

An Act amending Titles 18 (Crimes and Offenses), 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault; in enforcement, further providing for interference with officers of the Pennsylvania Game Commission and of the Pennsylvania Fish and Boat Commission; providing for the offense of assaulting an officer; further providing for jurisdiction and penalties and for disposition of fines and penalties; and, in game or wildlife protection, further providing for killing game or wildlife to protect person, for unlawful importation of game or wildlife, for unlawful taking and possession of protected birds, for possession or interference with active nests or eggs of birds, for unlawful sale of protected birds and plumage and for hunting or furtaking prohibited while under influence of alcohol or controlled substance.

**SB 1403 (Pr. No. 1974)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for liability for actions of others.

**HB 1236 (Pr. No. 1355)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

**HB 1237 (Pr. No. 1356)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

**HB 1398 (Pr. No. 3296) (Amended)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for definitions and for exotic wildlife possession permits.

**SENATE RESOLUTIONS ADOPTED**

Senators STACK, ORIE, KITCHEN, TARTAGLIONE, KASUNIC, FONTANA, FARNESE, PILEGGI, BAKER, DINNIMAN, ALLOWAY, RAFFERTY, BRUBAKER, BROWNE, GREENLEAF, ERICKSON, BOSCOLA, VOGEL, GORDNER, ARGALL, YUDICHAK, SCHWANK, BREWSTER, VANCE, FERLO, SOLOBAY, PIPPY, COSTA and EARLL, by unanimous consent, offered **Senate Resolution No. 275**, entitled:

A Resolution recognizing the month of April 2012 as "Autism Awareness Month" and April 2, 2012, as "World Autism Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, this resolution recognizes April as "Autism Awareness Month" in Pennsylvania. As many people know, autism spectrum disorders are developmental disabilities that often interfere with a person's ability to communicate and relate to others. Symptoms range from mild to severe, and people with the disorders often learn, interact, and react to sensations in different ways. There are many theories on what causes autism, but it largely remains a mystery. The symptoms usually appear during the first two or three years of life. Autism is four times more prevalent in boys than it is in girls, Mr. President. But we are learning that the earlier the intervention, the quicker parents, doctors, therapists, and teachers can work together to improve that child's development.

Also, access to specific programs for children and adults living with autism is crucial to insuring that they have the best quality of life possible. The Department of Public Welfare's Bureau of Autism Services provides expertise and support for all of the State agencies that serve Pennsylvanians with autism. So, as we mark Autism Awareness Month in Pennsylvania, I know you are very familiar with this issue, Mr. President, we need to continue to support individuals living with autism and their families through the programs that fit their unique needs.

Thank you, Mr. President.

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

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

Senators ORIE, MENSCH, WARD, ALLOWAY, ARGALL, BAKER, BOSCOLA, BREWSTER, BROWNE, BRUBAKER, COSTA, DINNIMAN, EARLL, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA, GREENLEAF, KASUNIC, KITCHEN, LEACH, PILEGGI, PIPPY, RAFFERTY, ROBINS, SCARNATI, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON, VANCE, WAUGH, D. WHITE, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 276**, entitled:

A Resolution designating the month of April 2012 as "Child Abuse Prevention Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator MENSCH. Mr. President, today I offer a resolution designating April 2012 as "Child Abuse Prevention Month" to raise awareness about child abuse and neglect. Each year, more than 1 million children in the United States are documented as victims of abuse. Furthermore, it is estimated that at least 2 out of every 10 girls, and 1 out of every 10 boys, are sexually abused by the age of 14.

Also, I offer, Mr. President, today, there is a news release out of Philadelphia, where a man was just arrested for sexually abusing a 1-year-old. He was already on the sex offender list for previously having sexually abused a 2-year-old and a 4-year-old. So, this, Mr. President, is indeed a scourge. In Pennsylvania in 2010, 33 children died as a result of abuse, and over 3,656 cases of child abuse were reported. The Pennsylvania Coalition Against Rape and the Family Support Alliance are among a host of social service organizations and schools that are committed to providing child abuse prevention and treatment facilities to families. Child abuse can be prevented, and we must raise awareness so that families learn they have access to community resources, which offer support, information, and guidance to help prevent abusive behaviors or conditions.

While we have accomplished a great deal in Pennsylvania, we still have a great deal more to go. Most recently, the General Assembly formed a task force on child abuse prevention led by Senator Ward. This resolution is aimed at keeping our attention focused on child abuse. By reducing abuse, we will also help reduce school failure, criminality, drug and alcohol abuse, and physical and psychological problems.

Thank you, Mr. President.

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

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

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Nathanael Christian Marino and to the Girl Scouts in the Heart of Pennsylvania, Service Unit 323, by Senator Argall.

Congratulations of the Senate were extended to Abram Harris by Senator Blake.

Congratulations of the Senate were extended to Emmanuel R. Rivera, Matthew Dale Stanton and to Susan Stofanak by Senator Boscola.

Congratulations of the Senate were extended to Avani A. Dalal, Alexis R. Puzzella, Caring Companions of Allentown and to J.R. Peters, Inc., of Allentown by Senator Browne.

Congratulations of the Senate were extended to Ethan Lizak by Senators Browne and Yudichak.

Congratulations of the Senate were extended to Warwick High School Girls' Soccer Team by Senator Brubaker.

Congratulations of the Senate were extended to Corey Stoner, Geraldine Gible, Tyler Mondock, Erik Hoover and to Alexander Hardison by Senator Corman.

Congratulations of the Senate were extended to the Honorable Linda L. Kelly by Senator Costa.

Congratulations of the Senate were extended to Bethel Baptist Church of Phoenixville by Senator Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Dziubkowski and to Cody Matthew Johnson by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Scherr by Senator Erickson.

Congratulations of the Senate were extended to Rose Tree Elementary School by Senators Erickson and Pileggi.

Congratulations of the Senate were extended to Katie Milles by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. William B. Allegar, Mr. and Mrs. Leon E. Lebo, Jr., and to Jake Wolfe by Senator Gordner.

Congratulations of the Senate were extended to Michael Simon Dank, Emily N. Ostrow, Michelle J. Muth and to Samuel Valenza by Senator Greenleaf.

Congratulations of the Senate were extended to Charles E. Dagit, Jr., by Senator Leach.

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

Congratulations of the Senate were extended to Mr. and Mrs. Carroll Ritchie, Jr., Dr. Suzanne K. Kelley, Brendon Gaylor, Keevon Darren, Edward Healy, Charles Lawson, Deja Speaks, Jonathan Gutierrez, Gary Yaremchak, Ryan Steirer, Corey Derk, Samara Ruiz and to Cortez Lamar Hernandez by Senator Piccola.

Congratulations of the Senate were extended to the members and coaches of the Chester High School Boys' Basketball Team by Senator Pileggi.

Congratulations of the Senate were extended to the members and coaches of the Strath Haven High School Boys' Indoor Track and Field Team by Senators Pileggi and Erickson.

Congratulations of the Senate were extended to Reverend Monsignor Charles A. Kaza, Chief Ken Dworek, The Western Pennsylvania CARES for Kids Child Advocacy Center, Laurel Eye Clinic of Brookville, Pennsylvania Wilds Planning Team of Wellsboro and to the Triple Divide Watershed Coalition of Coudersport by Senator Scarnati.

Congratulations of the Senate were extended to Steven C. Landes by Senator Schwank.

Congratulations of the Senate were extended to Mr. and Mrs. James R. Sentipal and to Chris Mary by Senator Solobay.

Congratulations of the Senate were extended to the 2011 Franklin Delano Roosevelt Middle School Preserving Our Wildlife Ecosystem Resources Team by Senator Tomlinson.

Congratulations of the Senate were extended to Dr. James R. Grace, Tasha Bretz, Ashley Duskey, Andrew Klinger, Christopher Lori, Ethan Gill, Christopher N. Kaufman and to Ben Stambaugh by Senator Vance.

Congratulations of the Senate were extended to the members and coaches of Lincoln Park Performing Arts Charter School Boys' Basketball Team and to the members and coaches of the Beaver Falls High School Boys' Basketball Team by Senator Vogel.

Congratulations of the Senate were extended to Frank J. Kempf, Jr., by Senator Waugh.

Congratulations of the Senate were extended to Paul J. Marabito by Senator D. White.

Congratulations of the Senate were extended to William Black, Clarion University-Venango Campus and to the citizens of Elk Township by Senator M.J. White.

Congratulations of the Senate were extended to the Savettes Choral Group of Philadelphia by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Higley, Mr. and Mrs. Dean Kreibel, Dr. Robert E. Dunham and to Carol D. Sides by Senator Yaw.

Congratulations of the Senate were extended to John H. Drury by Senator Yudichak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Abie Abraham and to the family of the late Herbert Daniel Fleming, Jr., by Senator Orie.

### 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:

**SB 1340, SB 1403, HB 1236, HB 1237, HB 1398 and HB 1761.**

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

### ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, MARCH 30, 2012

10:00 A.M.

JUDICIARY (public hearing to receive testimony on Senate Bill No. 1153, the

Phila. Bar Assn., 1101



	Post Conviction Relief Act amendments)	Market St. 11th Floor Conf. Ctr. Phila., PA
<u>MONDAY, APRIL 2, 2012</u>		
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 157, 1263, 1296, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479 and 1480; and House Bills No. 61, 1546 and 1702)	Rules Cmte. Conf. Rm.
Off the Floor	BANKING AND INSURANCE (to consider Senate Bills No. 1144 and 1464)	Rules Cmte. Conf. Rm.
Off the Floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1136; Senate Resolution No. 265; and House Bills No. 807 and 2151)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 277; Senate Bills No. 110, 730, 743, 815 and 1167; and certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	TRANSPORTATION (to consider House Bills No. 585, 1955, 1956, 2045, 2192 and 2246)	Rules Cmte. Conf. Rm.
Off the Floor	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 1414 and 1433; and House Bill No. 1682)	Rules Cmte. Conf. Rm.
<u>TUESDAY, APRIL 3, 2012</u>		
9:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (Informational meeting with the PA Dairy Industry)	Senate Maj. Caucus Rm. 156 MC
9:30 A.M.	EDUCATION (public hearing on Modernization of the Professional Educator Discipline Act)	Hrg. Rm. 1 North Off.
9:30 A.M.	LABOR AND INDUSTRY (public hearing to consider the nomination of Robert H. Shoop, Jr., Esq., to the PA Labor Relations Board)	Rm. 461 Main Capitol
10:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 8)	Rm. 461 Main Capitol
10:00 A.M.	FINANCE (to consider Senate Bills No. 1090, 1135 and 1309; and House Bill No. 761)	Rm. 8E-B East Wing
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 1352; and House Bill No. 48)	Rm. 461 Main Capitol

### PETITIONS AND REMONSTRANCES

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

Senator WILLIAMS. Mr. President, last week, we enacted a voter identification bill in Pennsylvania and suggested that it would have no negative consequences and, in fact, would protect the integrity of one's ability to vote in Pennsylvania. To encourage people and to allay their fears, we said there would be no

charge, people would be able to get their driver's license and a variety of other identifications at no cost. Literally, this week as we are speaking, they are writing reports in a number of newspapers across Pennsylvania that contradicts what we actually suggested would occur, and in particular, the Governor.

So I guess since we are going to be naming things today, I would remove the voter suppression commitment and talk about the Corbett identification process and the consequences to Pennsylvanians. Now, not only will it cost us money to implement this process, about \$4 million conservatively, \$11 million projected, it is also costing taxpayers. Written in the Philadelphia Daily News: (*Reading*)

When Stephen Branch visited the state driver's license center on Ogontz Avenue last week with his birth certificate and Social Security card, a clerk told him he'd have to pay \$13.50 for what's supposed to be a free voter-ID card.

"I showed him my papers and [the *Daily News*] article about free IDs, but he wouldn't listen," Branch said.

He's one of several voters who have complained about inconsistencies with the controversial new voter-ID law--**the Corbett ID law**.

Under the law, passed March 14, the fee usually associated with getting a Pennsylvania Department of Transportation photo ID is waived if the applicant has no other identification and is getting it to vote.

At least that's what's supposed to happen--**I underscore that is what is supposed to happen**.

"This is a whole new law, and some people are going to be confused," said Ellen Mattleman Kaplan, vice president of the Committee of Seventy government-watchdog group--**a nonpartisan organization**. "The last people that should be confused, however, are the ones that are handing out the photo IDs."--**That means those who are in the Department of Transportation who are supposedly prepared and trained**.

But Jan McKnight, community-relations coordinator for PennDOT's Safety Administration, said that her office hadn't received any complaints about voters being charged, and promised that all PennDOT employees are "trained to know what to do."

"I think the problem is that word got out that IDs are free for just walking in," she said. "Voters still have to sign an oath saying they have no government ID and prove who they are."

Well, I think that is what we argued for about 8 hours last week, that people would, in fact, have these problems, that the Department of Transportation would be turning away people. In fact, the law was struck down in Wisconsin for precisely this type of action, making decisions in certain areas to turn people away for that ID and allowing others to participate. We, unfortunately and apparently, are traveling down that tawdry path of fraudulent legislation and poor public policy, but most importantly, the American dream of having a home, a right to vote, and to express yourselves as an individual.

This is no longer one individual's opinion, this is now steeped in individual fact. I would hope that we would consider this as a body, reconsider our position, and rewrite, if not eliminate, this barrier to one's expression. My hope is that the press continues to bear light on this unfortunate consequence in Pennsylvania, and I hope that the press raises it to the level that if people are going to be charged, that the courts will validate what we all said, that free is not free and people will be charged for the right to vote. At least the indignation of the people will be met with, at the voting booth, those who were part of the process to deny them the right to vote.

I thank you, Mr. President, for that opportunity to express my humble opinion.

**RECESS**

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

Senator WAUGH. Mr. President, I move that the Senate do now recess until Monday, April 2, 2012, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 2:13 p.m., Eastern Daylight Saving Time.