

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

THURSDAY, OCTOBER 16, 2014

SESSION OF 2014 198TH OF THE GENERAL ASSEMBLY

No. 58

SENATE

THURSDAY, October 16, 2014

The Senate met at 10 a.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by Senator ELISABETH J. BAKER:

Good morning. Please join me in prayer.

Almighty and gracious God, from You comes every good and perfect gift. Your goodness has created us, Your bounty has sustained us, and Your love has redeemed us all. We are grateful for the blessings You have bestowed. Help us to remember Your commandments to guide us in leading lives filled with grace and compassion, wisdom and mercy. We give thanks for the freedom of faith we have in this great nation so that we may worship in the time, place, and manner of our choosing.

We remember in our prayers the Americans of courage and conviction who are protecting us and defending freedom around the globe. We remember in our prayers the uniformed protectors who have lost their lives, for their loved ones, and for the safety of those trying to bring about justice. We remember in our prayers the families who need hope and opportunity to create better lives. So, grant us this day Your strength, wisdom, and inspiration, Your abiding presence, Your empowering grace and one last gift, the gift of humility. To that end, O God, enable us to be a great people, a wise people, a caring people, a humble people, and most of all, a worthy people. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

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

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator McIlhinney, and legislative leaves for Senator Erickson and Senator Ward.

Senator Costa requests a temporary Capitol leave for Senator Hughes, and legislative leaves for Senator Leach, Senator Stack, Senator Tartaglione, and Senator Williams.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of September 24, 2014, is now in print.

The Clerk proceeded to read the Journal of the Session of September 24, 2014.

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

On the question,

Will the Senate agree to the motion?

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

YEA-48

Alloway	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	Yudichak

NAY-0

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

The PRESIDENT. The Journal is approved.

RECESS

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

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

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

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

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

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney, Senator Hughes, and Senator Erickson have returned, and their respective leaves are cancelled.

SPECIAL ORDER OF BUSINESS BILLS REPORTED FROM COMMITTEE

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

SB 428 (Pr. No. 2321) (Rereported) (Concurrence)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for pooled trusts for persons with disabilities.

SB 508 (Pr. No. 2354) (Rereported) (Concurrence)

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, providing for revictimization relief.

SB 720 (Pr. No. 2358) (Rereported) (Concurrence)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in the Governor and disaster emergencies, further providing for general authority of Governor; providing for disaster emergency assistance; and establishing the Public Disaster Assistance Grant Program.

SB 1135 (Pr. No. 2269) (Rereported) (Concurrence)

An Act amending the act of May 28, 1937 (P.L.955, No.265), referred to as the Housing Authorities Law, further providing for establishment of rentals and selection of tenants; and providing for veteran preferences.

SB 1180 (Pr. No. 2393) (Rereported) (Concurrence)

An Act providing for prescription drug monitoring; creating the ABC-MAP Board; establishing the Achieving Better Care by Monitoring All Prescriptions Program; and providing for unlawful acts and penalties.

SB 1239 (Pr. No. 2396) (Rereported) (Concurrence)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for occupational limited license; in driving after imbibing alcohol or utilizing drugs, further providing for grading and for prior offenses; and, in enforcement, further providing for reports by courts.

SB 1355 (Pr. No. 2319) (Rereported) (Concurrence)

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, in fees, further providing for nuclear facility and transport fees.

HB 1773 (Pr. No. 4312) (Rereported) (Concurrence)

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for title of act; providing for declaration of fiscal emergencies and receivership in municipalities; authorizing certain taxes; providing for disincorporation of municipalities and the establishment of unincorporated service districts; establishing the Unincorporated Service District Trust Fund; and making extensive amendments, additions and editorial changes.

SPECIAL ORDER OF BUSINESS 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

October 15, 2014

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 June 13, 2014, for the appointment of Danielle L. McNichol, Esquire, 201 Locksley Road, Glen Mills 19342, Delaware County, Ninth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice add to complement.

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

TOM CORBETT
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

September 10, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael Negra, 271 Goodhart Road, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2018, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Marcus, Indiana, whose term expired.

TOM CORBETT
Governor

NOMINATION LAID ON THE TABLE

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

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

September 10, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael Negra, 271 Goodhart Road,

Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2018, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Marcus, Indiana, whose term expired.

TOM CORBETT
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

YEA-48

Alloway	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	Yudichak

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 80 (Pr. No. 4318) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of criminal trespass; defining the offense of theft of secondary metal; prescribing penalties; and, in firearms and other dangerous articles, further providing for Pennsylvania State Police and for limitation on the regulation of firearms and ammunition.

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, just very briefly, we were here rather late last evening. I was going to try to reconcile the language in this bill, and specifically the preemption language, the language giving standing to an association. For some reason, I could not sort of wrap my arms around it because something did not add up, and I was trying to come up with an understanding. It is not the vote count. I understand the way the vote went down, certainly I could count "yeas" and "nays."

Something on a substantive level, when I look at the bill and the amendment, substantively, it just did not make sense to me. I finally realized, again, and I sort of touched upon it last night, but when you look at this, when you look at the arguments that have been put forth by the Majority in this Chamber, we have made a conscious decision, albeit one I may not agree with, but Pennsylvania has to understand that the Leadership on the Majority side here has made a decision that in terms of legislation and laws, we will not interfere with the judgment or the discretion of the trial court. We are going to allow the trial court to have their area, their forum, and we are going to have ours. Why do I say that? Because when I went back and I looked, time and time again, every opportunity that there has been for legislation to impact a judicial decision, whether it be specifically one on mandatory minimums, we have, against my decision, I may not agree with it, but we have gone back and said, we will not interfere with the court. That is one for the court to decide. This particular legislation, if you look at it closely, not only does it interfere with the role of the court but it actually mandates the court to do certain things. I just want to be clear about this, I may not agree with those positions that were taken in the Committee on Judiciary, but I respected those decisions because at the time they were consistent. If you are going to be consistent on your principles and your positions, I may not agree with them, but I certainly give you my respect and I think you deserve my respect.

In this particular case, what we have done is, we know that we are setting a precedent in Pennsylvania jurisprudence and, of course, the rest of the State. So again, kudos. You have made history. You have, under Article IV, the privileges and immunities clause, we have given an association the right to sue. I understand that. But what else you have done is you have tied the hands of the trial court. You have been unwilling to do it for sentencing against criminals, but you have done it for the trial court to require them, because, Mr. President, in the amendment that was placed in the bill last night, it is interesting--again, I only know this because the Majority has taught me that there is a difference between a "shall" and a "may." In this law, the trial court is required, they are required to whack a city or a municipality as soon as they are sued. There is not a "may." What does that mean? That means that the Majority has taken away the trial court's discretion on the issue of money damages. So, think about that.

Again, we will make a record here because someday a lawyer much smarter than me will look at this and he will go back, and I will direct him to go back to many of the debates in this Chamber, specifically go back to the June 28, 2011, debate when we debated the Fair Share Act, and go back to the debate in the Committee on Judiciary on House Bill No. 208. That was a bill requiring a mandatory minimum for hit-and-run accidents. There was no appetite for the mandatory minimum. Again, why? Be-

cause it interfered with the discretion of the trial court. The Majority specifically refused to address that, keeping the legislature separate from the courts.

But here, not for the NRA, I understand it is not an NRA issue. I believe, Mr. President, that it is the lobby arm of that organization that has required this language to be in it. I do not think it is their members, I do not think it is the people in this Chamber, I think it is their lobby arm that has required this language because this language is not only, I believe, contradictory to every principle that the Majority has put forth, but it is also mean-spirited, because again, it cuts against another principle that has been espoused by the Majority, both on the floor and in committee, when it comes to lawsuits. We have been told, I may not agree, but I have been told that you need to encourage settlements. We have to make sure that the parties have an opportunity to compromise. This language actually cuts against that because once the lawsuit is filed, there is no opportunity to pull back. The municipality is done. They are on the hook. They are on the hook for counsel fees, expert witness fees, lawyer's fees, anything under the sun. Again, do they have discretion? No, they do not. They do not have discretion.

So, it seems that there is a pattern here. Who gets sued? Well, the municipalities get sued. Who pays? That is an interesting question, because we have given the association standing. So, we have told the trial court you have to do what we say, so there is a precedent right now for that. Now they have to make the city pay. Well, who is going to pay? Well, the taxpayers are going to pay, and the taxpayers are going to have to pay. Last night I actually thought -- originally, I believed that it would be cities like Philadelphia, Reading, and other cities, but then I thought to myself, you know what? Maybe not, because the drafter of this language was not interested in protecting consistency, they were interested in punishing. So, they are going to go after those cities that are the most affluent. They are not going to go after distressed cities or cities that are having trouble paying their bills. They are going after the very affluent cities, the same cities, Mr. President, that in the last 3 1/2 years of this administration have been paying more in property taxes, have been paying more in taxes, have been asked time and time again to go into their pockets. That is the problem. They are going to pay. So, under this amendment that is in this bill, the taxpayers will have to pay, they are going to have no result but to pay.

I really believe, this is just me, but I think it is possible that when you look at the legacy of this administration, this certainly will be possibly one of the largest potential, and I say potential, tax increases, because all you need is one hit on a rich community, a half-million dollars, a million dollars, and they have a judgment, all you need is one. That could be one of the largest single tax increases on the people of Pennsylvania in the history of this Commonwealth. That will be remarkable. That is the legacy. So this bill, Mr. President, this bill and those amendments that contain that language that allows the legislature to usurp the power of the courts, contradictory to every principle that has been espoused by this Chamber, both in committee and on the floor, will join a billion dollars in education cuts, 40,000 people off of adultBasic, and this. This is the legacy.

So, Mr. President, this will most likely get signed into law, it will become law, House Bill No. 80, the gun law. I hope at some point the people of Pennsylvania will reach out to the Governor and say we do not want this, not because we do not believe in the

Second Amendment, because I do. I am an attorney, of course I do. Not because we do not support the NRA. I do not have any problem with them. In fact, they do a lot of good. They have great gun training and they do a lot for their membership. But this bill was not written for them. This bill was done for one purpose and one purpose only, and that is to punish and to intimidate. So, I am asking the people of Pennsylvania to reach out to this administration, to tell them to do the right thing, one last time: If you sign it into law, you put these communities at risk of getting sued and you have tied the trial court's hands.

Finally, Mr. President, I will wrap up by saying that sometimes I joke around with this place and we have a lot of ideas, but it really is a place for passion and folks really do their best. The irony last night is that we took a vote in this building to protect pigeons, but we could not protect the people of Pennsylvania and the people of Philadelphia.

Thank you very much, Mr. President.

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

Senator FERLO. Mr. President, I will be brief, specifically on House Bill No. 80. This is an important piece of legislation, obviously fundamentally about the Crimes Code, Title 18. I just want to explain very quickly the lineage of this bill really started out on the issue of the reality of theft of metals, specifically copper and other metals that are being sold to junkyards for money, and it morphed into a much more substantial bill. I will not repeat all of the debate on the Second Amendment and the other aspects of this bill.

It is not often I could rise to speak and thank the leader of the Committee on State Government in the House, my honorable good friend, Representative Metcalfe. I could never imagine a time when I would actually get up and say anything nice about him, but in this case I have to thank him because he recognized--and there was a companion bill in the Senate by some other colleagues in the past. I want to reiterate the importance of working with police in a more sophisticated fashion and with a more earnest effort on the issue of theft of copper and other materials. It seems like not a big issue, but for many people, not only in the city of Pittsburgh, as somebody who has worked on community economic development for the last 20 or more years, and I think I speak for everybody here in the Senate, regardless of where we come from - rural, farmland, suburban communities, and inner cities - this has grown to be a significant problem. We have had stealing of copper and other materials out of houses where somebody will end up in a junkyard and may benefit for \$60, \$80, or \$100, but they have caused \$20,000 worth of damage by destroying a house that was about to be remodeled. We have seen the horrendous incidents across the State, oftentimes in farmland areas and rural communities where a mile or so of expensive copper cable has been taken off of the roadway from various utility companies. How it is done is amazing to a lot of us, and obviously, we have some sophisticated thievery going on out there.

It is horrendous, not only the hundreds of thousands of dollars that we all pay in utility costs, it is very dangerous. It is dangerous to linemen and linewomen who have to get up those poles to replace it, and live wires are left on the roadway. It is a very serious matter. I am pleased that we are making this much more of a serious offense with a penalty. For \$200 worth of copper,

you can cause \$20,000 worth of damage and even death or dismemberment to individuals who have to deal with the aftermath.

One of the most despicable acts of stealing materials are historic bronze plaques that are somewhat lost at times because the patina has changed over the years and they are taken away from bridges, and historical markers, which I find outrageous. I do not carry a weapon, Mr. President, even though I am a strong Second Amendment defender, but if I saw somebody taking out of a cemetery a bronze plaque for a veteran, I would shoot them right in the a-s-s, no question about it. I would then go about trying to plead mercy in front of the court and a good judge. I think it is so disrespectful, lack of civility, and outrageous that people go into cemeteries and steal the little metal rod that holds the bronze plaque or the bronze star. I have four brothers who served in the military and served honorably in the 82nd Airborne, in and out of Vietnam, and wars that were never declared wars, and I think that is outrageous.

So, I am very pleased to see this being an elevated crime. I ask that we all work together with our local law enforcement and State Police to try to get a better handle on reaching out to these culprits. I do not care if it is a druggie who is looking for a fix and needs a quick buck or other more sophisticated individuals. In downtown Pittsburgh recently we had a sophisticated ring of thieves who came from West Virginia up to downtown Pittsburgh and they were on top of a building actually trying to steal the mechanicals in the middle of the night, large accouterments of a building that obviously have a lot of different kinds of metals in it. Fortunately, they were caught. We had an older woman looking out the window as a newer resident downtown wondering, what are these guys trying to do? They were arrested. Again, it is a very serious matter, and I want to thank Representative Metcalfe for moving this bill along.

I will close, and I do not want to get off the subject, but I am very upset with my good friends on the aisle opposite. This is a Crimes Code. It was an opportunity to move an important bill, the hate crimes legislation. I am not going to speak about the bill, Senator Pileggi, so just give me one second. I would hope that we would come back and consider that bill in the future. It was related. Every Democrat on this side of the aisle would have voted for that bill and, in fact, many of my good friends on the aisle opposite as well would have voted for that. I think we would have been able to be successful in increasing civil democracy and deal with the critical issue of hate crimes.

Thank you, Mr. President.

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

Senator TEPLITZ. Mr. President, getting at the amendment that was passed last night on House Bill No. 80 and the discussion that took place two speakers ago, I wanted to address that on the record. I am going to be voting "no" on the bill but I wanted to address on the record why. I support the Second Amendment, the right of law-abiding citizens to keep and bear arms, to defend themselves, to engage in hunting and other sporting traditions that are a very critical part of our culture.

It is the inappropriate and illegal use of firearms that I think gives all of us concern. The question is, what do we do about it? Personally, I think that there should be a fairly commonsensical common ground where we could devote our efforts to keeping firearms out of the hands of criminals, out of the hands of those with mental illnesses, and out of the hands of unsupervised chil-

dren. Whatever we do, I believe that the rules should be uniform statewide. And as a philosophical matter, I believe that we should have uniform rules that should apply statewide and that municipality by municipality should not be imposing their own rules.

However, I am concerned about the amendment that was passed last night and is in the final bill, because it is very heavy-handed in terms of punishing those municipalities that have already enacted their own rules under a prior situation before this law would be enacted. A previous speaker has already recounted the consequences on the taxpayers of those municipalities based on the lawsuits that could occur after this bill is enacted. If one of the amendments that was proposed last night, the grandfathering amendment, had passed, I would have felt comfortable voting for this bill. But as the Minority chairman of the Committee on Local Government, and someone who has been working on local government issues during this Session and in prior parts of my career, I feel an obligation to respect where the local governments have been at under a different set of rules that they were operating under.

The other concern that I have is giving unprecedented standing to organizations to bring these lawsuits as opposed to individuals. So, again, while I agree with what is probably the main underlying premise of the amendment, which is having uniform rules, I think it is being pursued in a very heavy-handed way. I struggled with this last night and into today and ultimately will have to vote against the bill on that basis.

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-34

Alloway	Ferlo	Robbins	Wagner
Argall	Folmer	Scarnati	Ward
Baker	Gordner	Schwank	White
Boscola	Hutchinson	Smucker	Wiley
Brewster	Kasunic	Solobay	Wozniak
Browne	McIlhinney	Tomlinson	Yaw
Corman	Mensch	Vance	Yudichak
Eichelberger	Pileggi	Vogel	
Erickson	Rafferty	Vulakovich	

NAY-14

Blake	Fontana	Leach	Teplitz
Costa	Greenleaf	Smith	Williams
Dinniman	Hughes	Stack	
Farnese	Kitchen	Tartaglione	

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

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

BILL OVER IN ORDER

HB 1163 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1796 (Pr. No. 2870) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for protection for victims of abuse or crime.

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 Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, this is a bill that we had in the Committee on Local Government. It is a good bill and ran it through there. I have spoken with the sponsor from the House, and I appreciate his work on this effort. We had some issues with an amendment that I had placed in the bill, which we did not think was going to be a problem in any way, neither did the House, but it was. So we took out that language yesterday and I am here to support the bill today and report that we hope to have a separate bill starting in January to address the other issue.

We have an important issue in Pennsylvania with preemption. In fact, this bill deals with preemption, and it is important for the people in this Chamber and the other side of the Capitol to deal with matters where we have a global perspective on this and we can make decisions instead of 2,500 different municipalities addressing some of the issues that they do, that they get into from time to time that goes beyond their scope of authority as operating municipalities. So I appreciate the work that went into this, appreciate the support we have for this bill today and the future bill at the beginning of next year with some bipartisan support. Thank you.

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

Senator SCHWANK. Mr. President, as well as my colleagues Senator Boscola and Senator Kitchen. Thank you.

The PRESIDENT. Most certainly.

Senator SCHWANK. Mr. President, when I looked at the Calendar this morning and saw that this bill was going over, I was very disappointed because I thought last night we had made some significant progress in reverting to the prior printer's number. Maybe we need to review what this prior printer's number actually says. What House Bill No. 1796 would do in its original version would prohibit municipal ordinances from penalizing a resident or landlord for needing police or emergency assistance at their property. This bill relates to domestic violence and relates

back to a horrific incident in Norristown, Montgomery County, where a woman nearly bled to death after being stabbed by her partner. She was afraid to contact or call 911 because she was afraid that after multiple calls and issues in her apartment, she might be evicted from her apartment. Nobody should have to make that kind of choice, Mr. President. No woman, no man should have to risk their place of residence, their life, as well as their family, because they feared being evicted from their residence. This bill would stop forcing these victims from having to choose between becoming homeless or keeping themselves and their children safe.

This has been a top priority in this Session for the Pennsylvania Coalition against Domestic Violence and the House. The House also passed it unanimously. Last night, the Senate approved reverting it back to the House version, and now I am pleased to say that I can stand here with my colleagues, and I will recognize that Senator Tartaglione has joined us here. I will thank my colleagues on the other side of the aisle, particularly Senator Vance and Senator Pileggi, for deciding that it was worth it to vote on this bill. We will return later and look at these municipal ordinances. We had a great discussion with Senator Eichelberger on that issue. We certainly want to address that, but I know that in this body, I am pleased to say, today we are standing up for the victims of domestic violence and doing something that will be very helpful.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair takes note of the presence of Senator Tartaglione, and her legislative leave is cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator BOSCOLA. Mr. President, I want to say to the other side of the aisle that I do promise on the preemption bill that I will be your very first cosponsor of that bill going into the next Session, or maybe even in November. Thank you.

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

Senator KITCHEN. Mr. President, we at last have our colleagues Senator Vance and Senator Baker from the other side of the aisle up here with us now. We are all in support of women being treated the way that they should, having the rights and to be able to do the things that are best for them and best for their family. I look forward to working with all of the women here in the Pennsylvania Senate and whoever else will be working with us as a team to bring about the kind of changes that we need.

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

Senator TARTAGLIONE. Mr. President, this bill is a good bill. It is going to save lives. I know a lot of times when women are victims of domestic violence, their esteem and their self-worth is not there. That batterer takes it from the woman. So, first of all, she feels that she is not good enough, and then she feels trapped because she has nowhere to go. I do not think a woman should have to deal with the struggle of: I will be safe if

I leave but I will be homeless. That is not a decision that is made easily and it is not a decision that I would be able to make, but I cannot walk in someone else's shoes. This is a good bill and I want to thank my colleagues on the other side of the aisle for bringing it up, letting it run clean, and helping women in Pennsylvania.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, I will be brief, but I want to commend my colleagues on both sides of the aisle, particularly Senator Eichelberger, Senator Vance, Senator Baker, Senator Kitchen, Senator Schwank, Senator Tartaglione, and Senator Boscola for their efforts on this important matter. I, too, pledge my support to Senator Eichelberger going forward on the preemption of some of these ordinances that are being enacted by cities that are affecting our businesses. I really want to commend Senator Eichelberger, and the Senators I mentioned as well, for recognizing the importance of this bill and with working with Senator Pileggi's office, Senator Scarnati's office, and Senator Costa's office, to make sure this bill came to the floor today.

Do I need to remind us of just a few weeks ago when we all saw a senseless beating of a woman in an elevator? This piece of legislation will be helpful to women being abused and will really take, I think, a big step in the Commonwealth of Pennsylvania of protecting women and women's rights. Mr. President, lastly, I think Senator Eichelberger and the other Senators, the Senators I mentioned - Senator Vance, Senator Baker, Senator Boscola, Senator Kitchen, Senator Schwank, Senator Tartaglione - are a lesson for all of us in this Chamber and in our sister Chamber of cooperating to accomplish goals and being able to achieve significant pieces of legislation.

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-48

Alloway	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	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 with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

HB 1822, HB 2340 and HB 2420 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 76, HB 162, HB 1096 and HB 1837 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS

SB 720 (Pr. No. 2358) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in the Governor and disaster emergencies, further providing for general authority of Governor; providing for disaster emergency assistance; and establishing the Public Disaster Assistance Grant Program.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 720?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 720.

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	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1180 (Pr. No. 2393) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for prescription drug monitoring; creating the ABC-MAP Board; establishing the Achieving Better Care by Monitoring All Prescriptions Program; and providing for unlawful acts and penalties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1180?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1180.

On the question,

Will the Senate agree to the motion?

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

Senator VANCE. Mr. President, very briefly, this bill is not the total solution to a drug problem in our Commonwealth, but it is a vital piece of the puzzle. This will keep people from doctor shopping, obtaining drugs from many different physicians, thereby keeping them from turning to heroin at the end of that line. I think it is a very important thing and it is really about patient care and helping people. I ask for unanimous support.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-46

Alloway	Farnese	Rafferty	Vogel
Argall	Fontana	Robbins	Vulakovich
Baker	Gordner	Scarnati	Wagner
Blake	Greenleaf	Schwank	Ward
Boscola	Hughes	Smith	White
Brewster	Hutchinson	Smucker	Wiley
Browne	Kasunic	Solobay	Williams
Corman	Kitchen	Stack	Wozniak
Costa	Leach	Tartaglione	Yaw
Dinniman	McIlhinney	Teplitz	Yudichak
Eichelberger	Mensch	Tomlinson	
Erickson	Pileggi	Vance	

NAY-2

Ferlo Folmer

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1239 (Pr. No. 2396) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for occupational limited license; in driving after imbibing alcohol or utilizing drugs, further providing for grading and for prior offenses; and, in enforcement, further providing for reports by courts.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1239?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1239.

On the question,

Will the Senate agree to the motion?

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

Senator RAFFERTY. Mr. President, this is a very significant piece of legislation and I want to remind my colleagues that we passed this bill 50 to 0 where we included the Superior Court fix regarding DUIs. This involves the decision that was rendered by Superior Court that the wrong terminology may have been used in the statute and we changed it. We took exactly the wording the Superior Court suggested and put it into this piece of legislation.

While it was over in the House, we all became aware, not only through newspaper articles, the Philadelphia Inquirer, but through a hearing that we had done in Senator Smucker's district in Lancaster County where his DA, Craig Stedman, a very fine, very capable district attorney for Lancaster County, spoke about some of the problems they are having with DUI prosecutions and enforcement. One of the decisions was rendered by our Supreme Court, *Commonwealth of Pennsylvania v. Hagg*. So we worked with Representative Marsico and his office on an amendment that addressed the Supreme Court decision that was having an adverse effect, in our opinion, on DUI convictions and we made the change in that language. This piece of legislation passed the House without any issues and is now before the Senate.

Once more though before it left the House, they added one other amendment, and that amendment fixes something that came to the attention of the public when the newspaper in Philadelphia, I believe it was the Inquirer, ran the article where a gentleman was facing a license suspension and did not know about the license suspension, and here when they investigated, they went to, I believe it was the Clerk of Quarter Sessions in the Philadelphia court, akin to the Clerk of Courts in our jurisdiction, where they went to them about the license suspension and the clerk said, I did what I had to do. No one noted on the record license suspension, so I did not collect the licenses. So, you have these individuals who may have been convicted of an offense where they should have had their license suspended, but no one ever asked for their license suspension. Then we found out it was happening in a number of counties throughout the Common-

wealth of Pennsylvania. One of the Representatives from York County put this piece of language into the bill that would allow those individuals who, they did make the mistake with the crime, but through no mistake of their own of surrendering the license would have to face a suspension now, took it from 2004 to the effective date of this bill. Not beyond that, that those people that should have had their license suspended, did not know they had to turn in their license, and were now, some years later, in many cases, receiving that after the fact, they would be able to have a bread-and-butter license.

I got a very supportive letter from the Clerk of Courts of York County to pass this piece of legislation. We vetted this amendment, as well as the amendment dealing with the *Hagg* language, with the Philadelphia DA's Association, and with the State DA's Association to make sure that they were comfortable with us. The statewide DA's Association agreed with the language and was very appreciative of it. They are very supportive of this legislation, especially the two court fixes, because it will help them tremendously in DUI cases going forward. The law enforcement community is very supportive.

Lastly, I want to thank, again, Senator Smucker for having us there at his hearing where this one item that we are fixing for the Supreme Court really was highlighted by his district attorney, Craig Stedman. I want to thank, as well, the staff of Senator Pileggi, Senator Scarnati, and Senator Costa for working with Senator Wozniak and I. Ryan Boop, my chief of staff, has done a tremendous job working on the language as well, and Representative Marsico and his staff for working with us on the amendments. I ask for an affirmative vote.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, this is a major issue, not only in the Commonwealth, but it has especially come to the attention of many in our county. I want to thank Senator Rafferty for having taken the lead. There have been too many DUI deaths. I am sitting with a stack of letters from the parents of many of these victims asking us to take further action, and I am grateful that Senator Rafferty and Senator Wozniak have taken that action, and I am sure we are going to support it unanimously today.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-48

Alloway	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1355 (Pr. No. 2319) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, in fees, further providing for nuclear facility and transport fees.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1355?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1355.

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	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS

SB 428 (Pr. No. 2321) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for pooled trusts for persons with disabilities.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 428?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 428.

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	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 508 (Pr. No. 2354) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, providing for revictimization relief.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 508?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 508.

On the question,

Will the Senate agree to the motion?

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

Senator KITCHEN. Mr. President, make no mistake, this was a good bill until about 10 days ago when the House, which is not

unusual, amended this bill. In the present form it does not help people the way it was intended to when we voted on this bill. The bill in its form now stifles a certain group of people from speaking out on their conditions or what they feel. Mr. President, the bill was intended to give victims the chance to go before the Parole Board before the minimum sentence was issued so that they could speak up for themselves. Now this bill has turned into part of a plan by a group of people who are flexing their power, keeping certain issues present and in front of people who really want to move on and who really need to sit down and talk.

It was said that the champagne is already being brought out, people are already celebrating at the passage of this bill, but this bill does not help victims. What it does is stifle free speech, and I am willing to say that this will probably end up being contested. So I am asking my colleagues to think about what this bill was in the form when it left from here and the intentions of what it was supposed to do to help victims rather than now in its present form, which stifles free speech.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, briefly, I have the utmost respect and liking for Senator Kitchen, she is my friend. I disagree with her on this particular piece of legislation. It was amended in the House of Representatives. It is a chance for victims or family members of victims to be able to have a say on when the perpetrator of the crime is getting attention that they may feel is not warranted. Mr. President, there was a press conference, and at that press conference there were DAs from all 67 counties. The spokesperson was Seth Williams from Philadelphia. There were police officers. What this bill does, it is injunctive relief, not monetary, injunctive relief only, that allows the victim or the victim's family or other people on behalf of the DA or AG, Attorney General, to file an injunction to prevent something from happening. The court will make that decision. Not the individual person, not the DA, the court will make that decision. There has to be a legal action. So that prevention is in the amendment that was made to Senate Bill No. 508.

I urge an affirmative vote. Respecting my colleague's opinion, respecting her position, I think it is a good piece of legislation, and I spoke personally with Seth Williams, Ed Marsico, and Dave Freed, some of the DAs who were present at that press conference, about this piece of legislation.

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, if the intention of this legislation was to help victims and for victims to go and tell how the crime is continuing to affect their lives, it would have stayed in its present form, which did a very good job. I ask for a "no" vote on this legislation as amended. Thank you.

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

Senator COSTA. Mr. President, I join the gentlewoman from Philadelphia in supporting a negative vote on this particular bill. Regardless of what you think about the incident that sparked this legislation, at the end of the day, what we are doing, I think, is something that concerns me and I think concerns many Members. The long and short of it is we have taken a very good bill that passed here 50-0, prime-sponsored by Senator Baker—who,

I might point, out has removed her name from prime sponsorship, as indicated in the legislation. That is very telling to me. At the end of the day what has taken place here has raised constitutional issues as well. We know that our courts have spoken consistently about how we do our business here in Harrisburg and how it is that we move and maneuver messages and issues and we conflict with the very specific intent of the original bill. This bill, in my view, deviates significantly from the original purpose, and that is an issue that I think is concerning to us, to me, and I think that is one of the reasons why.

Further, as Senator Kitchen pointed out, this is an issue about free speech and the restraint on free speech, which is something that I think in the Commonwealth is not appropriate. So I intend to vote "no" for the reasons that I stated, along with some of the reasons that Senator Kitchen referenced as well.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, I simply rise to ask for an affirmative vote. I think, obviously, there are differences of opinion here, but the considered way of opinion is that this is a step forward. There is nothing in the bill, as it is presented to this body, that would justify a negative vote. Again, I ask for an affirmative vote.

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

Senator FARNESE. Mr. President, very briefly, I rise and support the gentlewoman from Philadelphia, the chair of the Democratic delegation, for all of the issues and arguments that she set forth, as well as those previously made much more articulately than I can by the speakers before me. Thank you.

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

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

YEA-37

Alloway	Folmer	Scarnati	Wagner
Argall	Gordner	Smith	Ward
Baker	Greenleaf	Smucker	White
Blake	Hutchinson	Solobay	Wiley
Boscola	Kasunic	Stack	Wozniak
Brewster	McIlhinney	Tartaglione	Yaw
Browne	Mensch	Tomlinson	Yudichak
Corman	Pileggi	Vance	
Eichelberger	Rafferty	Vogel	
Erickson	Robbins	Vulakovich	

NAY-11

Costa	Ferlo	Kitchen	Teplitz
Dinniman	Fontana	Leach	Williams
Farnese	Hughes	Schwank	

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1135 (Pr. No. 2269) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), referred to as the Housing Authorities Law, further providing for establishment of rentals and selection of tenants; and providing for veteran preferences.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1135?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1135.

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	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vance
Baker	Folmer	Rafferty	Vogel
Blake	Fontana	Robbins	Vulakovich
Boscola	Gordner	Scarnati	Wagner
Brewster	Greenleaf	Schwank	Ward
Browne	Hughes	Smith	White
Corman	Hutchinson	Smucker	Wiley
Costa	Kasunic	Solobay	Williams
Dinniman	Kitchen	Stack	Wozniak
Eichelberger	Leach	Tartaglione	Yaw
Erickson	McIlhinney	Teplitz	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 inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTSSENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS

HB 1773 (Pr. No. 4312) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for title of act; providing for declaration of fiscal emergencies and receivership in municipalities; authorizing certain taxes; providing for disincorporation of municipalities and the establishment of unincorporated service districts; establishing the Unincorporated Service District Trust Fund; and making extensive amendments, additions and editorial changes.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1773?

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

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1773.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, I rise again with this bill to thank the people who participated for almost a year with the task force that was developed through the Local Government Commission. The Commission, with their staff and expertise that they brought, along with all of the stakeholders involved in local government issues, from the associations, to various consultants, to the Federal bankruptcy court, to lots of different people who potentially had a role with distressed municipalities in this Commonwealth. The leadership of Senator Blake and Senator Teplitz, and Representative Ross and Representative Freeman, were also integral to getting this very complicated and very necessary legislation to fruition, so I want to thank them.

It is not meant to be a fix for all of the ills of government. It does not address the problems that get them to Act 47, but the process of Act 47 itself is what this legislation addresses, and we needed to have that process updated and reflect what the original intent of the legislation was and make sure that we represent everyone's interest, including the citizens who live in those distressed municipalities. So I ask for a positive vote today and, again, thank those Members who worked so diligently to get this bill finished. Thank you.

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

Senator BLAKE. Mr. President, I want to echo the sentiment and the words of my colleague and friend, Senator Eichelberger. I recognize that I am standing here on the last day of our legislative Session on the last bill on the last Supplemental Calendar, so I will try to be brief, Mr. President, but this is an important bill. The bill that we are considering here, as Senator Eichelberger mentioned, does not solve all of the ills of local governments and their fiscal distress or even the underlying causes of that, but we needed to retool Act 47 and to retool the relationship between the State and our distressed communities.

This process began, as the Senator mentioned, about 3 years ago in joint hearings held by then-Senator Earll, Representative Ross, myself, Representative Freeman, and Senator Eichelberger in the fall of 2011, which led to the reestablishment of the original task force that worked on Act 47 of 1987. As Senator Eichelberger mentioned, that task force was populated by a lot of public and private disciplines and it was basically to try to take up the learned weaknesses of Act 47 and to address, if we could, a better efficacy in the impact of that act on our distressed communities. So in a bipartisan manner, members of the task force agreed that we should try to provide some additional tools to our

distressed communities, that we should try to, if we could, enable a path out, because as my colleague, Senator Teplitz, has mentioned on this floor, too many cities are headed into Act 47 and linger there too long, and this bill is meant to address that by creating a path out.

We have incorporated in statute for the first time an early intervention program, Mr. President. It is a very important feature of this bill. We have incorporated in statute the fact that our Act 47 communities will get priority no matter what grant they are seeking from any State agency. That is an important issue. It delivers the 10-year horizon of engagement of the State - 2 years of early intervention, 5 years in designation of Act 47, and a 3-year extension if warranted. It is also important to note that it provides that after 5 years in Act 47, an additional and more intensive intervention may occur in the form of State receivership, which was experienced by our capital city and which I know my colleague, Senator Teplitz, indicates was a positive experience for the city in terms of changing the fiscal trajectory of our capital. After 5 years, bankruptcy could occur too. That is still an option that nobody wants, but is still there. Emergence from the financially distressed status is also possible, and that is what everybody wants.

So I am very delighted to see this bill come to the floor. I have to extend a thank you to Senator Eichelberger, and I want to send thank yous to Representative Ross and Representative Freeman in the House, and my colleague and friend, Senator Wozniak, who is also a member of the Local Government Commission. I need to thank my Leader, Senator Costa, and Senator Pileggi, for their cooperation in moving this along and bringing it to the floor, notwithstanding some of the elements of the bill that are not necessarily agreed to by my Leader, but he has been supportive along the way, and I appreciate that. I want to thank my staff, Luc Miron and Kyle Mullins, and especially Mike Gasbarre and his team at the Local Government Commission, who did great work. This is a great compromise. Not everybody got what they wanted, but it will create a better way forward for our Act 47 communities and give those on the verge of Act 47 a more clear path towards prosperity.

Mr. President, concluding my remarks, Senator Eichelberger mentioned that this did not solve all the ills. I think we need to come back here in January, in the next legislative Session, and really think hard about what we have to do for our cities, particularly our third-class cities and the city of Scranton, the 2-A city that I preside over. They need more investment, they need the opportunity to rebuild their tax base, they need more vitality, and we need to be a better partner in that. This is a great bill and I seek an affirmative vote from my colleagues, but we have to come back here and do more work next year.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, very briefly, as my colleagues know, I have spoken about my disappointment on this bill before on the Senate floor. Let me first start by thanking the makers of the legislation, Senator Eichelberger and Senator Blake. Senator Blake just enumerated a significant number of benefits that are going to take place to improve the Act 47 process and in giving communities the opportunity to pick themselves up by their bootstraps as we go forward in a very positive way, but also setting limits with respect to what can be done. A

lot of good work has gone into the legislation, Mr. President. However, my disappointment with the legislation continues to be the fact that the city of Pittsburgh, which I have the privilege of representing, continues to be excluded from the benefits and parts of the bill that I think are essential to the communities to be successful. It was my hope that over the course of the summer we would be able to reach a resolution. We were not able to do that. I did support the bill when it left here several weeks ago, thinking and hoping that the House was going to address it and fix some of the concerns that were raised by myself and others in that region. That did not take place, so hence, the bill is back here today for concurrence.

So while I am pleased and supportive of the things that have taken place, I continue to be disappointed that, for whatever reason—I still do not know to this day the actual valid and appropriate reason as to why the city of Pittsburgh was excluded. I have my own internal beliefs that I will not share with the Members on the floor here today, but I do think that it is wholly inappropriate and wrong to exclude one municipality. Let me be clear, it excludes one municipality, that is the city of Pittsburgh, from being able to participate like every other Act 47 community that is also dealing with the issue of a distressed pension system as well. We are unique in that respect. Pittsburgh is beginning to turn a corner and I am very proud of the things that have been done, but to exclude one community to me seems to be special legislation that is not appropriate, and I intend to vote in the negative on this particular piece of legislation for the reasons I just stated.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, obviously, I share my concerns with Senator Costa as well. However, we have struggled long and hard in the city of Pittsburgh, despite the oversight, the unnecessary oversight, and the waste and expenditure of the continued existence of the so-called ICA, and notwithstanding the continued relationship that the city has with the Act 47 team. There has been tremendous support provided to the city of Pittsburgh by previous administrations, including this administration, especially for major capital improvement projects. I remind all of our colleagues across the State that the city of Pittsburgh is both the livingroom of the region for the southwestern counties and it is also the employment base of the region, equally so. And to the extent that we help Pittsburgh, we help thousands of individual corporations, companies, and those who seek employment, and need employment, because of the strength of the city of Pittsburgh, and the quality of life and our ability, with assistance from the State, to have transformed the city of Pittsburgh over the last decade, in particular, to be much more viable and sustainable for reasons too numerous to mention here today.

I am going to vote in favor of the legislation because, notwithstanding my concern about the omission and exemption of excluding the city of Pittsburgh proper in the Act 47 reforms, there are too many communities across the State that are in Act 47 presently that I think could benefit from the enumerated standards and opportunities that my colleague, Senator Blake, and others have spoken about. Unfortunately, there are a lot of other communities right now waiting in the line about to possibly enter Act 47. So we need to think creatively. We need some changes. Local communities, especially those left in the urban core when

many have left it, and again, that is a long conversation I will avoid now. They need to be able to reach out to that regional base to support the inner core, and whether it is the city of Pittsburgh or a small town, it is usually the center city of even a rural county that is the hub for many employment opportunities. Oftentimes those urban hubs, whether it is a small town or city or bigger city, unfortunately, is disproportionately burdened with a large percentage of tax-exempt property. It is always the case, even if it is a rural county, and a smaller town that the bigger institutions - hospitals, prisons, State property, parks - that are regional in nature, but they are usually housed in the urban core of that community, and that large percentage of property, which is the mainstay of most funding for local communities, is tax-exempt. It is a complicated issue. I am going to vote for the greater good of the majority of communities that need this assistance, and I will be voting "aye." Thank you.

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

Senator BREWSTER. Mr. President, let me say at the outset that I want to thank my colleagues, Senator Eichelberger, Senator Teplitz, and Senator Blake for their effort, and all of the others in the Caucus who were involved. I do support the bill but I feel obligated to at least speak on behalf of 2,200 or 2,300 smaller communities that I hope will pay attention to what is happening today with this bill. Act 47 is a place you do not really want to be. I represent five communities that are in Act 47 right now, and I know how difficult it is to have them claw each day to get ahead, make payroll, and advance their community on behalf of their taxpayers. I am one of those individuals who believes that democracy starts at the lowest level. Of the 2,500 communities, I think we have a legal obligation, and certainly a moral obligation, to make sure we do everything we can to help those communities.

I remind my colleagues that much of the infrastructure that we need to help the Commonwealth go forward resides and is domiciled in these smaller communities, i.e., the brownfield sites, the rivers, the trails, and obviously the rails we have and, in some cases, the ports. So I would hearken back to some of the legislation we passed this Session, the CRIZ bill for example, a great bill, well thought out, that restricted many of the third-class cities, in fact, all of them with the exception of 10. How could we take a great bill like that and put restrictions that clearly disadvantage communities that are either in early Act 47 or in Act 47 as we speak? I think the real effort should be moving the Commonwealth forward and helping the 2,500 communities succeed and go forward. There are going to be occasions where there are some communities so small that they can no longer provide the services necessary.

In the early part of January and February, some of my colleagues and I will be presenting a revision of the early intervention program, which I was a part of in McKeesport. We will add some teeth to it, give our communities and our council people and our mayors and our commissioners in small communities an opportunity to avoid Act 47 and partner with the Commonwealth and the legislature to make sure that does not happen. We have that obligation to the taxpayers. All too often we forget, and I will simply close by saying if you do the math on the communities that we represent that are in danger, it is probably half of

12.5 million people. So, who speaks for them? I think we have to make sure that there are programs in place to help them succeed.

A final comment with regard to Senator Costa, it is difficult to comprehend that we would have excluded the 60th largest city in the nation, that being Pittsburgh, from this process. Again, and Senator Ferlo mentioned it, it is the hub, it is one of the reasons that the smaller communities do exist. So sometimes we have to put all of these pieces together and make sure we have a plan for success, and I hope that this bill will get all of our local elected officials, mayors, council people, and commissioners engaged and understand that we have to do this thing together. Again, I support the bill and I ask for an affirmative vote.

Thank you, Mr. President.

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

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

YEA-43

Alloway	Ferlo	Robbins	Vogel
Argall	Folmer	Scarnati	Vulakovich
Baker	Gordner	Schwank	Wagner
Blake	Greenleaf	Smith	Ward
Boscola	Hutchinson	Smucker	White
Brewster	Kasunic	Solobay	Wiley
Browne	Leach	Stack	Williams
Corman	McIlhinney	Tartaglione	Wozniak
Dinniman	Mensch	Teplitz	Yaw
Eichelberger	Pileggi	Tomlinson	Yudichak
Erickson	Rafferty	Vance	

NAY-5

Costa	Fontana	Hughes	Kitchen
Farnese			

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

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

UNFINISHED BUSINESS 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 the Cumberland Valley School of Music by Senator Alloway.

Congratulations of the Senate were extended to John D. W. Reiley and to the Spring Township Library by Senator Argall.

Congratulations of the Senate were extended to Dr. and Mrs. Herb Weinman, Lydora M. Drake, Joseph J. Drake and to David William Oley by Senator Baker.

Congratulations of the Senate were extended to Temple Covenant of Peace, Eastern Salisbury Fire Department and to the Cross Border Orchestra of Ireland by Senator Boscola.

Congratulations of the Senate were extended to Discover Lehigh Valley by Senators Browne and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Ebersole, Mr. and Mrs. Larry Ruth and to Conestoga Wood Specialties Corporation by Senator Brubaker.

Congratulations of the Senate were extended to Sandra Millovich by Senators Brubaker and Teplitz.

Congratulations of the Senate were extended to Nathan M. Ripka and to Comp's Barber Shop by Senator Corman.

Congratulations of the Senate were extended to Dr. Paul Morgan, Dr. Lola S. Reed, Daniel Hughes, George Emmanuel Tzanakis, Jr., Dansko of West Grove, Hope Veterinary Specialists, Saint Luke Union American Methodist Episcopal Church and to the McAvoy Vitrified Brick Company by Senator Dinniman.

Congratulations of the Senate were extended to Lawrence Meoli by Senators Dinniman and Greenleaf.

Congratulations of the Senate were extended to Penelope P. Wilson and to PECO Energy Company by Senator Dinniman and others.

Congratulations of the Senate were extended to the Lebanon County Youth Advocate Program by Senators Folmer and Teplitz.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Pivarnik, Everett Gregory Greenly Lehr and to Zachary DeLong by Senator Gordner.

Congratulations of the Senate were extended to Michael Cunningham, Gavin Rodgers and to Joseph Cuc by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Leland J. McCalmont, Mr. and Mrs. William Diven, Brenda Campbell, Saint Joseph Roman Catholic Church and to the citizens of Clarion Township by Senator Hutchinson.

Congratulations of the Senate were extended to Tom Shetterly, Chestnut Ridge Trout Unlimited Chapter No. 670, Somerset County Campus of Allegany College of Maryland and to the Fayette County Career and Technical Institute by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend Helen M. C. Jones by Senator Leach.

Congratulations of the Senate were extended to Timothy G. Czupich, James R. White and to the Rotary Club of Doylestown by Senator McIlhinney.

Congratulations of the Senate were extended to Corey Stolley, William Dorsey and to the Garden City Fire Company by Senator Pileggi.

Congratulations of the Senate were extended to Joseph L. Salvucci by Senators Pileggi and Erickson.

Congratulations of the Senate were extended to the Springfield Country Club by Senator Rafferty.

Congratulations of the Senate were extended to Kristin M. Littlefield and to the Trinity United Methodist Church of Conneaut Lake by Senator Robbins.

Congratulations of the Senate were extended to Mary Kay Gee by Senator Scarnati.

Congratulations of the Senate were extended to members of the Pennsylvania Federation of Business and Professional Women's Clubs of Wyomissing, Pagoda Skyline, Inc., the residents of Reading and Berks County and to the staff of the Tompkins VIST Bank, Northeast Reading Branch by Senator Schwank.

Congratulations of the Senate were extended to William Michael Dowd and to Connor Martin McDowell by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. George Livingood by Senator Solobay.

Congratulations of the Senate were extended to Steven Black and to the Norris Square Senior Center by Senator Tartaglione.

Congratulations of the Senate were extended to Roberta Boutselis and to Leona G. Annaguey by Senator Teplitz.

Congratulations of the Senate were extended to the Reverend Myron M. Badnerosky, Honorable M. Joseph Rocks, Mary Walmer and to Our Lady of Perpetual Help Catholic Church of the Byzantine Rite by Senator Tomlinson.

Congratulations of the Senate were extended to Neshaminy Manor by Senator Tomlinson and others.

Congratulations of the Senate were extended to Master Sergeant Kevin K. Battisti and to Henry Kirkpatrick, Jr., by Senator Wagner.

Congratulations of the Senate were extended to Chad Ruffner by Senator Ward.

Congratulations of the Senate were extended to Anthony Heywood Gordy by Senator Washington.

Congratulations of the Senate were extended to Mt. Zion Baptist Church by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. James Evans, Sr., Pasco L. Schiavo, Austin Shupp, USS Carbon County, Navy Club of the United States of America, Ship 260 and to the Newport Township Community Organization by Senator Yudichak.

Congratulations of the Senate were extended to Christopher Matthew Ercolani and to Sheet Metal Workers International Association, Local Union No. 44 by Senators Yudichak and Baker.

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 Donald Chapman by Senator Baker.

Condolences of the Senate were extended to the family of the late Pamela Elizabeth Dunn Randall and to the family of the late Donald M. Dougherty by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Kathleen R. McCormick, to the family of the late Elfrieda Young, to the family of the late Adelene H. McIlhinney and to the family of the late Darwin M. Dobson by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Louise Long DeVault and to the family of the late George J. Cox by Senator Solobay.

Condolences of the Senate were extended to the family of the late Marcella Elena DiSandro by Senator Stack.

Condolences of the Senate were extended to the family of the late Thomas F. Donatucci, Jr., by Senators Stack and Farnese.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, OCTOBER 27, 2014

9:00 A.M. GAME AND FISHERIES (public hearing regarding: Lyme disease update from PA Game Commission, Erie Tick Task Force, DCNR, Presque Isle Park; Act 89 Spending Plan and other updates from PA Fish and Boat Commission; Round Goby; and impacts of microbeads on aquatic ecosystems) Tom Ridge
Envir. Cntr.
Erie, PA

REMAINING BILLS AND RESOLUTIONS ON CALENDAR LAID ON TABLE

Upon motion of Senator PILEGGI, and agreed to by voice vote, all remaining bills and resolutions on the Calendar not considered were laid on the table.

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, in the words of the great athlete and great actor and mediocre governor, Arnold Schwarzenegger, "I'll be back," November 12, so I will not comment now on any goodbyes or thank yous. I will wait until November 12.

I rise very quickly to thank a gentleman, Bob Marcus, who served with such distinction on the Pennsylvania Liquor Control Board. As you know, he was appointed back in 2007 under Governor Rendell. He was unanimously confirmed at that time by the State Senate and reconfirmed, again, with a 4-year term ending in October, and then he continued on as well. He has been a great leader of that board and of that important corporation, and it really is a billion-dollar corporation. I think most folks have had the pleasure of working with Mr. Marcus, they know he is a very distinguished and successful attorney in a firm. He hails from Indiana, PA, and has a lot of other, obviously, philanthropic and community minded parts of his resume, and I want to stand and thank him very much for his years of dedicated public service. He chose not to seek reappointment.

I do want to say, all of us in our Democratic Caucus were supportive, myself especially, of our new appointee. I thank the Governor, the Senate Majority, and our Democratic colleagues for uniting in the appointment of Michael Negra to be a new board member to the LCB. He has a good background, both in small business as well as the nonprofit sector. He has a particular interest and he has become learned in the area of fine wines, and that, to me, is a plus for somebody who is going to take over a great State Store system that generates and returns back to the State government in excess of \$500 million a year. Great wines appear on Pennsylvania State Store shelves at Fine Wine & Good Spirits Stores that are growing and being remodeled throughout this State. Wines from the Pennsylvania Preferred list, local wineries that have special consideration on the shelves of these stores throughout the Commonwealth to promote the great wineries and jobs and the characteristics of these local, small, unique businesses that are growing and growing in Pennsylvania that

would never happen at mom-and-pop liquor stores if we ever got rid of the State Store system, in all due respect, Mr. President.

So, again, I thank Mr. Marcus for his years of service and for really helping to bring the State Stores into such a quality experience that the consumers welcome, that they appreciate, they continue to support the well-paying jobs in the system, the tremendous amount of revenue that is returned to State government. And regardless of Mr. Negra, I think all of the current board members readily state, without hesitation, that they take direction ultimately from the State legislature, and if the legislature dictates a particular piece of legislation, they will be forced to honor that. I think in the next legislative Session, and maybe with the next Governor, we will all come to our senses and work on the issue of modernization, my Senate Bill No. 800, and I think all good things will come in the future.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, as this legislative Session sputters to a close, I feel compelled to express my frustration over this legislature's inability to get anything done on property tax relief. Despite all of the talk, bipartisan commitment, and good intentions, we cannot seem to get this done. I get that property tax relief is a complicated issue and that we need to give our schools and our communities viable alternative options, but let us face it: the legislature has been anguishing over this issue for more than 30 years. We look like a bunch of political windbags who talk and talk but do not have the guts to walk the walk.

Mr. President, what I find so disappointing is that there were some really great ideas being offered in this Session by Democrats and Republicans, from Senate Bill No. 76 to senior citizen property tax freeze proposals. I really thought that we would at least make some progress, but it did not happen. We failed. Our failure means that more and more senior citizens and working families will struggle to keep their homes. It means that small cities and communities with shrinking tax bases and dwindling revenue will again turn to already overtaxed homeowners. It means that our real estate market must continue to overcome very real obstacles that discourage young families from seeking homeownership.

Now, let us face it. We cannot continue to shoot our mouths off about our determination to cut property taxes and then meekly return home empty-handed like we will do again this year. There is no one left to blame but ourselves. In the coming Session, let us please make property tax relief the priority it needs to be. While we figure out a way to totally do away with this unfair and onerous tax system, let us start chipping away at this problem. Let us see to it that the revenue meant for property tax relief goes to property tax relief.

While gaming relief dollars have been no panacea for our beleaguered property taxpayers, our 12 casinos have generated over \$4.7 billion for property tax relief since our first casino opened in 2006. What many people do not know, however, is that this only represents some of the gaming proceeds. There are millions of dollars in diverted casino licensing fees and even more in table game revenues that end up being dumped into the State's General Fund. Mr. President, the General Fund reaped over \$90 million in table games revenues in 2013 alone. If this money were applied to the property tax relief fund as it should have been, and as we promised property taxpayers, we would

have provided 15 percent more in property tax relief to struggling homeowners in this year alone. Our September gaming revenues were just released. The table game revenue is 3.5 percent higher than last September, but our slots revenue dipped by 2.2 percent over the same month last year. Unfortunately, this loss of revenue seems to be a downward trend. What that means, Mr. President, is that funding for property tax relief is decreasing because they are only tied to slot revenue.

We need to shift our table game revenues to property tax relief purposes. We promised that to taxpayers. I will introduce my legislation when we reconvene in January to rectify this. Our gaming law was passed on a promise that proceeded to be used. All of those gaming proceeds, we told the taxpayers, would be used for property tax relief, and that did not happen. So my legislation would try to correct that issue and assure homeowners that they get the property tax relief that they deserve and that was promised to them.

Thank you, Mr. President.

BILLS SIGNED

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

SB 428, SB 508, SB 720, SB 1135, SB 1180, SB 1239, SB 1355 and HB 2345.

RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, November 12, 2014, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 1:47 p.m., Eastern Daylight Saving Time.