

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, MARCH 25, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 21

**SENATE**

WEDNESDAY, March 25, 2009

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

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

**PRAYER**

The Chaplain, Reverend MICAH McMILLEN, Pastor of Old Mahoning Baptist Church, Home, offered the following prayer:

Let us bow in prayer.

Heavenly Father, as we thank You for another day, we rejoice in the sunshine. We are looking forward to the springtime, as it brings signs of new life. We thank You for the privilege to live in the United States of America and to be residents of this great State. We ask You for wisdom for these Senators as they represent us, as they formulate and pass legislation that is important to our State. We ask You to grant them discernment and help them to be courageous when they face opposition. Help them to be fearless in the face of opponents. We ask You to give them strength, encourage their hearts, and bless their families. Thank You for another opportunity to gather. Keep us safe as we go our separate ways. These things we ask in Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend McMillen, who is the guest today of Senator Don White.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

**Weekly recess.**

**RESOLUTION INTRODUCED AND REFERRED**

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

March 25, 2009

Senators HUGHES, WASHINGTON, STOUT, TARTAGLIONE, BAKER, FERLO, MELLOW, GREENLEAF, ERICKSON, BOSCOLA and STACK presented to the Chair **SR 57**, entitled:

A Resolution designating the week of March 22 through 28, 2009, as "Cover the Uninsured Week" in Pennsylvania.

Which was committed to the Committee on BANKING AND INSURANCE, March 25, 2009.

**APPOINTMENTS BY THE  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator David G. Argall as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Jane M. Earll as a member of the Advisory Council for the Pennsylvania Soldiers' and Sailors' Home.

Senator John H. Eichelberger, Jr., as a member of the Advisory Council for the Hollidaysburg Veterans' Home.

Senator John R. Gordner as a member of the Pennsylvania Workforce Investment Board.

Senator Charles T. McIlhinney, Jr., as a member of the Commonwealth of Pennsylvania Council on the Arts.

Senator Robert J. Mellow as a member of the Advisory Council for the Gino J. Merli Veterans' Center.

Senator John R. Pippy as a member of the Pennsylvania Housing Advisory Committee and as a member of the Film Advisory Board.

Senator Robert M. Tomlinson as a member of the Advisory Council for the Delaware Valley Veterans' Home.

Senator Donald C. White as a member of the Board of Directors of the Pennsylvania Infrastructure Investment Authority.

Senator Robert C. Wonderling as a member of the Pennsylvania Public Television Network Commission.

Senator Gene Yaw as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Mr. Troy J. Harper, Esquire, as a member of the Small Business Council.

Mr. Jonathan Peri as a member of Tuition Account Programs Advisory Board.

Mr. Frederick C. Tecce, Esquire, as a member of the Tobacco Settlement Investment Board.

**BILLS REPORTED FROM COMMITTEES**

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

**SB 168 (Pr. No. 138)**

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts; and providing for additional contracting authority for electric power and energy.

**SB 317 (Pr. No. 315)**

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for commissioners sole contractors for county, for contract procedures, terms and bonds and advertising for bids and for evasion of advertising requirements.

**SB 318 (Pr. No. 316)**

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further regulating contracts as to purchasing and advertising requirements.

**SB 319 (Pr. No. 317)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for competitive bidding of contracts.

**SB 320 (Pr. No. 318)**

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for contracts and acquisition of property and for general regulations concerning contracts.

**SB 321 (Pr. No. 319)**

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts, for evasion of advertising requirements and for certain purchase contracts.

**SB 322 (Pr. No. 320)**

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts; providing for annual adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and for separate bids for plumbing, heating, ventilating and electrical work.

**SB 323 (Pr. No. 321)**

An Act amending Titles 53 (Municipalities Generally) and 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for competitive bidding of contracts by intergovernmental units, by parking authorities, by municipal authorities and by metropolitan transportation authorities.

**SB 324 (Pr. No. 322)**

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further regulating contracts and purchases.

**SB 325 (Pr. No. 323)**

An Act amending the act of August 6, 1936 (Sp.Sess., P.L.95, No.38 1/2), entitled "An act to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes," further providing for competitive bidding of contracts.

**SB 326 (Pr. No. 324)**

An Act amending the act of April 29, 1937 (P.L.526, No.118), referred to as the Political Subdivision Joint Purchases Law, increasing the amount of purchases that may be made subject to certain conditions.

**SB 327 (Pr. No. 325)**

An Act amending the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law, increasing the dollar amount of supplies and materials which may be purchased without advertising.

**SB 419 (Pr. No. 420)**

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals; and providing for electronic publication of legal advertising.

Senator ERICKSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 59 (Pr. No. 758) (Amended)**

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for application for registration certificate, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure.

**SB 446 (Pr. No. 759) (Amended)**

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 registration districts and local registrars' duties, for death and fetal death registrations and for reports.

Senator YAW, from the Committee on Urban Affairs and Housing, reported the following bills:

**SB 331 (Pr. No. 329)**

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for awards of contracts, completion bond, additional bond for protection of materialmen and others.

**SB 468 (Pr. No. 760) (Amended)**

An Act amending the act of October 30, 1996 (P.L.732, No.131), known as the Pennsylvania Innkeepers' Rights Act, providing for prospective employee background checks.

**SB 599 (Pr. No. 649)**

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program.

**RESOLUTIONS REPORTED  
FROM COMMITTEES**

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

**SR 41 (Pr. No. 643)**

A Resolution designating the week of April 12 through 18, 2009, as "Local Government Week" in Pennsylvania.

Senator ERICKSON, from the Committee on Public Health and Welfare, reported the following resolution:

**SR 56 (Pr. No. 681)**

A Resolution designating April 16, 2009, as "Healthcare Decisions Day" in Pennsylvania.

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

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Baker, Senator Folmer, and Senator Piccola, and a legislative leave for Senator Earll.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Baker, Senator Folmer, and Senator Piccola, and a legislative leave for Senator Earll. Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS  
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of March 17, 2009, and March 18, 2009, are now in print.

The Clerk proceeded to read the Journals of the Sessions of March 17, 2009, and March 18, 2009.

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-50**

|              |            |             |                |
|--------------|------------|-------------|----------------|
| Alloway      | Ferlo      | O'Pake      | Vance          |
| Argall       | Folmer     | Orie        | Vogel          |
| Baker        | Fontana    | Piccola     | Ward           |
| Boscola      | Gordner    | Pileggi     | Washington     |
| Browne       | Greenleaf  | Pippy       | Waugh          |
| Brubaker     | Hughes     | Rafferty    | White, Donald  |
| Corman       | Kasunic    | Robbins     | White, Mary Jo |
| Costa        | Kitchen    | Scarnati    | Williams       |
| Dinniman     | Leach      | Smucker     | Wonderling     |
| Earll        | Logan      | Stack       | Wozniak        |
| Eichelberger | Mcllhinney | Stout       | Yaw            |
| Erickson     | Mellow     | Tartaglione |                |
| Farnese      | Musto      | Tomlinson   |                |

**NAY-0**

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

The PRESIDENT. The Journals are approved.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. Senator Baker, Senator Folmer, and Senator Piccola have returned, and their temporary Capitol leaves are cancelled.

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR ROBERT WONDERLING  
PRESENTED TO THE SENATE**

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

Senator WONDERLING. Mr. President, it is indeed my honor and pleasure today to introduce a young gentleman who is participating in our Wondership Program in our Northampton County district office, and that is Alan Mark Raisman. Alan is a junior at Lafayette College, where he is majoring in international studies and minoring in government and law. He is providing vital constituent work and legislative research for our office during the time of his internship, and he plans to attend graduate school and someday hopefully run for office. But also, it is a great recognition of honor for Alan that he has been accepted this summer to attend the National Institute of Justice. So, Mr. President, I ask that we offer Alan Raisman our hearty and warm Senate welcome.

The PRESIDENT. Would the guest of Senator Wonderling please rise and be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR ANTHONY WILLIAMS  
PRESENTED TO THE SENATE**

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

Senator WILLIAMS. Mr. President, I am honored today to recognize some very special guests from my district who are here today, the Jones family. Mr. and Mrs. Jones are here today with us, and they brought their daughter, Lauryn, to see the State Capitol. They are actually on a personal tour of their own, and they thought that the consequence of what we do here is so significant that they wanted their child to witness it. They had the

benefit earlier of being on this floor and taking photographs. Some people in Philadelphia actually know Larry, as I do, affectionately as the head of the charter school Richard Allen Preparatory in Philadelphia County. And those of us who enjoy families across Pennsylvania recognize him as a pioneer in the charter school movement. But today, he is a father, along with his lovely wife, who is a proud mother. I would like this body to recognize the Jones family.

By the way, it was Lauryn who hit your gavel earlier who forced you to get up here on time so that we could start on time, so I would like us to welcome her.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Williams please rise to be welcomed by the Senate.

(Applause.)

#### **GUESTS OF SENATOR PATRICK M. BROWNE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I have the pleasure to introduce three outstanding individuals who are working as interns in my local office, doing a great job serving the residents of the 16th Senatorial District. They include Andrew Rhodes, who is a sophomore at Muhlenberg College and is majoring in psychology as well as media and communications; Johanna Cespedes, who is a senior at DeSales and is majoring in communications as well; and Xavier Olivares, who is a senior at Muhlenberg College in Allentown and is majoring in business administration. Please give them a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Browne please rise to be welcomed by the Senate.

(Applause.)

#### **GUESTS OF SENATOR LLOYD K. SMUCKER PRESENTED TO THE SENATE**

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

Senator SMUCKER. Mr. President, it is my pleasure to introduce guests today, visitors who I believe would win the farthest-traveled award. Visiting the Senate today are 10 citizens of China, who are members of the Shanghai Executive Training Program hosted by Millersville University, which is located in my district. The program was established in 1998 between Millersville University and the Shanghai Municipal Government. Participants in the program are Chinese executive business and government managers. Since 1983, 83 Chinese executives have enrolled in the program and returned to China, where they have been instrumental in the rapid changes taking place in that country.

The Executive Training Program is designed to provide a high-quality educational opportunity for Chinese executives to learn about U.S. business principles and practices, to improve Chinese and U.S. relations, and to enhance mutual understanding necessary for successful economic and cultural exchanges in the future. Program participants visit various companies, government offices and agencies, community organizations, schools, hospi-

tals, and retirement communities. These extended visits in an actual business setting enhance the principles learned in the classroom and help the participants develop an understanding of the United States through hands-on experience.

The program is also a great resource for the Pennsylvania business community in exploring business opportunities in China, as well as promoting opportunities for Chinese investment in the Commonwealth. Regardless of business opportunities gained, the most important aspect of the program is its effectiveness in fostering mutual understanding between the people of our nations. I am delighted that they could visit today. Please give them a warm Pennsylvania welcome.

The PRESIDENT. Would the guests of Senator Smucker please rise and be welcomed by the Senate.

(Applause.)

#### **GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, I would like to welcome to the Senate today George and Marc Luciani. They are both here today with us as a result of a charitable event involving the Delaware Valley Orchestra. George is president of the Capital Planning Advisory Group located in Yardley, which has been in business for 24 years. As a certified financial planner, he specializes in planning and portfolio asset management. A graduate of Villanova University, he resides in Solebury. His son, Marc, is a retirement planning service representative at Merrill Lynch/Bank of America. He is a corporate specialist who manages retirees' financial products and basic estate planning. A graduate of Duquesne University, Marc resides in Bensalem. George and Marc are lifelong Pennsylvania residents, and this is their first visit to our beautiful Capitol. Will the Senate please give them a warm welcome to the Capitol today. Thank you.

The PRESIDENT. Would the guests of Senator Tomlinson please rise to be welcomed by the Senate.

(Applause.)

#### **GUESTS OF SENATOR KIM L. WARD PRESENTED TO THE SENATE**

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

Senator WARD. Mr. President, I hope you will join me in welcoming Dimension X. Dimension X is a communication and technology company located in Jeannette, Pennsylvania, and we have Heather Piper, just so you know, whom I have known since our days when we did karate together, Robert McClelland, and Norman Wright, and they came today to tour the Capitol and demonstrate just what can be done as it pertains to communications and technology. So please join me in welcoming the folks from Dimension X.

The PRESIDENT. Would the guests of Senator Ward please rise to be welcomed by the Senate.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

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

SB 189 (Pr. No. 746) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

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

On the question, Shall the bill pass finally?

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

YEA-50

Table listing names of senators in support of SB 189: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Logan, McIlhinney, Mellow, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wonderling, Wozniak, Yaw.

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 REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 442 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

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

SB 443 (Pr. No. 749) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a system for payment or reduction in payment for preventable serious adverse events within this Commonwealth; and

providing for the powers and duties of the Department of Health and the Department of State.

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

On the question, Shall the bill pass finally?

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

YEA-50

Table listing names of senators in support of SB 443: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Logan, McIlhinney, Mellow, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wonderling, Wozniak, Yaw.

NAY-0

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

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

SB 490 (Pr. No. 750) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1955 (P.L.865, No.256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams, and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land," providing for an interfund transfer; making appropriations from the Oil and Gas Lease Fund; authorizing an expenditure; and making editorial changes.

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

On the question, Shall the bill pass finally?

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

Senator COSTA. Mr. President, I respectfully ask if the prime sponsor would stand for interrogation.

The PRESIDENT. She indicates she will.

Senator COSTA. Mr. President, the first question I have as it relates to Senate Bill No. 490 is, this is legislation that proposes transferring \$174 million from the Oil and Gas Lease Fund, as

