

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MAY 6, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 33

SENATE

WEDNESDAY, May 6, 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 JOHN E. LAMB, Pastor of Saint Luke's Evangelical Lutheran Church, Allentown, offered the following prayer:

Let us pray.

God of mercy, wisdom, and peace, You were the inspiration for many who founded this great Commonwealth of Pennsylvania. Today, we pray for inspiration of high values to resound in this Chamber so that Pennsylvania may be a place of liberty and justice for all. From the shores of Lake Erie to the banks of the Delaware River, for those born here and for those who choose to live here, we pray that as gentle rains have saturated the soil and filled the rivers, that a spirit of cooperation will fill and saturate this Chamber, across the aisles of political party or regional differences. May this Chamber, this State, and our nation be places where no voice is belittled but all have voices that are heard. And today, we pray that as this building is a place of great beauty for the eye, the laws from this Capitol may be beauty for all people, especially the weak and vulnerable. In Your name, God and Father of all nations and tribes and creeds, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Lamb, who is the guest today of Senator Browne.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 5, 2009

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, James T. Davis, 400 Mountain View Drive, Brownsville 15417, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Robert Wetzel, Washington, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 5, 2009

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, Annette D. Ganassi, 357 Pheasant Run Lane, Champion 15622, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Cheri L. Bomar, Bethel Park, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 5, 2009

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, Robert J. Irej, 126 Diane Drive, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of Cali-

ifornia University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 5, 2009

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, The Honorable Larry O. Maggi, 269 East Buffalo Church Road, Claysville 15301, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Kristina Bologna, Sewickley, whose term expired.

EDWARD G. RENDELL
Governor

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of April 29, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of April 29, 2009.

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

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

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

YEA-50

Alloway	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	McIlhinney	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 Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN EICHELBERGER
PRESENTED TO THE SENATE**

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

Senator EICHELBERGER. Mr. President, it is my pleasure to introduce a group from Bedford High School that is participating in Classrooms for the Future Day. The four students are here today with their Classrooms for the Future coach, Mr. John Diehl, who is a teacher; Mr. Bruce Lightner; and their principal, Dr. Danny Webb. They are displaying their projects on Pennsylvania landfills and recycling and also showing their 21st-century skills in technology. The students are Kathleen Sallada, Katelyn Petrie, Dustin Williams, and Mark Will. Please join me in welcoming this wonderful group from Bedford High School.

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

(Applause.)

**GUESTS OF THE PRESIDENT
PRESENTED TO THE SENATE**

The PRESIDENT. It is the Chair's honor to introduce guests here today. I have eight students and two teachers from Tioga School District seated in the gallery. They are here participating in the Classrooms for the Future Capitol Day. Would the guests from Tioga County 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, it is with great pleasure that I introduce and welcome students from Hempfield Area High School in Westmoreland County. They are the Project 18 class, their instructors, and a couple of parents. They are here all week to learn about our government. These students do political work and learn to do community service, which is required by the class. They have been a great asset to our community in general, and I am very happy to have them here.

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

(Applause.)

**GUESTS OF SENATOR JOHN R. GORDNER
PRESENTED TO THE SENATE**

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

Senator GORDNER. Mr. President, it is my privilege to introduce Ryan Peteraf, who is here as a guest shadow for career day today. He is an eighth grader at Selinsgrove Area Middle School. He is the son of Steve Peteraf of Kitzertville, who is with his son. Ryan is interested in politics and government, and his aunt was the late Fran Weston, who served as a Member of the House of Representatives from 1981 to 1990. So I ask the Senate to give a warm welcome to Ryan and his father, Steve.

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

(Applause.)

**GUESTS OF SENATOR PATRICIA H. VANCE
PRESENTED TO THE SENATE**

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

Senator VANCE. Mr. President, I am pleased to welcome to the Senate students from the Carlisle Christian Academy. We have three seniors and nine juniors and their advisor, Andy Shaw, and I hope that we give them a warm welcome.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL BRUBAKER
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is a privilege of mine to introduce students from my hometown school district, Warwick School District. They are here today to demonstrate a yearlong project that they worked on. They actually put together a book. They had an illustrator who graduated from the school last year, and the authors of this book are here today. They did a fantastic job on this project, and it is quite an accomplishment that they will be able to talk about for the rest of their lives. I would like the Senate to give them a warm welcome, please.

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

(Applause.)

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, May 6, 2009

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, June 1, 2009, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, May 11, 2009, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of May 11th, it reconvene on Monday, June 1, 2009, unless sooner recalled by the Speaker of the House of Representatives.

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

**SPECIAL ORDER OF BUSINESS
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, I am pleased to welcome, as well, three groups of students in regard to the Classrooms for the Future Student Capitol Day. I would like to salute, specifically, the students and teachers who are transforming teaching and learning in Pennsylvania high schools. These folks have traveled to the Capitol today to share their projects. I have seen those projects. I am impressed with what they are learning through the new technologies they have available in their classrooms.

Each of these three districts I share representation with a colleague of mine. Senator Brubaker and I would like to welcome a group from Hempfield High School. Their advisor is Sarah DeMaria, and their coach is Susan Allen.

And Senator Waugh and I would like to welcome a group of students from York Suburban, their coach is Aly Tapp; and a group from Red Lion School District, their advisor is with them, Stacy Wolfe. So would you please welcome all of them to the Senate today.

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

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 850 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 59 (Pr. No. 758) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	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	McIlhinney	Stout	Yaw
Erickson	Mellow	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

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

BILL AMENDED

SB 105 (Pr. No. 976) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator BROWNE offered the following amendment No. A1049:

Amend Bill, page 2, line 14, by striking out "A" and inserting:

Disbursements of funds related to a

Amend Bill, page 2, line 24, by striking out "A" and inserting:

An individual,

Amend Bill, page 2, line 25, by inserting after "partnership," where it occurs the first time:

limited liability partnership,

Amend Bill, page 4, lines 7 through 9, by striking out all of lines 7 and 8 and "(10)" in line 9 and inserting:

(9)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 142 (Pr. No. 997) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for civil penalties; providing for confidentiality of information; and making related repeals.

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-49

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

NAY-1

Ferlo

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

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

BILLS OVER IN ORDER

SB 380, SB 531 and SB 573 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 6 (Pr. No. 995) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Commission on Stimulus Accountability; and providing for review and monitoring of funding being disbursed or made available to the Commonwealth under the American Recovery and Reinvestment Act of 2009.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

SB 81 (Pr. No. 996) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining for the definition of "eligible entity" and adding definitions; further providing for general powers of the board, for wine marketing and for Sunday retail sales by Pennsylvania Liquor Stores; and, in licenses and regulations relating to liquor, alcohol and malt and brewed beverages, further providing for interlocking businesses prohibited, for number and kinds of licenses allowed same licensee and for unlawful acts relative to liquor, malt and brewed beverages and licenses issued.

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

BILL OVER IN ORDER

SB 45 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 84 (Pr. No. 1381) -- 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; developing bulletins; and providing for the powers and duties of the Department of Public Welfare, the Department of Health and the Department of State.

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

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

BILLS ON SECOND CONSIDERATION

SB 101 (Pr. No. 178) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for a penalty.

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

SB 110 (Pr. No. 181) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for logging of certain aircraft flights.

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

BILLS OVER IN ORDER

SB 143, SB 196, HB 262 and HB 263 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 297 (Pr. No. 982) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for well reporting requirements.

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

BILLS OVER IN ORDER

SB 303, SB 354, SB 383 and SB 617 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 718 (Pr. No. 797) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for the Wireless E-911 Emergency Services Fund.

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

BILLS OVER IN ORDER

SB 783 and SB 829 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1089 (Pr. No. 1573) -- 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, in health and accident insurance, providing for group health policies to continue for period of time after termination of employment or membership in health maintenance organizations.

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

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

SENATE RESOLUTION No. 32, ADOPTED

Senator PILEGGI, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 32**, entitled:

A Resolution urging the Citizens Stamp Advisory Committee to recommend and the United States Postal Service to issue a stamp honoring recipients of the Purple Heart as a "Forever," or perpetual, stamp.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

SENATE RESOLUTION No. 78, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 78**, entitled:

