

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, JUNE 17, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 42

SENATE

MONDAY, June 17, 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 WAYNE A. LOWE, Jr., of Presbyterian Church of Falling Spring, Chambersburg, offered the following prayer:

Good morning. Greetings from Chambersburg. As a short preface to prayer, I want to tell a story about Steve Jobs. As you know, he is the co-founder of Apple Computer and recently has been diagnosed with pancreatic cancer. If there is anything he has learned about this state in his life, it is that life is temporary. Despite all of the things that he has helped to develop, these things all fall away in the face of tragic illness.

He said, "Remembering that I'll be dead soon is the most important tool I've ever encountered to help me make the big choices in life. Because almost everything--all external expectations, all pride, all fear of embarrassment or failure--these things just fall away in the face of death, leaving only what is truly important. Remembering that you are going to die is the best way I know to avoid the trap of thinking you have something to lose. You are already naked."

And that is how it should be, because mortality is the single best invention of life. It is life's change agent. The words from Paul's letter to the Corinthians say this: Now we know that if the earthly tent we live in is destroyed, we have a building from God, a house eternal in the heavens, not built by human hands. For this we are made, this mansion in the heavens.

Allow me to pray for you today.

O God of life and life eternal, we pray this day for a healthy dose of reality. Help us to know that when we receive the promise of our heavenly mansion, we have nothing to lose. Because of Your promise, we can live without fear and unafraid of failure. So grant to these men and women wisdom and courage to navigate this day and to discern the very thorny issues that lie before them. This day, I lift to Your grace these men and women who represent the people of this great Commonwealth. Sustain their energy for service. Speak clearly to their consciences. Protect them and their families with Your very self. This I pray in God's holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Lowe, who is the guest today of Senator Alloway.

PLEDGE OF ALLEGIANCE

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

BILLS INTRODUCED AND REFERRED

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

June 17, 2009

Senators ARGALL, YAW, PIPPY, ERICKSON, RAFFERTY, KASUNIC, WONDERLING, COSTA, O'PAKE, BROWNE, BAKER, FERLO, WASHINGTON, ALLOWAY, BOSCOLA, STACK, EARLL, EICHELBERGER, WILLIAMS, WARD, TOMLINSON and LOGAN presented to the Chair **SB 900**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for neighborhood blight reclamation and revitalization.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 17, 2009.

Senator DINNIMAN presented to the Chair **SB 904**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to West Bradford Township, certain lands situate in West Bradford Township, Chester County.

Which was committed to the Committee on STATE GOVERNMENT, June 17, 2009.

Senators DINNIMAN, BOSCOLA, FONTANA, O'PAKE, RAFFERTY, SMUCKER and WASHINGTON presented to the Chair **SB 965**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for limitation on certain governmental actions.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 17, 2009.

Senators DINNIMAN, WASHINGTON, SMUCKER, RAFFERTY, O'PAKE, FONTANA and BOSCOLA presented to the Chair **SB 966**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 17, 2009.

Senators DINNIMAN, FONTANA, STOUT, WILLIAMS, LOGAN and COSTA presented to the Chair **SB 967**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for basic education funding for student achievement and for accountability to Commonwealth taxpayers.

Which was committed to the Committee on EDUCATION, June 17, 2009.

Senators DINNIMAN, FONTANA, O'PAKE, RAFFERTY, STOUT, WILLIAMS, ORIE and BOSCOLA presented to the Chair **SB 968**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for use of restraints, seclusion or other aversive techniques.

Which was committed to the Committee on EDUCATION, June 17, 2009.

Senator EICHELBERGER presented to the Chair **SB 969**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Altoona Regional Health System certain lands situate in the City of Altoona, Blair County.

Which was committed to the Committee on STATE GOVERNMENT, June 17, 2009.

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:

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

June 17, 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 O. Baldi, Esquire, 123 West Bridge Street, New Hope 18938, Bucks County, Tenth Senatorial District, for appointment as Judge, Court of Common Pleas, Bucks County, to serve until the first Monday of January 2010, vice The Honorable Mitchell S. Goldberg, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
GREENE COUNTY

June 17, 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, Farley Toothman, Esquire, 173 South Morris Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as Judge, Court of Common Pleas, Greene County, to serve until the first Monday of January 2012, vice The Honorable H. Terry Grimes, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 17, 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, Roger F. Gordon, Esquire, 1301 Filbert Street, Philadelphia 19107, Philadelphia County, First Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2012, vice The Honorable William J. Mazzola, resigned.

EDWARD G. RENDELL
Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 17, 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, Joseph C. Waters, Jr., Esquire, 200 Locust Street, Apt. 15-B, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Ronald Merriweather, mandatory retirement.

EDWARD G. RENDELL
Governor

RECALL COMMUNICATIONS 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:

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

June 17, 2009

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 March 18, 2009, for the appointment of Robert O. Baldi, Esquire, 123 West Bridge Street, New Hope 18938, Bucks County, Tenth Senatorial District, as Judge, Court of Common Pleas, Bucks County, to serve until the first Monday of January 2010, vice The Honorable Mitchell S. Goldberg, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
GREENE COUNTY

June 17, 2009

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 March 17, 2009, for the appointment of Farley Toothman, Esquire, 173 South Morris Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, as Judge, Court of Common Pleas, Greene County, to serve until the first Monday of January 2012, vice The Honorable H. Terry Grimes, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 17, 2009

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 March 18, 2009, for the appointment of Roger F. Gordon, Esquire, 1301 Filbert Street, Philadelphia 19107, Philadelphia County, First Senatorial District, as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2012, vice The Honorable William J. Mazzola, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 17, 2009

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 March 17, 2009, for the appointment of Joseph C. Waters, Jr., Esquire, 200 Locust Street, Apt. 15-B, Philadelphia 19106, Philadelphia County, First Senatorial District, as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Ronald Merriweather, mandatory retirement.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 731**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 170**, with the information the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

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

June 17, 2009

HB 68 -- Committee on Judiciary.

HB 155 -- Committee on Transportation.

HB 271 and **1481** -- Committee on Finance.

HB 1119 -- Committee on Banking and Insurance.

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.

APPOINTMENT BY THE MINORITY LEADER

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

Mr. Christopher R. Booth as a member of the Board of Trustees of Drexel University.

GENERAL COMMUNICATION

REPORT PURSUANT TO ACT 3 OF 2008

PENN STATE

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

The Pennsylvania State University
408 Old Main
University Park, PA 16802-1505

June 11, 2009

The Honorable Joseph Scarnati
President Pro Tempore
292 Main Capitol Building
Harrisburg, PA 17120

Re: The Pennsylvania State University Right to Know Report - Correction

Dear Senator Scarnati:

It has come to my attention that there is an error on the University's Right-to-Know Law Report that was submitted on May 29, 2009. The lobbying expense reported on Schedule A, Part II, line 1 (i.e., page 13), originally reported as \$724,332, should have been \$830,085. The revised \$830,085 figure equals the amount of lobbying expense already reported in Part VI-B (on page 17) of the report. Attached is a revised page 13 of the report.

We apologize for any confusion or inconvenience this may have caused.

Sincerely,

JOSEPH J. DONCSEZ
Corporate Controller

The PRESIDENT. This report will be filed in the Library.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the presence of the Senate signed the following bill:

SB 170.

BILLS REPORTED FROM COMMITTEES

Senator BROWNE, from the Committee on Finance, reported the following bills:

SB 1 (Pr. No. 1043)

An Act establishing the Legislative Fiscal Office and providing for its powers and duties; and making a related repeal.

SB 122 (Pr. No. 95)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for tax credits.

SB 639 (Pr. No. 694)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales tax and for exemption certificates.

SB 778 (Pr. No. 874)

An Act amending the act of December 17, 1986 (P.L.1693, No.202), known as the New Home Construction Local Tax Abatement Act, further providing for procedure for obtaining an exemption.

SB 892 (Pr. No. 1062)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for program evaluation.

HB 1182 (Pr. No. 1830)

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining "crimes related to public office or public employment"; and further providing for disqualification and forfeiture of benefits.

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

SB 460 (Pr. No. 1175) (Amended)

An Act providing for the regulation of indoor tanning facilities and for penalties.

SB 700 (Pr. No. 823)

An Act providing loans for health information technology.

HB 372 (Pr. No. 390)

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, in licensing of health care facilities, further providing for definitions; and providing for complaint investigations.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 30 (Pr. No. 391)

A Resolution designating the week of September 21 through 27, 2009, as "Mitochondrial Disease Awareness Week" in Pennsylvania.

SR 138 (Pr. No. 1162)

A Resolution designating September 2009 as "Polycystic Kidney Disease Awareness Month" in Pennsylvania.

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

SPECIAL ORDER OF BUSINESS JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of June 9, 2009, and June 10, 2009, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 9, 2009, and June 10, 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	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 Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR VINCENT J. HUGHES
PRESENTED TO THE SENATE**

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

Senator HUGHES. Mr. President, I would like to take this opportunity to recognize six young people with whom we have been working this spring and throughout this summer, who are part of our Youth Employment Initiative, which creates various opportunities for internship and employment all around southeastern Pennsylvania. Here with us today on their trip to Harrisburg are Naim Aleem, Abu Edwards, Amber Sims, Gabrielle Bright, Lisa Bradley, and Kusha Desai. Would the Senate please give them a warm round of applause in encouragement for their activities, Mr. President.

The PRESIDENT. Would the guests of Senator Hughes 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, I would like to introduce the winners of my student essay challenge. They wrote essays on what Memorial Day means to them. We received well in excess of 100 total surveys, and each and every one of them was outstanding. We had a group of volunteer teachers do the analysis and select nine winners. Those winners are in the gallery today, and they are Nick Fisher, Vallesa Carollo, Ryan Miller, Marilyn Ngo, Alec Rapp, Julea Truskey, Michaela Smith, Abigail Butler, and Alex Rivera. And I do apologize if I mispronounced any of those names. I will be sure the proper spellings get into the Senate record.

These talented men and women yielded multiple essays on Memorial Day. They were very moving, and they are here today with their parents. I would like the Senate to give them a warm welcome.

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

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 112 (Pr. No. 1091) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) and codifying Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, further providing for adoption of guidelines for resentencing, for adoption of guidelines for parole and for adoption of recommitment ranges following revocation of parole by board; providing for temporary release from county correctional institutions; further providing for sentence of total confinement; providing for parole without board supervision, for judicial power to release inmates and for transfers of inmates in need of medical treatment; further providing for State intermediate punishment; providing for other criminal provisions; amending the heading of Title 61; adding definitions, provisions relating to general administration of correctional institutions, State correctional institutions, county correctional institutions, house of detention for untried inmates and witnesses, inmate labor, medical services, visitation, inmate prerelease plans, motivational boot camp, execution procedure and method, recidivism risk reduction incentive, miscellaneous matters relating thereto, probation and parole generally, the Pennsylvania Board of Probation and Parole, County Probation and Parole Officers' Firearm Education and Training, and correctional institution interstate compacts; and making conforming amendments, editorial changes and repeals relating to codification.

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.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR DOMINIC F. PILEGGI
PRESENTED TO THE SENATE**

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

Senator PILEGGI. Mr. President, it is my pleasure this morning to introduce Rachel Drais Gentzler, the daughter of Debra Drais Gentzler of my staff. She is a resident of the 28th Senato-

