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TUESDAY, JUNE 23, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 44

SENATE

TUESDAY, June 23, 2009

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend Dr. CHRISTINE NELSON, of Lehigh County Conference of Churches, Allentown, offered the following prayer:

Good afternoon. Thank you for your service. And a special thanks to the gentlemen to my right who have served our country well.

Let us pray.

In the name of God, the beneficent, the merciful, hear our prayer. We praise You, Lord of the universe, who hath made us to know each other and to call upon You by many names. In our strength, we place before You our wisdom, our talents, our energies, our desire to serve the people of this State, nation, and world. Use every bit of us for the good of all. Our weaknesses, O God, we also place before You, those things which separate us from You and our neighbors. Our envies, our desire for power, those things we covet which take Your place, our tendency to yield to those who shout the loudest or offer the most reward.

Because God, You have shown a preference for the poor and the ordinary. Especially in the season of decisionmaking, of budget passing, show us how to best distribute the resources we have in our grasp. O God, show us how to provide for those who are old, who live in one room on a couple hundred dollars a month, who can no longer take care of themselves. O God, hear the cries of those who are 5 and are already under in life because they do not have enough - underdeveloped bodies because of lack of food, underdeveloped minds because of lack of teaching, underdeveloped spirits because of lack of love.

And God, hear the silence of those we would like to forget, those of all ages who struggle with mental retardation or mental illness, those who sleep in the woods and under bridges, those who do their best to keep their children silent so that no fist will land on their or their children's faces. Show us, O God, the way that can keep our industries growing and our ordinary citizens working.

We grow weary, Lord, of seeing Your face in every needy segment of our population and feeling that we cannot help them

all. We confess that we cannot. But You, God, in Your unfathomable love and generosity, can feed the 5,000 with the few loaves and fishes, can rain manna down daily in the wilderness. And so we place our trust in You to provide and commit our hearts and hands to be Your willing conduits of service. This, we pray. Amen.

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

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 985** and **HB 988**.

BILLS SIGNED

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

HB 370, HB 985 and HB 988.

BILLS REPORTED FROM COMMITTEES

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 925 (Pr. No. 1115)

An Act amending the act of October 9, 2008 (P.L.1438, No.118), known as the Massage Therapy Law, further providing for qualification for licensure and for other professions.

SB 973 (Pr. No. 1206) (Amended)

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "home improvement retailer"; and further providing for procedures for registration as a contractor and for prohibited acts.

HB 416 (Pr. No. 2247) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "licensing board" and "professional

or occupational license"; and defining the offense of impersonating the holder of a professional or occupational license.

HB 703 (Pr. No. 776)

An Act amending the act of January 24, 1966 (1965 P.L.1527, No.535), known as the Landscape Architects' Registration Law, further providing for application for license and qualifications and experience requirements of applicants and for continuing education.

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

SB 825 (Pr. No. 962)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military leave of absence, further providing for educational leave of absence.

SB 851 (Pr. No. 1140)

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, providing for an exemption from the Right-to-Know Law.

SB 891 (Pr. No. 1061)

An Act amending the act of March 14, 1919 (P.L.18, No.9), entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public, declaring the effect thereof; validating notarial acts heretofore performed by judge advocates, and declaring the effect thereof," providing for applicability, fees, signature and title as prima facie evidence and for definitions.

HB 1533 (Pr. No. 1900)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for military family relief assistance.

Senator GORDNER, from the Committee on Labor and Industry, reported the following bills:

SB 369 (Pr. No. 1197) (Amended)

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

SB 563 (Pr. No. 1198) (Amended)

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, further providing for definitions and for waiver of lien by claimant.

SB 821 (Pr. No. 1199) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for workers' compensation safety committees.

SB 951 (Pr. No. 1200) (Amended)

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for remedies and penalties.

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following bill:

SB 711 (Pr. No. 1196)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent and for the definitions of "conviction," "licensed entity" and "slot machine licensee"; providing for the definitions of "executive-level public employee," "licensed entity representative" and "trustee"; further providing for the Pennsylvania Gaming Control Board, for powers of the board and for code of conduct; providing for expenses of Pennsylvania Gaming Control Board; further providing for license or permit application hearing process and public hearings, for board minutes and records, for regulatory authority of board, for collection of fees and fines, for slot machine license fee, for reports of board, for license or permit prohibition, for slot machine license application character requirements, for applications for license or permit, for supplier licenses, for manufacturer licenses, for additional licenses and permits and approval of agreements, for license renewals, for change in ownership or control of slot machine licensees and for nonportability of slot machine license; providing for appointment of trustee; further providing for Pennsylvania Gaming Economic Development and Tourism Fund, for transfers from State Gaming Fund and for financial and employment interests; providing for prosecutorial and adjudicative functions; and further providing for investigations and enforcement and for conduct of public officials and employees.

Senator PICCOLA, from the Committee on Education, reported the following bills:

SB 629 (Pr. No. 1202) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for definitions; and providing for school social workers.

SB 820 (Pr. No. 1203) (Amended)

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 duties of public institutions of higher education, for the Transfer and Articulation Oversight Committee and for participation by independent institutions of higher education and for participation by State-related institutions.

SB 929 (Pr. No. 1204) (Amended)

An Act providing for the sale of certain course materials at institutions of higher education, for responsibilities of faculty and institutions of higher education and for college textbook rental pilot programs; and establishing the College Textbook Policies Advisory Committee.

SB 954 (Pr. No. 1205) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for emergency permits at approved private schools and chartered schools for the deaf and blind.

Senator McILHINNEY, from the Committee on State Government, reported the following bills:

SB 14 (Pr. No. 454)

An Act authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

SB 896 (Pr. No. 1083)

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for registration fees, fund established, system and regulations.

SB 904 (Pr. No. 1177)

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.

SB 969 (Pr. No. 1182)

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.

HB 1392 (Pr. No. 1713)

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Beaver County, being conveyed by Beaver County in return for the imposition of Project 70 restrictions on certain land being conveyed to Beaver County by the Department of Transportation.

**RESOLUTIONS REPORTED
FROM COMMITTEES**

Senator GORDNER, from the Committee on Labor and Industry, reported the following resolution:

SR 62 (Pr. No. 1201) (Amended)

A Resolution urging spending of Federal economic recovery funds on products that are made and services that are performed in the United States.

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following resolution:

SR 58 (Pr. No. 776)

A Resolution congratulating the Turning for Home program established by the Pennsylvania Thoroughbred Horsemen's Association at Philadelphia Park.

Senator McILHINNEY, from the Committee on State Government, reported the following resolutions:

SR 51 (Pr. No. 716)

A Resolution claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers, serving notice to the Federal Government to cease and desist certain mandates; providing that certain Federal legislation be prohibited or repealed and directing distribution.

SR 127 (Pr. No. 1066)

A Resolution urging the Commonwealth and all of its departments, agencies, boards and commissions to procure and utilize, where possible, Pennsylvania remanufactured automobile parts and equipment to perform their designated functions.

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

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of June 15, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of June 15, 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 SHIRLEY M. KITCHEN
PRESENTED TO THE SENATE**

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

Senator KITCHEN. Mr. President, I rise today to welcome and pay homage to a special group of men from Philadelphia, a

group of men who fought in World War II in spite of the racism and other hardships they endured in a country that treated them as second-class citizens. But because of them, we can all sit here as free citizens today. We now enjoy the freedoms which they fought so hard for, freedoms that many in the world today have never experienced. These men are the Tuskegee Airmen. It is with great honor that I present the Tuskegee Airmen: Mr. Henry L. Moore, Mr. Bertram Levy, Mr. Pierce T. Ramsey, and Dr. Eugene J. Richardson.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, it is truly an honor to introduce to the Senate the reigning Pennsylvania State Dairy Princess, LeeAnn Kapanick. LeeAnn is a resident of Crawford County, in my senatorial district, and a recent graduate of Saegertown High School, where she played on the girls' basketball team, served on the student council, and was active in the Key, history, and Spanish clubs. LeeAnn works at Schmidt Farms, a local dairy, owns three Holsteins, and is active in the 4-H club. Her interest in agriculture definitely runs in the family, since her parents, John and Stephanie, operate a 400-acre crop farm and raise beef cattle.

Contestants in the State Dairy Princess competition are judged on their speaking skills, knowledge of the dairy industry, poise, and personality. During the 3-day competition, each contestant prepared a speech and skit promoting milk and dairy products and was interviewed by a panel of four judges.

LeeAnn is joined today by her parents and her sister, Katie, as well as Junia Isiminger, executive director of the Pennsylvania Dairy Princess & Promotion Services, Inc. Additionally, LeeAnn is accompanied by the State alternate Dairy Princesses, Nicole Wasson of Centre County, and Abby Trotter of Lawrence County, who are seated in the Senate gallery.

Mr. President, I ask the Senate to extend its usual warm welcome to the reigning Pennsylvania State Dairy Princess, LeeAnn Kapanick, and her special guests.

The PRESIDENT. Would the Senate join in welcoming Senator Robbins' guests here to the Senate.

(Applause.)

Ms. KAPANICK. Good afternoon. Thank you for allowing me the opportunity to speak to you today as the Pennsylvania Dairy Princess on behalf of the Pennsylvania dairy farmers and their industry. Pennsylvania dairy farmers are essential to our State's economy and provide consumers with nutritious, safe milk and dairy products. Pennsylvania dairy farmers provide more than 10.6 billion pounds of milk to the marketplace, and dairy farmers, milk processors, and food manufacturers go to great lengths to insure that every one of those pounds is safe, wholesome, and of the highest quality.

Pennsylvania's dairy farms are the foundation of a vital economic engine for the State. Agriculture is the number one indus-

try in Pennsylvania, and the dairy industry is the largest segment of agriculture. The dairy industry generates \$1.56 billion of on-farm revenue and \$4.5 billion in economic revenue annually. Dairy represents nearly 40 percent of all Pennsylvania agricultural receipts. The industry represents more than 40,000 jobs somewhere in the food supply chain within the Keystone State, and every nine cows support one job somewhere within our Commonwealth. Pennsylvania has 55 fluid milk processors and 75 food manufacturers that provide an abundant supply of locally-produced milk and dairy products.

As you can see, without the dairy industry, our State would not be as we know it. There would be fewer jobs, less cash flow, and a weaker economy. As many in our economy, Pennsylvania dairy farmers are facing tough times. Because of the milk prices being 50 percent lower than 1 year ago, about 25 percent of Pennsylvania dairy farms could be lost by the end of 2009. What have helped some dairy farmers are the programs developed and coordinated by the Pennsylvania Center for Dairy Excellence. Without this organization, we would be seeing significantly higher farms being lost or already lost.

It is my utmost hope that we can work together to help the dairy farmers of Pennsylvania, which is why I would like to ask you -- no, I would like to challenge you to go out and talk to a local dairy farmer in your district about what needs to be changed or addressed within the legislature. After all, who better to talk to than the farmers themselves? Dairy needs legislative programs that can help to create positive feedback for their farms. The Ag Excellence line item supports programs that directly benefit farms. The Center for Dairy Excellence and other programs funded by this line item support grants, education, and other resources to help producers improve profitability. By creating more profitable dairy farm businesses, you can insure a long-term, local supply of milk for Pennsylvania's dairy processors and economic revenue for our rural economy. By talking, listening, and finding solutions to our problems, we can help Pennsylvania dairy farmers, and together, we can assist in keeping Pennsylvania growing. Thank you.

(Applause.)

GUESTS OF SENATOR ANTHONY WILLIAMS PRESENTED TO THE SENATE

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

Senator WILLIAMS. Thank you, Madam President. Oh, I am sorry, Mr. President. I am glad you all got the joke.

I want to return to the previous guests, the Tuskegee Airmen. For those who do not necessarily recognize the significance of the day, there are a number of those men who come from my particular district, and I really felt it was appropriate that the Pennsylvania Dairy Princess was here today with the Tuskegee Airmen.

Frankly, most of us look at this Commonwealth through our own limited perspective. That means the community from which we hail or the neighborhoods from which we come. But I cannot tell you that 9/11 has not left an imprint upon us as Pennsylvanians and Americans that will never depart our hearts and our memories - the day that we, as a nation, were attacked by people from a different country, a different way of thinking. But I cannot

imagine that there would not be any of us who would not have felt protected if the airways were not now a collage of human beings, people from different walks of life, different experiences, different neighborhoods, some from a dairy farm and some from the streets of Philadelphia, some from the suburbs of southeastern Pennsylvania and some from the middle of Pennsylvania.

The Tuskegee Airmen, today, represent the beginning of that collage of America, the intersecting of stereotypes and the parting of truth. And the truth is that all of us, regardless of where we come from, what our struggles were, and frankly, what our background was, we all want the same thing. We want to be respected. We want to be dignified. But most importantly, we want the freedom of this country to fall upon all of us equally. We want all of us to be valued as Americans, and we want all of us to fight for that freedom.

And so the significance of the Tuskegee Airmen being here with the Dairy Princess represents to me what my grandfather fought for. He was in a foxhole with a Dutchman and a Polish man. My other grandfather was in the airways with an Italian, and the reality is that all of those experiences were a part of my growth. I got to experience what it was to be an Italian during a holiday because I went to their homes. I understood what it meant to be a Polish person because I went to many of their festivals. I understood differently because their war experiences became a part of my life experience.

But the sacrifices of the Tuskegee Airmen, to define what America means and what it meant, is beyond what this hall can capture. I am grateful that we have some surviving members, but I am more grateful that the Commonwealth of Pennsylvania has finally recognized them and that this Senate, this wonderful place, has allowed us to recognize them. God bless them, and God bless us.

Thank you, Mr. President.
(Applause.)

GUESTS 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 afternoon, to introduce Kristi Keenan and Jennifer McLaughlin, interns in my district office who are visiting Harrisburg for the day.

Kristi resides in Chester, Delaware County. She will begin her junior year at Penn State University at Brandywine in the fall and is pursuing a bachelor of science and a business degree. She is interested in a career in the field of financial services, specifically the areas of banking and investment services. Kristi recently worked as an intern in the Delaware County courthouse in the public relations department and is very active in the community, serving as a children's soccer coach and a campaign volunteer.

Jen resides in Aston, Delaware County. In the fall, she will be completing her senior year at the University of Pittsburgh and will receive a bachelor of arts degree in English writing and bachelor of science degree in psychology. She is a member of the National Psychology Honor Society and the National Society of Collegiate Scholars. Jen is an active member of the Delta Delta Delta sorority and the Pre-Law Society, and serves as a volunteer at the University of Pittsburgh Medical Center at Shadyside.

Both Kristi and Jen are seated in the gallery today. Mr. President, I ask that we extend our traditional warm welcome to Miss Kristi Keenan and Miss Jen McLaughlin.

The PRESIDENT. Would the guests of Senator Pileggi please rise to be welcomed by the Senate.
(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, today I have the pleasure of introducing Alexis Tracy, who is serving as a guest Page in the Senate. Alexis is a resident of Meadville, Crawford County, and will be a senior at Meadville Area High School this fall. She is a member of the Crawford County 4-H, the Western Pennsylvania Riding and Driving Club, the art club, and additionally enjoys sewing and making clothes. Following high school, Alexis plans to enter the Armed Forces.

Alexis is accompanied here today by her father, Gordon Tracy, who is seated in the Senate gallery. Mr. President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

The PRESIDENT. Would the Senate please join Senator Robbins in welcoming his guests.
(Applause.)

GUESTS OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I have two sets of guests to introduce today. I am pleased today to introduce Rebecca Buffer from my district. Rebecca is joined in the gallery by her parents, Kim and Sam Buffer, and her three brothers, Steven, Jason, and Zachary. Rebecca will be in ninth grade at Pine-Richland High School and lives in Gibsonia.

Each year in my district, Mr. President, I sponsor a contest entitled, "There Ought to be a Law," and Rebecca has been selected as this year's winner. Rebecca's winning proposal is to provide for longer sentences for drunk drivers who kill innocent victims on the roads. Rebecca came up with this proposal because of a drunk driving tragedy that touched her family. I find it extremely encouraging to see the youth in Pennsylvania, like Rebecca, taking an interest in the political process. But it is even more heartening to see them take an interest in their community and strive to make the Commonwealth a better place to live and a safer place to live.

So with that, Mr. President, I would like to welcome Rebecca and her family to the Senate floor.

The PRESIDENT. Would the guests of Senator Orie please rise to be welcomed by the Senate.
(Applause.)

Senator ORIE. Mr. President, I would also like to welcome some fine young men from my district to the Senate today: Joshua, Scott, Matthew, Jake, Joseph, David, Kyle, Daniel, and Grant are part of the Keystone Boys' State Program. The Ameri-

