

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

THURSDAY, JULY 2, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 50

SENATE

THURSDAY, July 2, 2009

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

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Almighty and ever-living God, guide and direct our Senators in Pennsylvania, that by enacting just and prudent laws, they will promote the well-being of all our people. In these difficult times of trying to enact a budget package for the Commonwealth, do not allow our trust and hope to fail. Direct us and teach us to always begin, continue, and end all of our work under Your divine guidance. Amen.

PLEDGE OF ALLEGIANCE

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

BILLS REPORTED FROM COMMITTEE

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

SB 106 (Pr. No. 80)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a limitation on the length of session.

SB 107 (Pr. No. 81)

An Act requiring the posting of certain governmental salary information on the Internet.

SB 491 (Pr. No. 497)

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Oil City, Venango County.

SB 492 (Pr. No. 498)

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Second Ward of the City of Corry, Erie County.

HB 109 (Pr. No. 913)

An Act authorizing Lower Merion Township, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act, in return for the imposition of Project 70 restrictions on other land to be acquired by the township.

HB 348 (Pr. No. 379)

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Waymart Area Historical Society, or its assigns, certain land, buildings and improvements situate in the Township of Canaan, Wayne County.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator BAKER and Senator WONDERLING, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of June 24, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of June 24, 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-48

Alloway	Ferlo	Musto	Tartaglione
Argall	Folmer	O'Pake	Tomlinson
Boscola	Fontana	Orie	Vance
Browne	Gordner	Piccola	Vogel
Brubaker	Greenleaf	Pileggi	Ward

Corman	Hughes	Pippy	Washington
Costa	Kasunic	Rafferty	Waugh
Dinniman	Kitchen	Robbins	White, Donald
Earll	Leach	Scarnati	White, Mary Jo
Eichelberger	Logan	Smucker	Williams
Erickson	McIlhinney	Stack	Wozniak
Farnese	Mellow	Stout	Yaw

NAY-0

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

The PRESIDENT. The Journal is approved.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 195 (Pr. No. 1144) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, further providing for definitions and for regulations, insignia of certification required.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 195?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 195.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 973 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER

SB 14 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 48 (Pr. No. 2368) -- 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 providing for definitions, for sacramental wine licenses, fees, privileges and restrictions and for interlocking businesses prohibited; providing for an enhanced restaurant license; and further providing for number and kinds of licenses allowed same license and for limited number of retail licenses to be issued in each county.

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-44

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

NAY-4

Brubaker	Folmer	Gordner	Smucker
----------	--------	---------	---------

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

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

BILLS OVER IN ORDER

HB 92, SB 628, SB 746, SB 851, SB 925 and SB 949 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1392 (Pr. No. 1713) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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-48

Alloway	Ferlo	Musto	Tartaglione
Argall	Folmer	O'Pake	Tomlinson
Boscola	Fontana	Orie	Vance
Browne	Gordner	Piccola	Vogel
Brubaker	Greenleaf	Pileggi	Ward
Corman	Hughes	Pippy	Washington
Costa	Kasunic	Rafferty	Waugh
Dinniman	Kitchen	Robbins	White, Donald
Earll	Leach	Scarnati	White, Mary Jo
Eichelberger	Logan	Smucker	Williams
Erickson	McIlhinney	Stack	Wozniak
Farnese	Mellow	Stout	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 711 (Pr. No. 1247) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

HB 115, HB 262 and HB 263 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

SB 303 (Pr. No. 1210) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a grant program for volunteer emergency service organizations to provide incentives for establishing partnerships; conferring powers and duties on the Center for Local Government Services within the Department of Community and Economic Development; establishing the Volunteer Emergency Services Partnership Bond Fund; and providing for funding.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was laid on the table.

SB 303 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 303, Printer's No. 1210, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.
The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

SB 369, HB 372, HB 416, SB 624, SB 639, HB 703, SB 765 and SB 778 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 820 (Pr. No. 1203) -- The Senate proceeded to consideration of the bill, 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 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.

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

SB 821 (Pr. No. 1199) -- The Senate proceeded to consideration of the bill, 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 workers' compensation safety committees.

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 825, SB 881, SB 891, SB 899, SB 900, SB 908, SB 909, SB 910, SB 911, SB 912 and SB 913 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 917 (Pr. No. 1108) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," increasing the membership of the committee.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 919, SB 920, SB 929, SB 951, SB 968, SB 971 and HB 1533 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF HB 48

BILL ON FINAL PASSAGE

HB 48 (Pr. No. 2368) -- Senator PILEGGI. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 48, Printer's No. 2368, just passed finally.

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

And the question recurring,
Shall the bill pass finally?

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

YEA-43

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

NAY-5

Brubaker	Folmer	Gordner	Smucker
Eichelberger			

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

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

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Casey and to Mr. and Mrs. Floyd Newhart by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel R. Youse and to the Hempfield High School Boys' Track and Field Team by Senator Brubaker.

Congratulations of the Senate were extended to the Brookmere Winery and Vineyard Inn of Belleville by Senator Corman.

Congratulations of the Senate were extended to Paoli Hospital by Senator Dinniman.

Congratulations of the Senate were extended to Eugene Watkins by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to the Philadelphia Museum of Art by Senator Farnese.

Congratulations of the Senate were extended to the Reverend Calvin Cash by Senator Ferlo.

Congratulations of the Senate were extended to the McKees Rocks Historical Society by Senator Fontana.

Congratulations of the Senate were extended to the Reverend Dr. Robert P. Shine, Sr., and to Barbara A. Wayns Shine by Senator Hughes.

Congratulations of the Senate were extended to Andrew Bernardo by Senator McIlhinney.

Congratulations of the Senate were extended to Michael Stash by Senator Musto.

Congratulations of the Senate were extended to Troop 95 of the Boy Scouts of America of Saint Marys by Senator Scarnati.

Congratulations of the Senate were extended to Timothy William Coyle by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Buckshaw, Mr. and Mrs. Thomas Harris, Mr. and Mrs. Frank Palmer, Mr. and Mrs. Milton Stineman and to Lance S. Wolfe by Senator D. White.

Congratulations of the Senate were extended to the Emmaus High School Boys' and Girls' United States Marine Corps Physical Fitness Team by Senators Wonderling and Browne.

Congratulations of the Senate were extended to the North Penn High School Baseball Team by Senators Wonderling and Greenleaf.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Bernard E. Chipego, Jr., and to the family of the late Theo Faber Lumia by Senator Baker.

BILLS ON FIRST CONSIDERATION

Senator McILHINNEY. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 106, SB 107, SB 491, SB 492, HB 109 and HB 348.

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, I will try to be brief. I have, quickly, two substantive issues that I want to raise, and I will try to be succinct.

One is an issue that has come up in the Pittsburgh area regarding one of our casinos, the only casino, the Rivers Casino. Obviously, I have a long history on this issue, having been a strong proponent and advocate for the city of Pittsburgh to have one of the valuable licensed casinos at a time when the administration and local government was lobbying for a racetrack casino within the city limits. That was not something that I thought was prudent and advisable for a number of reasons. I was very excited and elated when Mr. Don Barden had initially received the award. I was concerned about the particular location, but it was quite an event in the city of Pittsburgh to have this gentleman come into the city of Pittsburgh.

It became clear, as the issues began to develop and more was known about the individual company's financial health, or lack

thereof, I was concerned about the fact--because again, let us put this in perspective. All this information regarding this casino really was quite secretive and lacked a lot of transparency, even to this day, with the transition from the Barden group to the Rivers Casino and Mr. Bloom, et al. We really do not know who the actual stockholders and owners of this casino are in Pittsburgh, and the fact of the matter is, it remains a secret. It is known to the Gaming Board, and we have put our faith and trust in them. But the fact of the matter is, unlike all other areas of public expenditure of dollars, the casinos really are sacrosanct. We are basically in operation and in business with them as a State government, and there is just not a lot known to elected officials and to the public.

I rise today because I am concerned about a petition that has been submitted by the Bureau of Investigation and Enforcement. This is a petition that has been submitted to the Gaming Board, now questioning--and I am speaking about the Bloom Company, et al, referred to in the petition as the Holdings Company, et al--that they have now petitioned the Gaming Board, questioning not so much whether or not they will be making a payment but disputing when a payment is obligated for \$7.5 million each year for 30 years.

If you remember, Mr. President and my colleagues, one of the critical concerns was that we get a new Penguin arena in the city of Pittsburgh. And I am pleased to report that because of the leadership of David Morehouse of the Penguins' organization, and all the folks who worked very hard to bring this about, including resolving issues at the community level, part of the Hill district, obviously, I share and represent with my colleague, Senator Fontana, from the city of Pittsburgh. It was an arduous effort to bring to a conclusion the construction. It is obviously well underway. It, very similar to our PNC Park, is going to be a world-class facility and a venue not only for the Penguins but a lot of other events that obviously will bring economic activity and amusement tax revenue back to the city operating budget. It is all very exciting, let alone in the backdrop of the Stanley Cup.

I am only concerned, at this point, that there should not even be a petition. There should be no question whatsoever. For all of the professionals involved in writing these agreements, from bond counsel and all the people who have been paid, financial advisors, why is there any doubt about when this payment needs to be made? It is \$7.5 million, and I am very concerned that now we have a situation where the Bureau of Investigation and Enforcement has to file a petition seeking a hearing before the full Gaming Board to bring the parties together, whether it is the leadership of the Sports and Exhibition Authority and local government officials, whether it is the Governor and his administration, or whether it is the Holdings Company itself. I am very disappointed. You know, a bond issue, presumably, has been let out, proceeds have been expended, construction is concluding, both at the casino as well as the arena. You would think that it would be clear when the obligation of this \$7.5 million is obligated to be paid.

Now, I hope that I am not being alarmist, but given the track record of the casino operators--and they are special, privileged entities. Let us be clear. It is just the way the nature of the industry is, the way we have constructed it, because in effect, the State government - we are they and they are we. We are in business

