

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, JULY 29, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 65

SENATE

WEDNESDAY, July 29, 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 Chaplain, Reverend GERRY STOLTZFOOS, of Freedom Valley Worship Center, Gettysburg, offered the following prayer:

I am painfully aware, today, that there are other belief systems involved in this House other than mine. I am not here to push mine, and I invite you to pray in the belief system that is yours as I pray in mine:

Our Heavenly Father, You have given us today, and for that, we thank You. You have allowed us to live in a great nation and given us meaningful work to do. You have entrusted us with a momentous time in history, when the decisions that will be made today will decide the direction, the tone, and the meaning of so many lives that will live with our decisions. We are humbled by our role and deeply moved by the implications of what we do. You have given us meaningful opportunities to make the lives of others better, and for that, we are in need of Your wisdom, Your guidance, and perhaps even Your intervention if we lose our way in the details or somehow lose sight of the precious people whom we serve.

As we go about our work today, we ask You to guide and direct this work for the good of mankind. Allow us to create a world, O God, that treats people well and fosters true greatness in our people. Give us Your great grace to see and admit our mistakes and grow in our abilities to serve those we are charged to serve. Help us recognize and encourage great ideas, even when they are not our own or convenient for our own careers. Our desire is not so much that You bless the work of our hands but that You would involve us in those great things that You are already blessing.

Help us form a government and a system that allows the creative greatness of the human spirit to soar. Help us to imagine solutions and to create room for people to create solutions of their own. Help us to make it possible for our constituents to build lives and families of meaningful and productive satisfaction. And, Lord, grant us a sense of awareness, that all we have and all that we are comes from You, and that we are mere stewards of it.

Help us to remember that one day, we will stand before You and give an account of how we served and how we lived. When we do well, give us humility in acknowledging that You have generously given us wisdom. Help us to honor You in all that we do, O God. And for those of us who are Christians, we pray in Jesus' name. Amen.

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

PLEDGE OF ALLEGIANCE

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

GENERAL COMMUNICATION

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

WRIT OF ELECTION

COMMONWEALTH OF PENNSYLVANIA) SS:

To The Honorable Pedro A. Cortes
Secretary of the Commonwealth of Pennsylvania
To the Board of Elections of Bucks, Lehigh, Montgomery and Northampton Counties

GREETING

WHEREAS, A vacancy exists in the Office of State Senator in the Commonwealth of Pennsylvania for the Twenty-fourth Senatorial District, composed of: that part of Bucks County consisting of the Townships of Durham, East Rockhill, Milford, Nockamixon, Richland and Springfield and the Boroughs of Quakertown, Richlandtown, Riegelsville and Trumbauersville; that part of Lehigh County consisting of the Townships of Lower Milford, Salisbury, Upper Milford and Upper Saucon and the Boroughs of Coopersburg, Emmaus and Macungie; that part of Montgomery County consisting of the Townships of Lower Frederick, Lower Salford, Marlborough, New Hanover, Salford, Towamencin, Upper Frederick, Upper Hanover and Upper Salford and the Boroughs of East Greenville, Green Lane, Lansdale, Pennsburg and Red Hill; that part of Northampton County consisting of the City of Easton and the Townships of Forks, Palmer and Williams and the Boroughs of Glendon, Tatamy, West Easton and Wilson by reason of the resignation of Senator Robert C. Wonderling, Senator from the said Senatorial District, on the 28th day of July, two thousand nine.

NOW THEREFORE, I, JOSEPH B. SCARNATI, III, President of the Senate of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and Acts of Assembly in such case made and provided, do hereby command you: that you cause a Special Election to be held to fill said vacancy, said election to be held on the 29th day of September A.D., two thousand nine, to choose a person to represent said Twenty-fourth Senatorial District in the Senate of Pennsylvania for the remainder of the term expiring on the thirtieth day of November A.D., two thousand ten, and

that you give due and public notice of said election throughout the Twenty-fourth Senatorial District in the form and manner directed by law.

Given under my hand and the seal of the Senate of Pennsylvania, at Harrisburg, Pennsylvania, this 29th day of July, two thousand nine.

JOSEPH B. SCARNATI III
President, Senate of Pennsylvania

MARK R. CORRIGAN
Secretary, Senate of Pennsylvania

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Earll.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Leach and Senator Musto.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Earll.

Senator Mellow requests legislative leaves for Senator Leach and Senator Musto.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator PILEGGI asked and obtained a leave of absence for Senator SMUCKER, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of July 9, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of July 9, 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	Farnese	Mellow	Tartaglione
Argall	Ferlo	Musto	Tomlinson
Baker	Folmer	O'Pake	Vance
Boscola	Fontana	Orie	Vogel
Browne	Gordner	Piccola	Ward
Brubaker	Greenleaf	Pileggi	Washington
Corman	Hughes	Pippy	Waugh
Costa	Kasunic	Rafferty	White, Donald
Dinniman	Kitchen	Robbins	White, Mary Jo
Earll	Leach	Scarnati	Williams
Eichelberger	Logan	Stack	Wozniak
Erickson	McIlhinney	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.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I am very honored to introduce to the Senate a brand-new citizen of the United States. She was naturalized on Monday in Philadelphia. She has distinguished herself since coming here from Peru. She is a recent graduate, with honors, of Reading Central Catholic High School, an excellent high school in the city of Reading. She will be entering Albright College in the fall. She is very hardworking and she is very interested in government, and I can personally vouch for that because she is a part-time intern in my Reading office. I would like the Chair to extend its warm welcome and congratulations to Jayda Labrin, who is in the gallery.

The PRESIDENT. Would the guest of Senator O'Pake please rise to be welcomed by the Senate.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

**NONPREFERRED APPROPRIATION BILLS
OVER IN ORDER TEMPORARILY**

SB 1037, SB 1038, SB 1039 and SB 1040 -- Without objection, the bills were passed over in their order temporarily at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 39, SB 107, HB 222, HB 348, HB 485 and HB 602 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 607 (Pr. No. 657) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1987 (P.L.163, No.16), known as the Rural Pennsylvania Revitalization Act, in Center for Rural Pennsylvania, further providing for board of directors and for grants.

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

BILL OVER IN ORDER

SB 693 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

SB 746 (Pr. No. 1209) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for physician immunity for disclosure on controlled substances; and further providing for actions on insurance policies.

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

SB 746 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 746, Printer's No. 1209, 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 893, SB 954 and SB 1042 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1654 (Pr. No. 2448) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, in mortgage loan industry licensure and consumer protection, further providing for scope, for definitions, for license

requirements, for exceptions to license requirements, for general requirements, for powers of licensees in mortgage loan business, for mortgage lending authority and for license applications; providing for preclicensing and continuing education; further providing for license fees, for license issuance, for licensee requirements, for administration and for sanctions; and providing for procedure for determination of noncompliance with Federal law.

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-48

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

HB 1770 (Pr. No. 2515) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further defining "State 'on' indicator" and "State 'off' indicator"; and further providing for total extended benefit amount.

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 Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I rise in support of House Bill No. 1770. With the passage of this legislation, up to 60,000 people who are unemployed across the Commonwealth of Pennsylvania could benefit from this legislation. Already, unfortu-

nately, there are about 20,000 people who would benefit. Those are individuals who have already taken advantage of the combined 72 weeks of unemployment comp provisions but have had those exhausted. Around 20,000 of them, again, have had them exhausted just in the past 2 weeks.

This legislation takes advantage of some Federal stimulus and stabilization moneys and would allow us to provide these additional 7 weeks at the cost to the Federal government for most of it, although there will be some cost to governmental employers. As has been stated during this process, this will have no effect on business employers, as a result of provisions in the Federal law, but those employers that are not businesses, such as school districts, municipalities, counties, and even the Commonwealth, will have some costs assigned to them. But I am sure we will all agree that the benefits to those unemployed will outweigh the costs to those municipal governments.

The city of Philadelphia will end up seeing the biggest cost, of about \$1 million. Allegheny County will be second, and the Commonwealth of Pennsylvania, around \$500,000. We have received letters from the mayor of Philadelphia, the Allegheny County Executive, and Governor Rendell, indicating their support for this legislation, even after acknowledging those costs to them. Ninety-five percent of my district is made up of boroughs and townships.

Part of the due diligence that the Senate Committee on Labor and Industry did was to make sure that all of the municipal entities that will be affected had the ability to weigh in. Just last week, as a matter of fact, the Pennsylvania Association of Boroughs and the Pennsylvania Association of Township Supervisors did weigh in. They indicated that they are neutral on the legislation and appreciated the opportunity to have some extra time to get some questions answered.

One of the important things that our committee did before we reported this bill out was amend it in order to put in a retroactive effective date. House Bill No. 1770, as it came over from the House, had an effective date that said, effective immediately. The problem with that is that if, in fact, we do this today, which I know we will be doing, I believe it is scheduled for House consideration, on concurrence, on Monday, and it goes to the Governor. By the time it gets to the Governor, 3 weeks' worth of unemployed would have already come off the rolls. As a result of the committee's actions, we put in a retroactive position that will make the effective date for the appropriate sections retroactive to July 1, again, to make sure that those 20,000 individuals who have already come off the rolls will qualify for these benefits as well.

Finally, I would like to thank Senator Tartaglione and the Members of the Senate Committee on Labor and Industry for allowing me to do due diligence to make sure that this legislation is 100-percent perfect for the benefit of the 20,000 people who can take advantage of this now, and the 60,000 people who will end up taking advantage of this benefit in the coming months. Again, I urge support for House Bill No. 1770.

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

Senator TARTAGLIONE. Mr. President, I ask to be recognized so that I can speak in support of House Bill No. 1770,

which I believe will give peace of mind to thousands of families who have struggled through the recession.

Mr. President, this did not all come about because of the crowd from Philadelphia that we have here in Harrisburg. This all came about because the crowd from Philadelphia is united with the crew from the suburbs, the gang from Allegheny, and the squad from the northeast. It came about because people across Pennsylvania are suffering through this historic recession, and lawmakers from across Pennsylvania understand that helping them is helping the economy and preserving families.

The working families that benefit from this bill live in large cities, in small boroughs, in houses, in apartments, in suburbs, and on farms. This crowd we have from Philadelphia--and I like to call them the Philadelphia delegation--united with members from east to west, behind the jobless workers who are among the first victims of the recession. The Philadelphia crowd helped convince city officials that the benefits of the bill were well worth the costs. They worked through the weekend to convince all of my Senate colleagues that we need to get this done so that these families can stop worrying. The gang from Allegheny did the same. I am proud of the crowd.

In my mind, the 17,880 workers who lost their unemployment benefits nearly 2 weeks ago made all of this effort worth it. I am their henchwoman, Mr. President, and I do not even think that is a word, but even if it is not, I do not mind being called that. Call me a henchwoman, call me persistent, call me whatever. Each Member of this crowd was elected to this Chamber by constituents, most of us several times over. We are their henchpeople.

More than 4,000 of them will benefit from this bill, and I am happy to be able to tell them that help is on the way. They lost their income through no fault of their own. They have been working and looking for work in a market that is losing 4,000 jobs a month. Unemployment has jumped by 45 percent in Philadelphia. But joblessness is not just an issue for the city crowd. The unemployment rate is up by 70 percent in Dauphin County, and 260 people will benefit from this bill. Three hundred and eighty people will have their benefits restored in York County, where the unemployment rate is up 88 percent in the past year. In Lancaster County, unemployment is up by 80 percent, and 400 people will get help.

Mr. President, I believe that the unemployed from these counties are good people who got caught up in bad times. I believe they are hardworking. I believe they are honest. I believe the same about my colleagues from those counties. Mr. President, I know we have differences of opinion about many important issues, but I know that just like I do, they go back home when Session is over, and they answer for what we have done here in this Chamber. I do not believe the people of Philadelphia are any more honest and hardworking than the people of central Pennsylvania, and I would be troubled to learn that that feeling is not mutual. I hope that there is nothing about my henchwomanship that has left anyone feeling otherwise.

On behalf of the crowd, I want to thank my colleague from Northumberland County, Senator Gordner, for his courtesy, flexibility, and dedication in moving this bill through the committee. I am grateful to the Republican Leader from Delaware County for his dignity and temperance and for his swift action today. To

Senator Mellow, our Democratic Leader, I am thankful for his leadership and support; to Governor Rendell, for his dedication to getting this done; to Representative Gergely, who introduced the bill and ushered it through the House of Representatives by a vote of 197 to 1, and his staff.

Thanks to the Secretary of Labor and Industry, Sandi Vito, and her wonderful staff, who has worked with us to clarify and answer questions. Credit must go to Senate staff members, who worked so diligently to reach this vote. Kathy Benton - I do not know if there is a word for the henchwoman's henchwoman, but she is it, and I am proud of her work. Todd Roup - I will spare him a hench title, but his efforts are greatly appreciated. My colleagues on both sides of the aisle, for the people of Pennsylvania, for the people who need help, and for those who just want the General Assembly to operate with dignity and decorum, I urge a "yes" vote on House Bill No. 1770.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I rise to tell you that unemployment is real, that I come from probably one of the wealthiest counties in all of Pennsylvania, and that in our county, too, the unemployment figures are increasing. We were okay until about October of last year. We were able to keep it at 3 percent or below. But we are now at 6.25 percent, and in the Philadelphia suburbs, we now have some of the fastest growing unemployment in the Commonwealth, in terms of a percentage.

We have to, as a body, whether we are from Philadelphia, whether we are from the suburbs, whether we are from central Pennsylvania, Erie County, or Allegheny County, we have to understand and respond sensitively to the people who, through no fault of their own, do not have jobs. I want to join with my colleague from Philadelphia, Senator Tartaglione, to make this statement and to make it clear that this is a problem for all of Pennsylvania, and each of us has to be sensitive. But I personally was disappointed, as I know Senator Tartaglione and all Members of our Caucus were, that this vote was delayed for a week, because--I mean, I am happy that we are going to vote "yes" today.

Understand that there are people out there, real people, our neighbors, our friends, even members of our families, who do not have jobs. They try. They try the best they can to find employment in this economy, but there are no jobs out there. More and more--at first, it was the workers on the lines who were hurt, then it became middle management, and now, as we have a total restructuring of the global economy, upper management. The people who live in the neighborhoods of Chester, Montgomery, Delaware, and Bucks Counties, as well as suburbs all over this Commonwealth, are also getting hurt.

If there is anything that this body has to unite on, it is to reach out and help those citizens who want to work, who have talent, who want to contribute to the well-being of this Commonwealth, but simply cannot find jobs. I am glad we are passing this today. We should have passed this a week ago. And if any issue comes up on unemployment, let us unite together. I know we had to go through all of the intricacies of understanding what it would cost this borough, or what it would cost this city, or what it would cost the State, but the bottom line, my friends, is this: There are

people in this Commonwealth, growing every day by hundreds and hundreds and thousands and thousands, who do not have jobs.

If we, who have jobs here, and were elected to do them, are not sensitive to this community, then who will be? It is our responsibility, as Members--I do not care what your party is. I do not care where you come from. We need to reach out, and we need to reach out on a continuing basis. Again, the key is this - we should thank God, each of us, that we have jobs. The people who are listening out there are scared and nervous that they, too, will join these statistics.

If there is any disappointment with the President's stimulus program, it is that it has not brought back full employment yet. But we, here in the Commonwealth, need to work, day in and day out--with no excuses, no delay in our timing--to be sensitive to those who are unemployed, to understand that they are our brothers and our sisters, and to make sure that we act and act quickly on any opportunity to extend unemployment compensation.

Finally, Mr. President, do you think that any of those individuals out there do not want to work? Do you think, after 2 years--72 weeks, remember--that they have not struggled for a year and a half, almost 2 years, to find employment? We need to respond affirmatively to what is occurring. I thank Senator Tartaglione. I thank Senator Gordner for finally moving the bill. Again, let us remember that these are human beings who need work, who want work, and we, as a body, should never delay in trying to help our brothers and sisters who are struggling through this difficult economy.

Thank you, Mr. President.

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

Senator GORDNER. Mr. President, I must respond to the previous speaker. On behalf of 20,000 people who have already lost their benefits, I am glad that we delayed so that we could amend the bill to make sure that those folks are covered. If we would have acted immediately, it is very probable that 20,000 people across the Commonwealth of Pennsylvania who had exhausted their 72 weeks of benefits would not be benefitting by the passage of House Bill No. 1770.

It is possible that the previous speaker is not aware of it, because he was not involved with the legislation, was not on the committee, was not involved with the negotiations, was not involved with my conversations with the Secretary of Labor and Industry, who immediately agreed to the amendment that we inserted in the Committee on Labor and Industry to insure that those 20,000 people who have already exhausted their benefits would get those benefits. That is a direct result of putting a retroactive amendment into the bill.

So, Mr. President, there is a reason why we do due diligence. The Senate is a deliberative body. We take a look at legislation, and we make sure that it is correct, so that when it goes to the Governor, it is exactly how we want it. I am pleased, as the chair of the Committee on Labor and Industry, to have done due diligence on this bill, because I would have felt horrible to have passed legislation to the Governor and then found out that 20,000 people might not have gotten the benefit of this bill because we acted too quickly and too irresponsibly.

