

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, JUNE 18, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 42

## SENATE

WEDNESDAY, June 18, 2008

The Senate met at 11 a.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

## PRAYER

The Chaplain, Reverend STEVEN W. CORNELL, of Millersville Bible Church, Millersville, offered the following prayer:

Before I pray, I just want to say a word of thanks to all of you for your service to the great State of Pennsylvania.

Let us pray together.

Our God and Father, we give thanks to You for the gift of life, for You are the Creator, the Maker of heaven and earth and all that is in them. You are also the law giver. You are the judge and the redeemer, and we thank You that You so loved the world that You gave Your one and only Son, that whoever believes in Him might receive eternal life.

Thank You for these servants who publicly serve You. I thank You for their dedication and pray particularly for them as they engage in deliberations this day regarding the budget, that You will help them to resolve matters in a way that is speedy, sensible, and responsible. We ask that You will continue to give them strength, protection, and that You will watch over them. We ask for wisdom, for we need wisdom in this day in which we live. We know that the fear of God is the beginning of wisdom, so we ask that we would learn to fear You.

These things we pray in the name of my Savior, the Lord Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Steven Cornell, who is the guest today of Senator Armstrong.

## PLEDGE OF ALLEGIANCE

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

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 987**, with the information the House has passed the same without amendments.

## SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1147**, 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 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.

## BILLS SIGNED

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the presence of the Senate signed the following bills:

**SB 987 and HB 1863.**

## BILLS REPORTED FROM COMMITTEE

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

**SB 1337 (Pr. No. 2207) (Amended)**

An Act establishing the Medical Assistance Pharmacy and Therapeutics Committee within the Department of Public Welfare; and providing for the powers and duties of the committee.

**SB 1372 (Pr. No. 2208) (Amended)**

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the Health Care Cost Containment Council and its powers and duties, for data submission and collection, for access to council data and for sunset of act.

**SB 1421 (Pr. No. 2072)**

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

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 322 (Pr. No. 2037)**

A Resolution honoring the Lenape Valley Foundation on its 50th anniversary.

**LEGISLATIVE LEAVES**

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Tartaglione and Senator Washington.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Tartaglione and Senator Washington. Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of June 2, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of June 2, 2008.

Senator PILEGGI. Madam 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-49**

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Vance
Boscola	Gordner	Piccola	Washington
Browne	Greenleaf	Pileggi	Waugh
Brubaker	Hughes	Pippy	White, Donald
Corman	Kasunic	Punt	White, Mary Jo
Costa	Kitchen	Rafferty	Williams, Anthony H.
Dinniman	LaValle	Regola	Williams, Constance
Earl	Logan	Rhoades	Wonderling
Eichelberger	Madigan	Robbins	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

**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  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Finance to meet during today's Session to consider Senate Resolution No. 309 and Senate Bill No. 404 in the Rules room, and also for the Committee on Urban Affairs and Housing to meet in the Rules room to consider House Bill No. 2295.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT WONDERLING  
AND SENATOR PATRICK M. BROWNE  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Madam President, I will be sharing introduction of these fine young ladies with my colleague from the Lehigh Valley, Senator Browne.

Indeed, Madam President, it is a great honor today to fete and welcome yet another championship swimming and diving team from Emmaus High School. In fact, this is the second year in a row, under the tutelage of Coach Leonard, that they have pulled off their PIAA Class AAA crown. I was able to spend time with the young ladies, who are not only athletes but scholars as well, earlier today, and I am delighted that they are spending time not only here in the Senate but in the House of Representatives as well. And now, Madam President, I ask that you recognize Senator Browne.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Madam President, I am pleased to join my colleague, Senator Wonderling, in recognizing another championship team from Emmaus High School. The swimmers and divers who are with us today are Catherine Carr, Deidre Geroni, Alena Kluge, Mikelle Masciantonio, Kristen McCandless, Lauren McCandless, Morgan Oxley, and Allie Roberts.

They should be commended not only for their ability to be champions individually, but also as a team this year. The first year they won the championship, they were way ahead in the finals, and this year, they were behind in the finals, and it was only their achievements as a team in the 400-meter relay that gave them the championship. So they should be commended not only individually for their talents, but also for their ability to work as a team, and that is what gave them the State championship this year. Please give them warm Senate congratulations.

The PRESIDENT. May I please ask the swimming and diving athletes and scholars from Emmaus High School to please rise so we can welcome you.

(Applause.)

**GUESTS OF SENATOR JOHN EICHELBERGER  
PRESENTED TO THE SENATE**

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

Senator EICHELBERGER. Madam President, I rise today for special recognition of a very special young lady, Anna Catherine Walker. Anna is legally blind and comes to us today with the

advisory committee for Pennsylvania's Bureau of Blindness and Visual Services because she did something absolutely extraordinary. Anna won first place among all first graders in the entire United States of America in the Braille Readers Are Leaders contest by reading 5,209 pages of Braille in just 2 months. She also received the Twin Vision Award, which recognizes children who are dual print-and-Braille readers, which means that she can read in print and in Braille. Anna Catherine is very competitive and hopes to win these awards next year in second grade and the year after in third.

Anna is actually the only blind student in the three school districts in Fulton County, and she attends McConnellsburg Elementary School. Her teacher, Amy Conner, should be recognized as well for her support in making sure that she secures the same level of education that all the other students are getting in that school district.

With Anna in the Chamber today is her father, Stephen Walker, and her grandparents, Anne and Jim Samsel. Anna's mother is in Harrisburg today but is pressed into service at the Keystone Building, helping with the Bureau of Blindness and Visual Services events and recognitions there. Pennsylvania has four national award winners this year in competition, which is more than any other State in the nation, and I am very proud of Anna Catherine and congratulate her for winning these elite awards and wish her luck in reaching all of her goals in the future.

Madam President, I ask you to join me and the other Senators in recognizing and welcoming Anna and her family to the Chamber.

The PRESIDENT. Would Anna Catherine Walker and her father, grandparents, and teacher all please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

#### **GUEST OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, it is a privilege for me to introduce a young woman who is serving an internship in my district office in Dallas. Christine Zavaskas is a junior at Wilkes University. She hopes to achieve a bachelor of arts degree in communications, with an emphasis on political public relations. She is an active and interested young lady in the community. She also serves as the assistant Lifestyles editor for the school newspaper, The Beacon. She is a National Honor Society member, and she has had great interest in theater and drama arts. So it is with privilege that I present to the Senate Christine Zavaskas from Luzerne County.

The PRESIDENT. Would Christine Zavaskas please rise so we can welcome you.

(Applause.)

#### **GUEST OF SENATOR DONALD C. WHITE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, I also have a very special young man who was also honored recently and earlier today over at the education building for winning a national Twin Vision Award for Braille readers in the Braille Readers Are Leaders contest. Young Tommy is in seventh grade at the Franklin Regional School District, and he is a pretty remarkable young man. He lost his vision gradually due to some optical tumors, and over the last 5 years, he has become proficient in Braille. He also, through his parents, who are here today, let me know that he is after my job someday.

When you look at what we are doing for blind folks nowadays, 20 years ago I served on the board of the Indiana County Blind Association, and basically all it was was a maintenance program where they sat around and made brooms, and we have come a long way in 20 years. Recently, my daughter's medical school had a graduate who was blind, in medical school. Pretty amazing.

Tommy is the son of Phil and Judy Brown, and like I said, he is in the seventh grade. He is not here today, because he is at a camp for the blind in Louisiana, but I wanted to recognize his efforts and the efforts of the National Federation of the Blind. Thank you.

The PRESIDENT. We congratulate Tommy. We appreciate all the information from Senator White. We are proud of Tommy.

#### **GUESTS OF SENATOR MICHAEL J. FOLMER PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Madam President, I am pleased to welcome to the Senate two very special guests. Jan Herschkowitz grew up in Bolivia and is now a resident of Hummelstown. Jan is the CEO of PRL, Inc., which is located in Cornwall, Lebanon County. PRL produces nuclear pumps and valve bodies for nuclear submarines and power plants. Jan is also on the board of the Pennsylvania Chamber of Business and Industry. She is also a member of the National Federation of Independent Business Leadership Trust, and she was nominated by President Bush and confirmed by the U.S. Senate to serve in the National Consumer Cooperative Bank. Jan's mother, Barb Herschkowitz, is with us also today.

Madam President, please join me in giving a warm welcome to Jan and Barb Herschkowitz.

The PRESIDENT. Will Jan and Barb Herschkowitz please rise so we can welcome you.

(Applause.)

#### **GUESTS OF SENATOR JAMES J. RHOADES PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, it is my pleasure to introduce one fellow I think you will know, and that is Champ Holman, who is my chief of staff. Champ has been with me not only for the 28 years I have been in the Senate, but I coached him in high school as a senior.

One of the things we were remarking on the other day was that Champ never had the opportunity, because we have always been going, to bring his son and daughter to Harrisburg, and so it is nice to have Champ along again and, most importantly, his son, David Holman. David is a graduate of Wilkes University and is a history teacher at the Schuylkill Intermediate Unit. His daughter, Jessica, is a graduate of Kutztown University and is an English teacher at Mahanoy Area High School. I would appreciate it if the Senate would extend its usual warm welcome to our guests.

Thank you, Madam President.

The PRESIDENT. Would Champ and his family please rise so we can welcome you.

(Applause.)

### **GUEST OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Madam President, we sit and stand in a wonderful Chamber designed and made for debate, debate on issues on which we agree and sometimes disagree. One issue that every Member of this great Chamber will agree on is that family counts. Today, it is my distinct honor to have my youngest son with me, Ryan Brubaker. He is an excellent guitar player, a fantastic runner, and a devoted son and family member, and I am very proud of him. My son, Ryan Brubaker. I forgot to mention, he is a volunteer fireman as well.

The PRESIDENT. Will Ryan please rise.

(Applause.)

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

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

Senator VANCE. Madam President, I am delighted to be able to present the championship PIAA Class AAA Boys' Volleyball Team from Cumberland Valley High School. It is the first volleyball State championship in the entire school history. They defeated Central York 3 games to 2 in the championship.

They are here with head coach Scott Reynolds, assistant coach Matthew Farabaugh, and members Michael Curl, Andrew Dentler, Brenton Evens, Jeffrey Gring, Drew Kalbach, Fredrick Pfisterer, Justin Stoner, Connor Jackson, Adam Frank, Edward Klepper, and Colby Zeger. As part of the Cumberland Valley School District, we are very pleased to welcome them to the Senate.

The PRESIDENT. Would the guests of Senator Vance please rise so we can welcome you to the State Senate.

(Applause.)

## **CALENDAR**

### **BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED**

#### **BILL OVER IN ORDER**

**SB 949** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## **THIRD CONSIDERATION CALENDAR**

### **PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1389 (Pr. No. 2194)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2008, to June 30, 2009, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2008, to June 30 2009; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2008, to June 30, 2009, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

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 Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, Senate Bill No. 1389, before us at this moment, is a State budget proposal for the 2008-09 fiscal year. Active, productive negotiations are continuing with all four legislative Caucuses and with Governor Rendell, and we are committed to doing all that we can to insure an on-time budget this year. Yesterday, the Senate approved a supplemental budget for the 2007-08 year that included provisions to make furloughs of State employees unnecessary.

Today, we are considering a General Fund budget that totals \$27.94 billion. That is a 2.76-percent increase, or \$749.2 million, over the enacted 2007-08 budget. This is also \$415.8 million, about 1.4 percent, less than the Governor's February budget proposal. These changes are necessary in large part because we have a disappearing projected surplus in this current 2007-08 fiscal year and declining revenues for the next fiscal year.

Although the administration has not released any official revised projections for 2008-09, it is generally believed that the projected revenue in the next fiscal year could decrease by \$300 million or more. It is also believed that the current year's surplus,

all of which is spent in the Governor's budget proposal, could be at least \$150 million less than anticipated.

Senate Bill No. 1389 does add funding, a total of \$41.5 million, to some lines in the Governor's February budget proposal. The largest single increase is a 1-percent COLA for community providers, people who are caring for our neediest citizens, including mental health and mental retardation services. That COLA costs \$33.4 million. Senate Bill No. 1389 reduces a total of \$457 million from various line items in the Governor's February budget proposal.

Madam President, we are continuing negotiations with the Governor and the other Caucuses to finalize a budget by June 30. Passage of this bill is an important step in that process. Madam President, I ask for an affirmative vote on Senate Bill No. 1389.

Thank you, Madam President.

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

Senator ARMSTRONG. Madam President, this is, as Senator Pileggi said, only a starting budget, but it is a reasonable and responsible start. It is a budget that is balanced. We do not know what the final figures are for the year, but the administration has had some calculations, and we will know toward the end of the month what the final number will be. It is a budget that cuts back from the original presentation the Governor gave in February, because the economy has weakened from that point, which none of us expected.

I must say, in relationship to other States, Pennsylvania is in much better stead. And I must give the Governor and the legislature credit for that, because I think we have had economic development packages over the years that have had a positive impact on revenue coming into the Commonwealth, and as a result, we are off somewhat, but it is a fraction of a percent, whereas other States are up 8, 9, 10 percent and are facing multi-billion dollar shortfalls.

It is a budget that does not reflect anyone's full set of priorities, whether those be for program expansions, spending cuts, or tax reductions. It is a budget that does not contain many favored items that have been part of previous budgets, that all of us have favored, in many cases. It is a budget that does not use one-time spending revenues to prop up spending, but spending money in such a way this year will surely aggravate what shapes up to be a serious problem next year. It is a budget where enough money is directed toward education to make sure every school district receives a sizable increase over last year, although the overall spending is not what the Governor requested, and the distribution formula has not yet been negotiated.

Many States, as I said before, have budget woes much worse than ours. But we also know from experience that Pennsylvania's recovery from economic troubles tends to be slower than, perhaps, some other States'. Given this track record, we cannot responsibly build this budget on wishful thinking and hope for a robust economic rebound and a revenue miracle next year. The question is, is this economy slowing down, and will it continue to slow down over the next 6, 8, 10 months, or is it going to turn around next month? Most people believe this is probably the beginning of a slowdown. So this is not a year where we can afford to satisfy spending requests, make commitments to new

programs and expensive program expansions, or rely on gimmicks to push tough decisions into next year.

This budget may not be politically pretty or popular with groups who seek more from State government, but it moves the process forward - an important consideration as the deadline approaches. I want to thank both sides of the aisle for their cooperation in putting together this budget, whether they are a "yes" vote or a "no" vote, and I ask for a positive vote on Senate Bill No. 1389.

Thank you, Madam President.

#### POINT OF ORDER

Senator GREENLEAF. Madam President, I rise to a point of order.

The PRESIDENT. The gentleman from Montgomery, Senator Greenleaf, will state it.

Senator GREENLEAF. Madam President, I rise to ask for a ruling from the Chair. I legally represent a corporation, and I have investment and corporate stock in that client, and I seek a ruling as to whether I may vote on this bill, since this client may make an application to the Ben Franklin Partnership. Would I have a conflict in voting for this budget?

The PRESIDENT. The Chair finds there is no conflict of interest, Senator Greenleaf. You are a member of a class of people who may or may not benefit from this. It is purely speculative, and you certainly are permitted to vote.

And the question recurring,  
Shall the bill pass finally?

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

Senator MELLOW. Madam President, just for one brief second, I would like to acknowledge the work of Senator Armstrong, Senator Pileggi, Senator Scarnati, and company in advancing a budget to the floor of the Senate in Senate Bill No. 1389. Unfortunately, I do understand it is for process, so that we can continue, hopefully, to a successful conclusion by the end of the fiscal year. However, we on this side think that perhaps the cuts go just a little bit too far, and that we would like to have seen not as many cuts as have taken place.

Understanding the magnitude of the task before the individuals who were involved in it, Madam President, at this point in time, I am merely going to ask for a negative vote on the proposal. I know that it is going to be a document that can be used in further discussion, but I think the document just cuts a little bit too far, Madam President, and I ask for the Democrats to vote "no" on this proposal.

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-28

Armstrong  
Baker

Erickson  
Folmer

Piccola  
Pileggi

Robbins  
Scarnati

Browne	Gordner	Pippy	Vance
Brubaker	Greenleaf	Punt	Waugh
Corman	Madigan	Rafferty	White, Donald
Earll	McIlhinney	Regola	White, Mary Jo
Eichelberger	Orie	Rhoades	Wonderling

## NAY-21

Boscola	Hughes	Musto	Williams, Anthony H.
Costa	Kasunic	O'Pake	Williams, Constance
Dinniman	Kitchen	Stack	Wozniak
Ferlo	LaValle	Stout	
Fontana	Logan	Tartaglione	
Fumo	Mellow	Washington	

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

The PRESIDENT. I will interrupt the proceedings for Senator Vance to speak.

Senator VANCE. Madam President, I ask for the Senate's indulgence. I did introduce the championship volleyball team from Cumberland Valley. Unfortunately, they were not here to hear that, so I want everyone to know how very proud we are that they won the 2008 PIAA Class AAA Boys' Volleyball Championship. It was the first volleyball championship in the school's history. They defeated Central York 3 games to 2. They are here with their head coach, Scott Reynolds, and assistant coach, Matthew Farabaugh, and I hope we welcome them very warmly. We are very proud of what they have been able to accomplish.

The PRESIDENT. Will the team and the coaches please rise. Great job. Thank you.

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILLS OVER IN ORDER**

**HB 239, SB 352 and SB 768** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1050 (Pr. No. 2138)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste;

providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," further providing for the Used Tire Pile Remediation Restricted Account; and requiring the Department of Environmental Protection to provide an annual report on cleanup of stockpiled tires.

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 Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I am not going to speak on the merits of the bill, except to say that there was much discussion in our caucus yesterday on final passage of Senate Bill No. 1050. It was indicated to us that the Department of Environmental Protection was opposed to the bill, and I just want to remind Members of that particular opposition to the bill and that this was a bill of much discussion in our caucus yesterday. So I do not just want the bill to come up and be considered without Members knowing exactly what we are considering.

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I stand in support of Senate Bill No. 1050 for a number of reasons. Large scrap tire piles across Pennsylvania pose safety, health, and environmental hazards, and in particular, these tire piles are breeding grounds for mosquitos that can lead to West Nile Virus.

Pennsylvania has stockpiled tires. We are one of seven States with more than 85 percent of the stockpiled scrap tires, according to information provided to my office by the Rubber Manufacturers Association. These stockpiled tires pose the threat of fire, and those who know what occurred on I-95 several years ago will certainly understand that by case of accident or arson, they can burn for weeks, months, and even years. They are difficult to extinguish, and they produce heavy smoke and toxic air emissions.

My proposal would reauthorize a transfer of \$3 million a year, over a 5-year period, from the recycling fund to the used tire pile remediation account. This reauthorizes the scrap tire law that has been on the books since 1996 but sunset in 2000. Pennsylvanians may believe that when they collect a \$1 fee on each new tire sold in the Commonwealth, it helps to fund our scrap tire clean-ups, but the money raised through that \$1 fee has been diverted, over the past several years, into mass transit, and up until Act 44, it now goes to the General Fund.

The intention of my legislation is not to divert funding from our county recycling programs. The money used from this fund, I believe, and I have the accounting on what is in the recycling fund, much of it could come from many of the State agencies that receive money from the recycling fund. There is \$2 million appropriated to our State agencies. I believe tire piles should be a priority for this. The funds would be made available to DEP and municipal governments for the purpose of remediating those scrap tire piles. And the grants could help abate those activities.

Last year, in fact, Madam President, I was one of a number of volunteers along the Susquehanna River, above Mehoopany, when we pulled more than 1,000 tires out of the Susquehanna River for a clean-up. I believe it is a priority. I believe we have the ability to use funds within the recycling fund to remediate these, and I believe that it should be a priority.

In fact, when you look, Madam President, the Department of Environmental Protection lists on its Web site a priority of waste tire piles across this Commonwealth. These are only piles that have more than 10,000, but you can look across the Commonwealth--whether it is Allegheny, Columbia, Crawford, Fayette, Green, Indiana, Lancaster, Luzerne, Perry, or Venango County--these tire piles are there, they pose a risk, and I believe this is a responsible use of the recycling fund for the purpose of cleaning up these tire piles. So I ask my colleagues for an affirmative vote on this bill.

Thank you, Madam President.

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

Senator FERLO. Madam President, first of all, I want to commend my colleague, Senator Baker, on the initiation of this legislation in attempting to address a serious environmental concern and issue, an issue that affects every single one of our communities across the Commonwealth.

We probably have in excess of 2 million tires that need to be recycled, collected, and disposed of appropriately and in an environmentally sound manner. The gentlewoman points out that, oftentimes, volunteer groups and others typically will round up tires out of rivers, river banks, used lots, you name it. It is disgusting, it is terrible, it is environmentally unsound, and it needs some direct action and a commitment of resources.

I just want to explain my pending "no" vote is not because I am opposed to the initiative and concentrating on this issue with new and fresh resources. I am concerned that, as is typical of leadership here sometimes on the opposite aisle, they will rob Peter to pay Paul, and in the end, we are going to be taking money from hundreds of small municipalities that heavily rely on the recycling grants and moneys that are committed, legally and by statute, based on Act 101, the State's recycling legislation.

Now, the department itself is opposed to this legislation. We need to deal with the problem. But I am concerned that if we take and dedicate this \$3 million times 5, \$15 million, and rob it from Peter to pay Paul, in this case, it may deplete the moneys being returned to hundreds of small municipalities, as well as larger ones, like the city of Pittsburgh that I represent. In a way, it is not the appropriate way to deal with the issue. Now, if there is some further clarifying information on it, I look forward to that.

But I am concerned about that issue, and the Senator rightfully points out the \$1 fee. I think a lot of people naively assume that the \$1 fee when they purchase new tires would go to recycling, and in fact, as the Senator rightly points out, it has been going into transportation needs. I would have preferred to see legislation that would have raised another \$1.

I happened to get a flat tire at the Capitol, and I had to, in effect, go down the street to Faulkner Pontiac. I bought two new tires for my Pontiac. It is my car, not a GSA vehicle. It is personally driven. I pay the bill. In any event, it was \$300 for the two new tires. I was billed the \$1. Relative to that \$300 expense, I

personally would not have minded spending another \$2 of dedicated revenue, explicitly and specifically, to deal with the tire crises that we have around the Commonwealth.

So I would have preferred--and I know nobody wants to talk about taxes and fees and fines and forfeitures and revenues, but I think if you take a poll, I think, overwhelmingly, the consuming public out there across the Commonwealth would recognize that we have a serious problem that affects every community, and I think there would be few who would object and protest over an additional \$1 per tire, but \$1 that could be dedicated revenue, specifically to deal with the environmental nightmare of the tire issue.

So I just want to respectfully indicate why I am voting "no." And the Senator points out that there is a fund balance. Again, it is like, whom do you believe? We are told by the administration and the department that the fund balance exists partly because grants have yet to actually be administered and spent from the account that has already authorized specific appropriations. So again, I just want to draw attention to this issue.

I thank and applaud Senator Baker for the initiative in focusing in on the problem, but I am going to respectfully vote "no" because I think we should have new dedicated resources. We should not be taking from smaller municipalities with obligations under Act 101, which we have already defined by statute and law. And secondly, I think there is just a new and better way to raise additional revenue.

With that, I want to thank you very much, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, what some people would call robbing Peter to pay Paul, others would call living within our means and organizing our priorities to reflect true public health hazards. I believe that is what is being proposed by Senator Baker.

The hazards connected with huge waste tire piles are well-documented. They are highly incendiary. When they are on fire, they are a huge danger to both the responders and the public. The smoke from these tire piles has been known to close interstate highway systems. They harbor vectors, such as the West Nile Virus, and they are a huge problem that must be dealt with.

I was interested to hear the gentleman describe as naive people's belief that the dollar they were paying when they purchased a new tire, that why would we think that was going to tire recycling? Well, because that is what we were told at the time that was instituted. I was not aware for a long time that it had been diverted for mass transit uses, and I was also not aware that when we repealed Act 44 that money went into the General Fund.

Well, when is enough enough, Madam President? I think we are already there, and I think that diverting a small amount of this recycling money to the recycling of waste tires is a valuable thing that needs to be done, and I do not think the answer to every question is simply to tax them more.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, for a number of years, the Committee on Environmental Resources and Energy has been considering and working with the waste tire problem throughout

the State of Pennsylvania. The \$2 million that will be coming from the recycling fund is not a significant impact on any grant that any municipality would receive. As a result of that, I would appreciate an "aye" vote on Senate Bill No. 1050.

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-46

Armstrong	Fontana	O'Pake	Stout
Baker	Fumo	Orie	Tartaglione
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	Logan	Regola	Williams, Anthony H.
Earll	Madigan	Rhoades	Wonderling
Eichelberger	McIlhinney	Robbins	Wozniak
Erickson	Mellow	Scarnati	
Folmer	Musto	Stack	

## NAY-3

Ferlo	LaValle	Williams, Constance
-------	---------	---------------------

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

### GUESTS OF SENATOR ROBERT WONDERLING

### PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Madam President, I likewise ask the indulgence of my colleagues for yet another fine young student who has participated in the Pennsylvania Advisory Committee of the Blind's Annual Braille Essay Contest, and that is a constituent of mine who has been waiting patiently in the gallery for well over an hour now, Jill Novak, who hails from Telford, Pennsylvania.

She is here today with her mom, and again, she is one of a handful of finalists who competed in this competition. She currently attends the Overbrook School for the Blind, and Madam President, I ask that we offer her a hearty and warm welcome.

The PRESIDENT. Will Jill Novak and her mother please rise so we can all welcome you.

(Applause.)

### CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILLS OVER IN ORDER

**SB 1274 and SB 1412** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

### SECOND CONSIDERATION CALENDAR

#### BILL ON SECOND CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED, OVER IN ORDER

**SB 1062** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 1341 (Pr. No. 2196)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$400,000,000 for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems; and providing for the powers and duties of the Pennsylvania Infrastructure Investment Authority.

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

#### BILLS OVER IN ORDER

**SB 346, SB 584, SB 829, SB 1015, SB 1112 and SB 1138** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 1263 (Pr. No. 2157)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for expiration of chapter.

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

#### BILL OVER IN ORDER

**SB 1284** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILLS ON SECOND CONSIDERATION

**HB 1329 (Pr. No. 3192)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for optional notice of ordinance or decision and procedural validity challenges; further providing for ordinance provisions and for jurisdiction of the zoning hearing board and the court of common pleas in challenges to the validity of an ordinance for procedural defects in the process of enactment; and providing for time for appeal and procedural defects of decisions.



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

**HB 1330 (Pr. No. 3193)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals generally and for appeals from ordinances, resolutions, maps, etc.

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

#### BILL OVER IN ORDER

**SB 1413** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION AND RECOMMITTED

**SB 1443 (Pr. No. 2113)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2008-2009.

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

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

#### BILLS OVER IN ORDER

**SB 1449, SB 1488, HB 1742, HB 1804, HB 1999, HB 2051 and HB 2088** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 2496 (Pr. No. 3687)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania State Employees Credit Union, certain lands situate in Susquehanna Township, Dauphin County.

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

#### RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of three meetings: first, a meeting of the

Committee on Finance; second, a meeting of the Committee on Urban Affairs and Housing; and third, a meeting of the Committee on Community, Economic and Recreational Development; to be followed by a Republican caucus to be held in the Rules room.

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

Senator COSTA. Madam President, I respectfully request that our Members report to the Rules room for the meetings, and I believe that there will be no need for Senate Democrats to caucus.

The PRESIDENT. For purposes of meetings of the Committee on Finance, the Committee on Urban Affairs and Housing, and the Committee on Community, Economic and Recreational Development, to be followed by a Republican caucus, without objection, the Senate stands in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

#### BILLS REPORTED FROM COMMITTEES

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

##### **HB 221 (Pr. No. 4000) (Amended) (Rereported)**

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites, for grants and for tax credits.

##### **HB 2302 (Pr. No. 3912)**

An Act providing for assistance to agencies promoting tourism; authorizing the Department of Community and Economic Development to make grants and provide assistance to properly designated tourism promotion agencies and regional marketing partnerships; conferring powers and imposing duties on the governing bodies of certain political subdivisions; and repealing the Tourist Promotion Law.

Senator PIPPY, from the Committee on Urban Affairs and Housing, reported the following bill:

##### **HB 2295 (Pr. No. 3999) (Amended)**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of condominiums, further providing for application of subpart relating to condominiums created by prior statutory law and for lien for assessments.

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

##### **SB 404 (Pr. No. 2210) (Amended)**

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions.

### RESOLUTIONS REPORTED FROM COMMITTEES

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

#### SR 317 (Pr. No. 2005)

A Resolution commemorating the 25th anniversary of the founding of the Ben Franklin Technology Partners.

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

#### SR 309 (Pr. No. 2004)

A Resolution directing the Legislative Budget and Finance Committee to conduct a fiscal impact study on the pension and postretirement health benefits of the Pennsylvania Public School Employees' Retirement System and the Pennsylvania State Employees' Retirement System.

### 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. Donald Linker, Mr. and Mrs. Edward Janosik and to Mr. and Mrs. Donald G. Wheeler, Sr., by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Wendell Ondria, Mr. and Mrs. Russell Muschlitz, Mr. and Mrs. Reynold Schneck, Mr. and Mrs. John Bishop, John Palencar, Patrick J. O'Hara, Alex Schoener, Gregory Blocki and to Freeman Jewelers by Senator Browne.

Congratulations of the Senate were extended to Valley Youth House of Allentown by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. James A. Elder, Mr. and Mrs. Charles Leroy Comp, Clarence E. Dupert, Jr., Lorma Hudson and to Cory Edward Naugle by Senator Corman.

Congratulations of the Senate were extended to the Yates family by Senator Costa.

Congratulations of the Senate were extended to Donovan Francis Rutledge, Virginia Mary Law Pierce and to the citizens of East Brandywine Township and the Supervisors of the East Brandywine Township Historic Commission by Senator Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Kotchey and to Mr. and Mrs. Robert Gally by Senator Ferlo.

Congratulations of the Senate were extended to Agnella Strauss, Jim Adams, Willie Erb, COMP Assist of Lebanon and to the Palmyra Area High School Marketing Team by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. John Kline and to Mr. and Mrs. Clark Shultz by Senator Gordner.

Congratulations of the Senate were extended to James McGhee by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Bybel by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Wise by Senator Madigan.

Congratulations of the Senate were extended to Kendra Thomas and to Michelle Fina by Senator McIlhinney.

Congratulations of the Senate were extended to Max Saidman by Senator Musto.

Congratulations of the Senate were extended to Ryan Louis Knabb and to the residents of the Antietam Valley Area of Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Jackie Betz, Erin Drischler and to Megan Neuf by Senator Orie.

Congratulations of the Senate were extended to Blake Andrew Bonnewell by Senator Pippy.

Congratulations of the Senate were extended to the Conococheague Institute and Fort Loudoun Historical Society of Mercersburg by Senator Punt.

Congratulations of the Senate were extended to Peter Michael Costalas by Senator Rhoades.

Congratulations of the Senate were extended to Donald E. Clark by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. James Mohny and to the citizens of the Village of Wilcox by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Geary, Mr. and Mrs. Elmer Mounts, Mr. and Mrs. Harry S. Anderson, Washington Hospital and to the Canon McMillan High School Baseball Team of Canonsburg by Senator Stout.

Congratulations of the Senate were extended to John-Dominic Martin Heim by Senator M.J. White.

Congratulations of the Senate were extended to Anthony Lewis by Senator A.H. Williams.

Congratulations of the Senate were extended to Chanelle Price and to Limeport Stadium, Inc., by Senator Wonderling.

Congratulations of the Senate were extended to Paragon Technologies, Inc., of Easton by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. James Greenland by Senator Wozniak.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Gordon Z. Mincer by Senator Wozniak.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 404, SB 1337, SB 1372, SB 1421, HB 2295, and HB 2302.**

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. Madam President, several of my colleagues have very eloquently and appropriately spoken about the healthcare crisis not only here in our city and region, but across our nation. There have been a lot of eloquent explanations of the need for a progressive intervention by the public sector in trying to resolve the healthcare crisis, all of which we individually define by different views, by different philosophies, and by different standards.

But I know, today, in the USA Today newspaper is an article that talks about the rising healthcare costs, and it is projected this year that employer healthcare costs are posed to rise 20 percent combined for this year, 2008, and next year, 2009, roughly 10 percent per year for the next 2 years. If you do the math, exponentially, on healthcare expenditures, you are obviously talking about a lot of money.

So I note the study today because of the PricewaterhouseCoopers documented report, an industry document that talks about how medical costs will increase 9.9 percent in 2008 and an additional 9.6 percent in 2009. The report identified two factors driving the increase: both a hospital building boom, hospitals replacing facilities and adding private rooms and outpatient treatment centers; and secondly, an increase in expenses that those with insurance are paying for those without insurance. PricewaterhouseCoopers surveyed more than 500 employers and reviewed an equal number of health plans, with a total coverage of more than 11 million people for this report. I think it is important to note that report, because tomorrow, June 19, in not only Pittsburgh and Philadelphia, but in 5 cities across the Commonwealth and some 15 or 20 cities all over the United States, there will be a national day of action protesting the extremely high and exorbitant health insurance rates, drawing attention to those rates as symbolic of the crisis and the fundamental problem that we have in the U.S. healthcare industry today, and pointing significantly to the ongoing discourse and public debate about the need for a fundamental change in the manner in which we finance and deliver and pay for our healthcare.

More and more individuals - grassroots organizations, local governments, trade union organizations, citizen-based advocacy organizations, professional groups, physician groups, nurse groups, healthcare provider groups - more and more are willing to accept the idea of a single-payer national healthcare plan.

I note that tomorrow in the Commonwealth there will be five significant rallies all over, including in Harrisburg. This is tomorrow, June 19. I note that downtown, here at the State Capitol, right on the steps of the Capitol, here at Third and State Streets, there will be a rally from noon to 1 p.m. They term their rally a "Rally for Sane Healthcare in Harrisburg." I encourage local residents here in the Harrisburg community to be on the steps of the Capitol at noon tomorrow for this rally.

I note that in Pittsburgh, there is a tremendous rally and picket line outside the corporate headquarters of Highmark Blue Cross Blue Shield in downtown Pittsburgh that runs tomorrow from 11:30 a.m. to 1 p.m. That is right down on Liberty Avenue, in the heart of downtown.

I also note that, equally, in our great sister city of Philadelphia, there will be a rally at noon at Two Liberty Place at 16th and Chestnut Streets. This is being organized as a "Day of Protest Against Insurance Companies." Pennsylvania is leading the nation in rallies for sane healthcare with five events, with more than a dozen happening all over the country.

In Allentown, I know there is a rally that begins--and I will just quote, "Allentown reminds us that the movement for sane healthcare reform extends to every part of Pennsylvania." They are asking citizens and those with concerns to join them and their neighbors. They are going to be sharing stories and talking about the burden of the outrageous and exponential growth of health insurance premiums and what the inability of many to get adequate healthcare means. That rally starts at noon in front of the Highmark Blue Cross office on Hamilton Street in downtown Allentown. I encourage folks to participate.

Equally, in Wilkes-Barre tomorrow, there is a rally, "Healthcare, Yes; Health Insurance, No," at noon at the Public Square in downtown Wilkes-Barre.

So those are just five of numerous cities around the country that have protest actions of one sort or another. I note that, again, to reiterate, tomorrow, Thursday, June 19, is a national day of protest against health insurance companies. These protests will take place throughout the country and the five cities that I mentioned around Pennsylvania.

Between the biweekly deductions out of our paychecks, copayments for physicians, prescription drugs, and outpatient services, Americans are paying upwards of \$3,000 per year or more for health insurance. Employers are paying through the nose for healthcare as well.

In helping to organize the rally tomorrow in Pittsburgh, I spoke to one local mayor of a third class city whose health insurance premium rates from Highmark increased by 86 percent. This has a devastating impact on a small third class city in Allegheny County and, in fact, they just cannot afford to pay the bill. They will either shut down portions of government, close wholesale departments within the local municipal government, or you would be talking about such an outrageous tax increase, either on wages or property, that they would in no way have the ability to meet that.

Now, I think, partly because of this protest tomorrow, all of a sudden, Highmark is willing to negotiate a different rate. So I applaud them for being able to wrestle some response from Highmark, but this is not really the way we should deal with the healthcare crisis in our nation. The need for a more systematic approach, the approach that I have been a leader and supporter of nationally, is the single-payer initiative led by Congressman John Conyers, House Resolution No. 676, as well as a broad-based coalition here in Pennsylvania.

We have introduced Senate Bill No. 300, which is a similar measure, to fundamentally redefine the manner in which we deliver and pay for healthcare here in our Commonwealth. It is a bill that also has a companion piece of legislation in the House with over 40 House Member cosponsors. I applaud the Rendell administration and my colleagues for continuing to press on incremental approaches to try to get healthcare to a greater number of Pennsylvanians at some reasonable costs. But our healthcare industry is sick and, in fact, it is in need of radical surgery,

Madam President. We need to fundamentally take back control of our healthcare industry, and we have a better manner in which we can deliver necessary healthcare, including the manner and method by which we pay for it.

I note that in the case of Highmark Blue Cross Blue Shield in Pittsburgh, they have \$4 billion in reserves, and I want to refer to a couple of communications from small businesses in my community. I note that one comments that "the rate hikes for Highmark Blue Cross Blue Shield would be unfair, to say the least. According to Highmark Blue Cross Blue Shield's 2007 annual report, Highmark's net income was \$398 million in 2006 and \$375 million in 2007. Highmark had \$4 billion in reserves last year. I understand the need for reserves, but is not \$4 billion enough?" This person works for a small company, and she comments that, "our insurance premiums have skyrocketed in the past few years. I pay a share of my medical insurance, and my employer pays the majority of the costs. If rates keep climbing, in another year or so, we may not be able to afford insurance at all. Then what? If you keep letting insurance companies gouge the public, we will have more and more Pennsylvanians with no insurance looking to local, State, or Federal government to somehow cover the costs when they need necessary medical care. Who will pay for that? Meanwhile, Highmark will be raking in billions while only insuring the healthy." They pick and choose, as you know, Madam President.

"This has to stop now. How about giving the taxpaying public a break for once rather than robbing the middle class and working poor to pay the already obscenely over-reserved Highmark?" This person is particularly protesting a pending rate hike by Highmark that is now before our illustrious Insurance Department, which I thought, historically, always represented the insurance industry.

Secondly, I note a lawyer who has written to me, has written to the actual Insurance Department in protest and to get onto the public record about Highmark's pending rate increase. I want to note that she comments, "I am a small business owner in western Pennsylvania. I purchase health insurance for myself and one other employee in the law firm from Highmark Blue Cross. The costs used to be fairly reasonable. In the past 3 years, the rates have increased astronomically, such that the cost is \$10,000 per year per person just for basic healthcare." And she sent this letter to register her protest to the Pennsylvania Department of Insurance. I hope it does not get put into the circular file.

"The Highmark annual report shows that Highmark reported \$375 million in net income for 2007. Reserves grew from \$3.6 billion to almost \$4 billion between 2006 and 2007. I understand that Highmark has to build reserves for contingencies for a few bad years and for development of new products, but is not \$4 billion enough to tide them over for a few years? I hope the Pennsylvania Insurance Department--do not hold your breath--"will take a stand in favor of small business, and the little guy can tell Highmark that their request for rate hikes are unacceptable."

Madam President, there is indeed a need for a national protest tomorrow. I encourage all residents, especially those in the Pittsburgh area, to come down to the Highmark headquarters to protest the practices and outrageous insurance premium increase costs of this one health insurance company. But more impor-

tantly, in demonstrating tomorrow, you are demonstrating not only against higher insurance premiums, you are taking a stand to say enough is enough. It is time for us to fundamentally reorganize and redefine our U.S. healthcare system.

So in the words of Mr. Pennacchio, an organizer for one of these organizations fighting for the single-payers statewide, let the word go forth that Pennsylvania is ground zero in the citizen-driven, economic, moral, and democratic campaign for the single-payer solution.

And single-payer is publicly funded and privately provided. I know the Republican Majority and the right-wing community and those who earn tremendous profits, the drug corporations and insurance corporations, keep trying to tack the single-payer system as, somehow, radical socialism. Nothing could be further from the truth. It is, in fact, basically similar to the publicly administered Social Security and Medicare programs where we, in effect, with a single-payer, are proposing Medicare for all, building on what we know works.

In July, we will celebrate the 43rd anniversary of the passage of Federal Medicare. I noticed there were two Democrats who signed the bill, LBJ signed the bill for the passage of Medicare, and the first recipient of Federal Medicare that LBJ signed up was good old Harry S. Truman. So the fact of the matter is, we are going to be celebrating that at another event in July. But we already know what works: Federal Medicare, the Social Security Administration. The public sector collects resources through taxes and revenues and administers the programs appropriately.

The health insurance corporations extract and waste 13 to 19 percent of the healthcare dollar for profiteering and private administration. They have jets. They have outrageous corporate salaries. You look at good old UPMC and the multi-million dollar sign they put up on the USX tower, that obnoxious, disgusting sign sticking up like a big phallic symbol in downtown Pittsburgh.

The fact of the matter is, there is waste and abuse in the healthcare system. We need to change that. We can take back control of our system by moving Senate Bill No. 300 front and center for a single-payer system here statewide. And I hope and pray that following the Presidential election, we will have enough of a movement amassed across our Commonwealth, across all of our 50 States, that we can move Congressman Conyer's House Resolution No. 676, the need for a national single-payer healthcare plan, to the front and center of the Congress. And I hope and pray that we will have a President who will actually support and sign that legislation.

We are becoming suffocated as a result of the expenditures of healthcare. By every measurable standard in terms of healthcare, we do not rank appropriately in the world community. On any level - infant mortality, infant morbidity, heart attacks, quality of care, you name it - we are not getting what we pay for. There is a better way to deliver a basic human right.

I have no problem with the free market. Capitalism is great. If you want to make money, sell Cadillacs and diamond rings. But as a society and as humanity, we need to remove the profit-driven motive out of the healthcare delivery system. The way to do that is to build a publicly financed, publicly administered program with private choice, where individuals make and continue to make private choices for the healthcare providers they seek, via

primary, secondary, or tertiary care. It is long overdue for a national single-payer healthcare plan in this country.

I urge all Pennsylvania residents to come out to these five cities tomorrow and protest and show your outrage at the antics and activities of the health insurance conglomerates, at the wasteful expenditures by the drug corporations who waste billions on advertising. I do not even need to go into it, Madam President, but you see on your television the waste and abuse of healthcare dollars, which does nothing to actually provide needed and necessary healthcare. It is a waste of money. We need to take back our healthcare system in this country and truly build a system that is for people and not for profits.

Thank you, Madam President. I appreciate the time.

The PRESIDENT. Thank you, Senator Ferlo, for your very informative advice and comments.

The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Madam President, I also would like to thank Senator Ferlo for his comments and his historic willingness to work on this issue of providing healthcare and health coverage for the hundreds of thousands of people in this Commonwealth who have no health coverage, and being a clear and consistent voice for the millions of people all across this country who are suffering in a like situation.

Before I go any further, Madam President, I have with me some remarks that have been prepared by Senator Stack. He has to chair a committee meeting right now, I believe it is a meeting of the Committee on Banking and Insurance, where they are looking at Senate Bill No. 1137, which has in it the Governor's PA ABC program, which would significantly address the health crisis for hundreds of thousands of people in this Commonwealth. So I have his remarks. I see that they are focused on the extension of the Property Tax and Rent Rebate Program. I want to submit them for the record, that they may be included in the history of the Journal of the Senate of the Commonwealth of Pennsylvania.

The PRESIDENT. Thank you. The remarks will be spread upon the record.

*(The following prepared remarks were made part of the record at the request of the gentleman from Philadelphia, Senator HUGHES, on behalf of the gentleman from Philadelphia, Senator STACK:)*

Madam President, recently, the deadline to apply for Pennsylvania's Property Tax and Rent Rebate Program for seniors and disabled residents was extended from June 30 until the end of the year. The public's concerns about the high cost of living and a national economic recession are escalating. The concern is even greater for some seniors who face a very difficult financial situation already.

The average household income reported by homeowners who applied for a 2005 property tax rebate was \$8,337. These people are dealing with the same expenses as everyone else: property taxes, home heating costs, and out-of-pocket expenses for healthcare, and are making just a little more than \$8,000 a year.

Additionally, many seniors need prescription medication. This is a growing burden as the prices for these medications rise higher and higher. Almost every day, I hear or read stories about seniors struggling to pay their bills. This is not only a personal tragedy for these individuals but a disgrace to our society. I have heard from many seniors who are struggling to stay in their own homes because their property taxes are too great a burden. To help ease that burden, I and others here

fought for several years to come up with a plan to significantly decrease property and wage taxes. We did that nearly 2 years ago when we passed the landmark Pennsylvania Taxpayer Relief Act. In the process, we were successful in expanding the Property Tax and Rent Rebate Program for older Pennsylvanians. Under this law, Pennsylvanians age 65 and older, widows and widowers age 50 and older, and people with disabilities age 18 and older can apply for rebates.

The popularity of the casinos is exceeding expectations, and many seniors can benefit from it. The revenue from the State's growing slots industry has increased the income limit from \$15,000 to \$35,000 and raised the maximum rebate from \$500 to \$650. This year, it is estimated that 600,000 seniors will benefit from rebates, compared to 310,000 before the program's expansion. More than 200,000 will have their school property taxes completely eliminated.

The Department of Revenue says that they have received more than 515,000 Property Tax and Rent Rebate applications as of May 30. It is important that we as legislators get the word out on the services that we offer. I urge my colleagues to do just that. The Property Tax and Rent Rebate Program is just one of many programs that can assist older Pennsylvanians who live on modest incomes. We need to let seniors know that there are programs that can help pay utility bills, Medicare Part B premiums, and prescription drugs. I urge people who think they may be eligible for a property tax rent rebate to contact their State Senators for an application. With more casinos expected to open, I am hopeful that we can provide even greater relief in the years to come.

I urge those who are eligible for this program to apply. Nobody can predict when our economy is going to turn around. Please take advantage of this program and others that are in place for your assistance.

Thank you, Madam President.

Senator HUGHES. Madam President, with respect to healthcare, we are approaching the final days, this being June 18, of this legislative cycle. And we hear from the media and we hear from the conversations around this building, we hear from our meetings, that it appears that healthcare is going to be left on the table, in terms of the series of issues that we will be resolving in this budget process. Needless to say, we are very disappointed, and in spite of what might be reported, there are a number of us continuing and willing to try to work to find a resolution to this.

The history on this is clear and concise, Madam President. I will choose not to go through the extended version of the history, but to say that since last year, since the fall of last year, Madam President, there have been a number of us, essentially, on this side of the aisle, led by Senator Costa and myself, who stood at this microphone and challenged this General Assembly, specifically this portion of the building, to address the issue of the hundreds of thousands of adults in the State of Pennsylvania who have no health insurance. We got up on almost a daily basis, Madam President, to continue to remind this body, on both sides, what needs to be done, what should be addressed, and the fact that there are so many people who are suffering.

We continually stood up, Madam President, and reminded the Members and anyone else who may have been listening or paying attention, that the overwhelming number of individuals in the Commonwealth who have no health insurance are working people. They get up early and they go to bed late. They are usually on the job site before we rise, and they are usually finishing their day long after we have finished ours. We depend upon them. We could not survive without them. They are complete and relevant and important parts of our daily reality, and not just ours as Members of this sometimes august body, but not too august lately, not just for us, but for everyone. They are part and parcel to the functioning of this State and the functioning of this country.

These are people who are playing by the rules, Madam President. They are doing what is asked of them. They are engaging themselves in life. They are working, trying to make a difference for their families. They are full participants in what we have crafted as the significant process for elevating themselves to realize the American dream. That is who they are.

Most of these working individuals who have no health insurance are women. Most of them are raising families. Many of them are the principal leaders in their families, which means, in translation, that they are doing it by themselves. They are making a difference, trying to play it right, trying to play it straight, by themselves.

They take care of our own children. They work in daycare centers. They feed us and serve our food when we go to a restaurant or when we go to a fast food place or a convenience store. They work in medical facilities and medical institutions. They take care of the very health of the rest of us. They do basic retail and other kinds of service work that exist in our communities - those small shops in the neighborhoods, those small little businesses in our neighborhoods, in our communities, down the country road, up the big city street.

They are there working, trying to respond to our needs, trying to service us, making the few little dollars that they make, enough to get from day to day in some cases, but clearly, in most cases, not enough. Not enough, Madam President, to provide healthcare for themselves and the rest of the members of their family.

So fast-forward from the fall of last year, and I only start with the fall of last year, Madam President, because we could talk about a long history of ideas, discussion, legislation, and elements and points that we have offered forward that have not been addressed. But a long history, Madam President, with a willingness to negotiate that and the substance of it. But we start with the fall of last year and move forward from there.

The Pennsylvania House of Representatives, our colleagues on the other side of the building, heard our cry, heard our plea, and working with the Governor, who has taken a great leadership role in trying to amass the information, amass the data, craft a data- and fact-ridden program for us--the House of Representatives, working with the Governor, passed a significant 95-percent version of PA ABC, with only some small points that needed to be added in on our side of the building.

So we can be clear. PA ABC would have provided coverage for over one-quarter of a million people in this Commonwealth. PA ABC would have reformed the adultBasic healthcare program, with its thousands on the waiting list, and added additional coverage and additional care to a preexisting program that was available to Pennsylvania citizens. PA ABC, in addition to adding care--and probably one of the most significant portions of care and kinds of care that PA ABC would have added would have been care for those individuals suffering with behavioral health issues, more commonly known as mental health problems. PA ABC poised to stand and do that. In addition to that, Madam President, the House of Representatives and the Governor, getting together, negotiated and put forward a program that would provide prescription drug coverage to the hundreds of thousands of people who have no health insurance in this Commonwealth.

So you have a significantly advanced program that deals with a wide range of healthcare issues, and adds, on top, prescription

drugs. It passed the House of Representatives on March 17, 2008, and not just by one vote, but by a significant majority. It passed. And on March 17, 2008, that legislation was sent over to this body, and from March 17, 2008, nothing has been done. Nothing.

What do we say to those individuals? What do we say to those people who are playing by the rules, doing the right thing, and paying their taxes? What do we say to them? I am sorry, there is no help for you. Is that what we say, or do we say that your issues are meaningless, that you are insignificant? Because no action relegates them to an insignificant status. That is what you are saying to them when we choose not to take action on this measure, when we allow them to sit idly by and we choose not to respond to them. You are saying to them that I do not care where you live--if you live in Fayette County, if you live up in the northern tier, if you live in west Philadelphia, if you live in Bucks County, if you live in the central part of the State, in every county where there is someone who has no health insurance--a lack of action sends a message to them that they are insignificant.

And the only reason why I rise at this moment, Madam President, is because I know that they are not insignificant. I know that. I have a friend, someone with whom I served in my church, who just recently had a stroke, Madam President. Just had a stroke. Now, let us be clear about what his history has been. He worked in the business, and this is really significant, Madam President, the business of transacting homes. He is a real estate broker, an agent.

I raise that as significant because, Madam President, when the foreclosure crisis happened and the market dropped out of our economy, that business suffered dramatically. But unfortunately, when the market dropped out and that business suffered dramatically, the off-shoot of that reality was that there were individual people who could not do the work that they had trained and worked so hard for, because the economy dropped and there were no transactions going on. So this individual could not do his job. A hardworking, God-fearing good person trying to do the right thing, trying to make his mark in the State, trying to make a difference, could not do his work.

Consequently, he could not afford healthcare. He could not maintain the payments for his policy. So he had to drop his policy, which means he had to drop the prescription drugs that he was supposed to be taking, or he had to extend that prescription, and we all know very well, Madam President, how that works. When you cannot afford to purchase your drugs, then you are left in a situation where the few drugs that you have, you have to figure out a way to make pills for a day to transform themselves into pills for a week.

Well, you know, in certain medical conditions, that does not work. You cannot do it. Next thing you know, we look up, he has had a stroke because he could not maintain. Now, he did nothing wrong in any aspect of his life. He worked. He worked hard. He made a difference. He was a servant to his community. He was a member, and still remains a member, of my church. But no one was there to stand for him.

That is where we are. That is just one example, Madam President, of what happens when we have the opportunity to work for people and we choose not to work for people. We abandon them. Now this, Madam President, was not a situation where we had to

craft something all brand new, or where we had to negotiate a matter from scratch to see what the House would like and what the Governor would be amenable to. This, Madam President, is a situation where you already had 21 votes ready for the measure to be passed. All you needed was five more. What we have here, Madam President, is a failure to act, a failure to serve, and definitely, a failure to lead. The bill was ready to go by the Governor, passed the House of Representatives, came to the table in the Senate with 21 votes ready to go. No action.

Madam President, there is a palpable pain that exists across this Commonwealth. People are suffering, and sometimes when we get up here in this Chamber, sometimes we forget a little bit about what is going on back home, the suffering that exists, the pain that exists, the economic distress that is going on in people's lives, the healthcare problem that people are confronted with. Gas prices by the end of the summer will be at least \$5 a gallon. You can bet a full tank on that. Maybe even by July 4.

Healthcare prices--Senator Ferlo just talked about an article in USA Today about another 10-percent increase this year, another 10-percent increase next year, a 75-percent increase over the last 6 years. In a matter of less than a decade, healthcare premium costs will have gone up almost 100 percent, and we choose not to act. We choose to stand idly by. What does that say about us? And in this case, again, Madam President, I repeat, signed off by the Governor, passed by the House, and sitting here for us to address. Food prices are going up. Gas prices are going up. Healthcare prices are going up.

If you have healthcare coverage, the negotiations have changed. Now your deductible is larger. If you have healthcare and you have to pay a copay for your drugs, that copay is going up. Incomes are not going up. Incomes are barely at inflation. Basic inflation is going up. And then you add some of the staples, like gas, like healthcare, like food, and how do we respond to the cry and the call of the people of this Commonwealth? We look the other way. Or at least, too many of us in this body look the other way.

Signed off by the Governor, passed by the House of Representatives on March 17, and here we are, June 18, 3 months later. Three months later. It is over, and the word is we are not going to negotiate out that issue.

Electric rates are going up. Bankruptcies are up. MarketWatch report indicated, Madam President, that one of the main reasons why there is an increase in bankruptcies is because of the crisis of healthcare, and families get into a healthcare crisis and they wind up having to pay out of their pocket or they get billed. They cannot keep up with those bills, and consequently, they go under. They are filing for bankruptcy. Foreclosures are up. There has been another spike in foreclosures, and this body chooses not to act.

Then, if you think, Madam President, that there will be no political repercussions for a lack of action, for a failure to work, if anyone is sitting here believing that they will be able to ride this out, from a political perspective, I would suggest that they are sadly mistaken. Eighty-four percent of the people in this nation know, they do not just feel it, they know that we are going in the wrong direction, and they believe that the economy is falling down right around them, and that they are going to be sucked up into it. So the best thing to do, from a healthcare perspective, is

to respond to that healthcare reality. From an economic perspective, it is to deal with the economic reality of the healthcare crisis. But doggone, from a political perspective, the best thing to do is not to hide your face or your head or your political backside in the stand, but to step up and stand up for these people, for your constituents and for the whole of us. All right?

But the measure, passed by the House, approved by the Governor, has sat in our Chamber for 3 months. We can pass it. We can move the issue and get it out of here, and we can be signing folks up by August. We could be putting a new program in place and signing people up by August. Nothing. We are here, supposedly, until June 30. This is June 18, 3 months after the measure was sent over to us. It is June 18. We have 12 days--well, not even 12 Session days, Madam President--12 days on the Calendar to get to before we get out of here. Session days, maybe 7, 8, maybe 9. And that is it. We need to get some guts to respond to the issue and to stand up for those people whom we have been sent here to stand up for. It passed the House on March 17. It is not a new measure. It is well-studied. It is well-researched. It is time for us to respond to the suffering of those who need us the most, and to get something significant done on healthcare in this Commonwealth.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Hughes, for your continued discussion with the Senate on the current status of healthcare here in Pennsylvania.

May I please ask the Senate to rise for a moment of silence. On Friday, June 20, Sam Evans, whom I had here to speak several times, passed away. He was 105 years old, and his funeral is this Friday. He started the Pennsylvania Black Student Scholarship Fund in 1970.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of SAMUEL EVANS.)

### ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### TUESDAY, JUNE 24, 2008

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 1180 and 1428)	Room 461 Main Capitol
12:00 P.M.	GAME AND FISHERIES (to consider Senate Bills No. 1118 and 1119; and House Bill No. 69)	Room 461 Main Capitol
12:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bills No. 684 and 1199)	Room 461 Main Capitol

#### WEDNESDAY, JUNE 25, 2008

9:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on REAL ID Act of 2005)	Hrg. Rm. 1 North Off.
10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 884 and 1496; and House Bill No. 1280)	Room 8E-B East Wing

**RECESS**

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

Senator ORIE. Madam President, I move that the Senate do now recess until Monday, June 23, 2008, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:27 p.m., Eastern Daylight Saving Time.