

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	Erickson	Piccola	Robbins
Baker	Folmer	Pileggi	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
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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 Orié.

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 Mohney 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.

