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FRIDAY, JULY 4, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 54

SENATE

FRIDAY, July 4, 2008

The Senate met at 9 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Let us pray.

Heavenly Father, we thank You for the faithful care that has brought us safely to the light of a new day. As we convene in silence for this rare Friday and holiday Session, we invoke Your blessing and pray that Your spirit would move in our midst during the long hours ahead. We are confident that with Your abiding guidance and care, we may succeed, working together, and bring this budget Session of the Senate of Pennsylvania to a productive and fruitful conclusion. Amen.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVE

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

Senator ORIE. Madam President, I request a legislative leave for Senator Mary Jo White.

The PRESIDENT. Senator Orie requests a legislative leave for Senator Mary Jo White. Without objection, the leave will be granted.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, and referred as follows, which were read by the Clerk:

July 4, 2008

Senators EARLL, PILEGGI, M. WHITE, SCARNATI, PUNT, MADIGAN, ERICKSON, TOMLINSON, CORMAN, McILHINNEY, ORIE, RAFFERTY, GREENLEAF, D. WHITE, REGOLA, WONDERLING, FOLMER, MUSTO, WAUGH,

KITCHEN, VANCE, GORDNER, BROWNE, PIPPY, ROBBINS, BAKER and BRUBAKER presented to the Chair **SB 2**, entitled:

An Act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard unsafe dam projects.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 4, 2008.

Senators CORMAN, WONDERLING, COSTA, C. WILLIAMS, TOMLINSON, KITCHEN, PUNT, TARTAGLIONE, M. WHITE, WOZNIAK, WASHINGTON, FERLO and FONTANA presented to the Chair **SB 385**, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 4, 2008.

Senators REGOLA, PILEGGI, ROBBINS, WOZNIAK, GORDNER, PUNT, WASHINGTON and ARMSTRONG presented to the Chair **SB 1332**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for form of oaths of office; and in other subjects of taxation, providing for hotel room rental.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 4, 2008.

HOUSE MESSAGE

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 1389, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 1389**, and has appointed Messrs. DeWEESE, D. EVANS and CIVERA as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two Houses in relation to said bill.

CALENDAR

SENATE RESOLUTION No. 243
CALLED UP OUT OF ORDER, ADOPTED

Senator ORIE, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 243**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study to examine state law and school policies and practices regarding the notification of parents when a student violates a public or private institution of higher education's drug and alcohol policy.

On the question,
Will the Senate adopt the resolution?

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

YEA-50

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

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for purposes of meetings of the Committee on Appropriations and the Committee on Local Government.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations and the Committee on Local Government, without objection, the Senate stands in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

Senator ARMSTRONG, from the Committee on Appropriations, reported the following bill:

HB 1067 (Pr. No. 4199) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions,

further providing for background checks of prospective employees and conviction of employees of certain offenses and prohibiting certain regulations for the 2008-2009 school year; in school finances, further providing for annual budget, additional or increased appropriations and transfer of funds; in pupils and attendance, providing for classroom placement of twins and higher order multiples and parental discretion; in safe schools, further providing for office for safe schools, providing for policy relating to bullying, and further providing for transfer of records; in educational support services and educational assistance programs, further providing for educational assistance program; in early learning programs, further providing for definitions; in high schools, establishing the virtual high school study commission; in charter schools, further providing for requirements, for term and form of charter, for facilities, for enrollment, for transportation and for causes for nonrenewal or termination; in education empowerment, further providing for board of school directors, for education empowerment districts and for mandate waiver program; in community colleges, further providing for financial program and reimbursement of payments; in disruptive student programs, further providing for definitions and for applications; in system of higher education, further providing for annual report; in educational improvement tax credit, further providing for definitions, for tax credits and for limitations and providing for state-related university reporting; in school districts of the first class, further providing for board of public education and additional duties; in funding for public libraries, providing for state aid for fiscal year 2008-2009; in reimbursements by Commonwealth and between school districts, further providing for definitions and for funding for partnership schools, providing for basic education funding for student achievement and for accountability to Commonwealth taxpayers further providing for payments to intermediate units, for special education payments to school districts, for Commonwealth reimbursements for charter and cyber charter schools and for Pennsylvania accountability grants.

RESOLUTION REPORTED FROM COMMITTEE

Senator REGOLA, from the Committee on Local Government, reported the following resolution:

SR 363 (Pr. No. 2303) (Amended)

A Resolution directing the Legislative Budget and Finance Committee in cooperation with the Department of Community and Economic Development and the Local Government Commission to conduct a study of the impact that tax-exempt real properties have on the fiscal health of Pennsylvania's municipalities.

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

REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED

Senator PILEGGI submitted the Report of the Committee of Conference on **SB 1389**, which was placed on the Calendar.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator ORIE, as Special Orders of Business.

BILLS OVER IN ORDER

SB 26, SB 1425 and HB 1674 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL LAID ON THE TABLE

HB 1786 (Pr. No. 2383) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to dedicate, grant and convey to the Strasburg, Lancaster County, Borough Authority, a water main and appurtenances to be constructed by the Department of General Services, together with easements for public water purposes, situate in Strasburg Township, Lancaster County, and to grant such further easements and licenses as may be necessary to provide the Railroad Museum of Pennsylvania with access to public sewer service.

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

BILLS OVER IN ORDER

HB 2188, HB 2539 and HB 2546 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for the purpose of a Republican caucus.

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

Senator O'PAKE. Madam President, I ask that the Democrats report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON
CONCURRENCE IN HOUSE AMENDMENTS
AS AMENDEDSENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 1348 (Pr. No. 2298) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1348?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1348.

On the question,
Will the Senate agree to the motion?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Mary Jo White has returned, and her legislative leave is cancelled.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDEDSENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 1297 (Pr. No. 2302) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for State Treasury investments; providing for audit of deposited securities; further providing, in unclaimed property, for judicial action; further providing for funding of special funds; establishing the Hazardous Sites Cleanup Fund; further providing for general budget implementation; providing for 2008-2009 budget implementation and for 2008-2009 restrictions on appropriations for funds and accounts; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1297?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1297.

On the question,
Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 377 (Pr. No. 4195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for alternative special tax provision for poverty study; further providing for contributions to breast and cervical cancer research; and providing for volunteer responder retention and recruitment tax credit.

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 Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I rise in support of House Bill No. 377 as amended to include a tax credit for volunteer firefighters and emergency responders. As you know, Madam President, this is a proposal that I and many of my colleagues, on both sides of the aisle, have been fighting to advance for years. I am proud to have been the original sponsor in this Senate of the tax credit for our volunteer first responders, a proposal that I first introduced with broad bipartisan support and cosponsorship in the form of Senate Bill No. 916 nearly 5 years ago on September

17, 2003. In fact, it was Senate Bill No. 916 that was recommended by the Senate Resolution 60 Commission that completed its report in November of 2004.

But today, Madam President, this is not about authorship or sponsorship. It is about taking action to, hopefully, hopefully, get this done. As I said a few weeks ago when this Senate voted 50-0 to send the Senate bill embracing this concept to the House, our dedicated volunteer first responders not only deserve our thanks, they deserve a tax break, and this recruitment and retention incentive is long overdue.

Twenty-four/seven, 365 days a year, on a moment's notice, when just about any and every imaginable emergency occurs in communities across this Commonwealth, they answer the call for their neighbors in need. It is long past time that we answer their call for help. While they deserve more than a \$100 State income tax credit, which is now contained in this bill as amended, this is, at last, a start. It is a beginning in demonstrating that even in a very difficult budget year, we can move forward with the implementation of a commonsense incentive toward encouraging the retention of the active fire, ambulance, and rescue company volunteers we already have, while helping to attract the next generation of recruits that our community so desperately needs.

So, Madam President, I thank and commend Senator Baker, Senator Waugh, Senator Dinniman, and all those who worked to get this concept before us so that we can approve it, finally, today. This has, of course, been picked by the volunteers themselves on more than one occasion as their top recommendation on what would keep them volunteering in New York State, which implemented a \$200 State income tax credit for their volunteers, beginning with the 2007 tax year. Maryland also has such a tax credit for their volunteer firefighters for a dozen years.

So, Madam President, it is time to get this done. I urge a resounding vote in the affirmative, and I call on our colleagues in the House, on both sides of the aisle, to expedite concurrence with a resounding vote in the affirmative as well.

Thank you, Madam President.

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

Senator BAKER. Madam President, I, too, rise to support passage of House Bill No. 377. With that, we will help to secure the future of Pennsylvania's volunteer fire and emergency services in our Commonwealth. Today, we are taking tangible action to support our important volunteer responders. We know that whether you live in a small borough, a township, or a city that still relies on the ranks of volunteer units, the problem is all too familiar: the ranks of our responders have been diminishing. We cannot take them for granted any longer or assume that they are going to be there to answer the call at the firehouse or be available for that ambulance run.

This package today in House Bill No. 377 is something that my staff and I and Members of the Senate have been working on for over a year to develop. We are working to advance a package of bills that passed through the Senate several weeks ago, a package of bills that awaits action in the House. But in advance of the House taking those bills up for final approval, we have provided an intermediate step through House Bill No. 377 to include \$4.5 million in this year's budget to support our volunteer responders for a 1-year tax credit of \$100 per volunteer.

We developed, through our work with the volunteer Pennsylvania Fire and Emergency Services Institute, which happens to be the largest statewide group, along with input from the State Fire Commissioner and the EMS director, a point system and a certification process. So in consultation with all of those folks, we have developed a process that will insure that we are certifying the right people for this tax credit.

The score will certify and identify those who are active, and those factors are important, because they include the number of calls that the volunteer makes, the level of their training, the time that the volunteer puts forward for administration and support, both in the firehouse and the maintenance of the equipment and fundraising, as well as projects that keep the volunteers viable, and the readiness of the fire station.

It is a comprehensive approach to cover all aspects of the operation of our volunteer fire and EMS certifications. In other States, we find that they are self-certified, and in fact, in New York, they have a self-certification process. We are taking it another step forward so that we are actually certifying to insure that these are the volunteers, these are the men and women whom we want to reward, those who are active.

So I am very proud to be here today in support of a bipartisan effort. It certainly deserves credit for our leadership here in the Senate - Senator Pileggi, Senator Scarnati, Senator Orie, and Senator Waugh, who is chair of our Fire Caucus. And I also have to compliment the other side of the aisle. I know Senator O'Pake has been a champion of this, along with Senator Logan and Senator Mellow. We are working, also, in concert with Representative Solobay from the House, who is chairman of their Fire Caucus, and he is going to do what he can to help support and advance this being approved. And we also have much work to be done on the package of bills that awaits action.

So I join with all of my colleagues in saying it is a first opportunity for us to do something critically important for our volunteers, and I want to thank you today. I ask for your support of House Bill No. 377.

Thank you, Madam President.

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

Senator DINNIMAN. Madam President, today is not only a good day for the fire people of this State, but it is also a good day for the taxpayers. If you think about it for a second, we know that the number of volunteers is going down in this Commonwealth. In 1986, there were over 152,000 volunteers in the fire services. Today, we estimate that there are only about 60,000. If we look at what it would cost taxpayers, we are talking about over \$6 billion of taxpayer expenses if we did not have volunteers and had to hire professional firefighters.

So today is not only a day in which we thank the firefighters for the service which they do for this Commonwealth, but it is also a day in which taxpayers can be happy, because we will be saving billions of dollars of local taxpayer money by encouraging, maintaining, and helping in the recruitment and retention of volunteers in this Commonwealth.

So I also urge a "yes" vote. We thank all who have been involved, going back to Senator O'Pake's work and Senator Waugh's work currently. It is my pleasure to work with Senator Baker in making this a reality, and I hope this is only the first

step in getting the entire package of bills through to the House. And really, by this time next year, we will be able to stand up and say, hopefully, or hopefully maybe even in the fall, we can say that we have stood arm-in-arm with our firemen and firewomen and EMT workers so that we have the Commonwealth protected, and that is the most fundamental purpose of government, the protection of each and every citizen.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, this is a historic day for our Commonwealth, no doubt. For some 20 years now, and I go back 20 years to when I spent a lot more time hanging around the fire hall and working with my friends in the field, this has been a goal that was on the platter of volunteer fire and emergency service personnel for that long, and even before. And I truly believe that the action we are taking today will pay rewards over and over again and really will assist with recruitment and retention efforts. That is the goal. It is a very, very modest investment for what I believe will be returns for our entire Commonwealth, each and every community, each and every township, over the next several years, and I do not believe it will take long for it to actually catch hold.

So I rise along with my other distinguished colleagues to commend the Members who have worked so diligently on this, Senator Baker, Senator O'Pake, Senator Dinniman, and the others who have really put themselves in to make this become a reality. I would like to thank our Committee on Appropriations teams on both sides of the aisle for achieving this in the budget this year. That certainly is an important step. And I wish our volunteers well in the field as they engage in this very worthwhile program. Thank you.

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

Senator RAFFERTY. Madam President, I am honored to follow the gentleman from York County, who himself runs with a local fire company. Madam President, I have had the opportunity to speak to a number of local firefighters and EMTs throughout my district, whether community days, visiting the fire halls, or seeing them at different events or shopping centers throughout the community. They have all been excited about this package of bills that came out of Senator Baker's committee. They have all been supportive of the bills, and they have all been anxious for the bills to pass, because they recognize the importance that these bills will play in keeping the number of volunteers and hopefully building upon and increasing the number of volunteers serving us here in the Commonwealth of Pennsylvania. I cannot think of a better way to show our appreciation to the volunteer firefighters and EMTs than for an affirmative vote on this bill, and I urge it.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, today, on July 4, when we celebrate the founding of our country and the incredible volunteerism, the efforts of our citizens throughout the centuries to make this a great State, I think this is a wonderful recognition for our volunteer fire companies. This is the 12th year of a budget for me, and my last. I am just delighted that we are able to do

this. As I recall, even when I was a Member of the House, we tried to get some help for our volunteer services, so I am delighted that this is finally happening, and I thank you.

The PRESIDENT. Thank you, Senator Williams. I am sorry it is your last year.

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-50

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

NAY-0

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

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

HB 1199 (Pr. No. 4189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for definitions, for State Board of Physical Therapy and its powers and duties, for training and license required and exceptions, for application for license, for qualifications for license and examinations, for renewal of license and for reporting of multiple licensure; providing for continuing education; further providing for practice of physical therapy, for physical therapy assistant, education and examination, scope of duties and registration and for supportive personnel; repealing provisions relating to Athletic Trainer Advisory Committee and certification of athletic trainers and certification renewal, revocation and suspension; and further providing for refusal or suspension or revocation of license, for automatic suspension, for temporary suspension, for subpoenas, reports and surrender of license, for penalties and injunctive relief and for impaired professional.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

PERMISSION TO ADDRESS

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

Senator MELLOW. Madam President, I actually want to introduce two guests and make one announcement. The announcement, first, would be that one of my very trusted aides, and I am going to use that word loosely, Colleen DeFrank, is celebrating a very special birthday today. If it were her 25th or 26th, I would not say a word, but it happens to be the big 30. She is paranoid, and she is hiding back there, so I would just like to make the acknowledgment that today, July 4, is her 30th birthday.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT J. MELLOW
PRESENTED TO THE SENATE**

Senator MELLOW. Secondly, and equally as important, Madam President, we have had two great interns who have been working in my office this summer, and since today will be the last day that I will have the opportunity to make an introduction before they leave and go back to school, I would like to introduce them. They are both here with us on the floor today.

First, I would like to introduce Tom Grady. Tom is from Scranton. Some of you will say, well, where else is he expected to be from? I am making the introduction. He goes to the New England School of Law, and his graduation date will be in 2010. I guess for my colleagues from Philadelphia, probably the most important thing is he is both an Eagles and a Phillies fan.

The other one is Kris Gazsi. Kris's hometown is Lititz. He is also a law student, and he is going to school here at Penn State Dickinson School of Law, and his graduation will be in 2010. And also for my Philadelphia colleagues, he is not necessarily a Phillies fan, but he is an Eagles fan.

But more importantly, they are two wonderful young men. And what is great about it is, I think, the future not only of our State but of our country is in wonderful hands when you have

two young fellows like Tom and Kris, and I want them to come to the floor, just to acknowledge them and to introduce them to the Senate. I ask them to stand up and be recognized.

The PRESIDENT. Tom Grady and Kris Gazsi, good luck in law school.

(Applause.)

Senator MELLOW. Madam President, as a point of personal privilege, do you think I could have Colleen-- oh, she took her hat off. She had her birthday hat on, and I really wanted her to be recognized with her birthday hat, but she would not stand up with it on, so I will have to retreat from that position.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY

HB 2167 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2231 (Pr. No. 4190) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Folmer

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

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

HB 2522 (Pr. No. 4191) -- The Senate proceeded to consideration of the bill, entitled:

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

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 Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, across Pennsylvania, thousands of projects need to be done, some for economic reasons, some for environmental reasons, some to meet community development projects, and others to address public safety. With the national economy slumping, and with State revenues tightening, there is simply no way to carry out these responsibilities on a pay-as-you-go basis.

We have a borrowing package that contains four major pieces - bridges; water, sewer, and dams; community redevelopment; and energy development. The money is aimed at core responsibilities of State government. Given the fiscally conservative approach to recent budgets, debt is not taken on very casually. There are solid reasons for borrowing now.

No one disputes that Pennsylvania has a boatload of bridges or that many of them are in very, very bad shape. The funny thing about bridges is that they refuse to get better if we neglect them. Repair on hundreds of bridges are riding on the borrowing we are set to authorize. The sewer upgrades must happen to address orders to deal with the combined system overflows and to comply with Chesapeake Bay clean-up mandates. There is no getting around the work. Without State money to defray the cost, a smaller group of ratepayers will get socked with the full load.

Deferring dam projects means risking disaster. Deferring industrial projects on brownfields means kissing opportunities and jobs goodbye. Deferring energy projects means that new products, better fuel efficiency, and consumer cost savings will take place elsewhere. Whatever does not get done now will cost much more later on. Interest costs probably are going to be up in the years to come. Right now, we have very low interest rates. Construction materials are climbing at rates far above the cost of living. Steel alone is up more than 50 percent. Oil is up more than 100 percent over the next year.

So it is not going to get cheaper to do these things next year or the year after. In doing the balance sheet, we must count the community costs imposed by inaction. When bridges are shut down or low-limit loads are in place, the detours cost motorists and shippers more money, and it is worse in times of rising fuel costs.

So, going cold turkey on debt is not cost-free. The amount to be borrowed is very reasonable and responsible. Pennsylvania debt service is nowhere near the crippling levels of the 1970s, and it is one of the lowest of all 50 States. And on the plus side, the construction activities financed, the materials and supplies bought, and the wages paid will soften the economic slump that is starting to hit our State hard. Using the analogy of given the opportunity that someone could build a house today, say for \$200,000 at 4 percent, or they could defer it until next year and build the same house for \$300,000 at 6 percent, what would you do? That is basically what we are facing here in the Commonwealth.

Our costs are going through the roof for cement, steel, oil, and aggregate. All these costs are going up far greater than the cost of living. Interest rates are low, and the Commonwealth can borrow at approximately 4 percent. So we have to get a 4-percent-plus return on investments to generate the revenue. I think there is a time to borrow, and there is a time not to borrow. Right now, I think it is in the best interest of the Commonwealth to take on a little bit of debt and finance these projects that are sorely needed.

Thank you, Madam President. I urge an affirmative vote.

The PRESIDENT. Thank you, Senator Armstrong, for your comprehensive analysis of the capital budget.

The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I would like to point out that the part of this for our bridges is very important, and the funding that is in here-- there are over 400 bridges that will be rehabilitated and replaced in the current fiscal year that we are now in, and of these, more than 200 are complete replacements, and this really impacts our shortfall in bridges, the functionally obsolete and the structurally obsolete bridges. So I am very supportive. I think it helps our transportation across all of the Commonwealth, and I am pleased to support this because of the impact that it is going to have on our travel and on our dangerous bridges, and it will bring it up to date. It is an ambitious program, but it can be accomplished, and I urge an affirmative vote.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Madigan, for your additional clarification.

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-49

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

Ferlo Musto Stout
Fontana O'Pake Tartaglione

NAY-1

Folmer

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

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

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 4 (Pr. No. 4197) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; providing for a countywide booking center plan; providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing, for powers and duties and for adoption of guidelines for sentencing; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement and for information required upon commitment and subsequent disposition; providing for work release or other court order and for recidivism risk reduction incentive; and making a related repeal.

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 gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I rise to ask for an affirmative vote on House Bill No. 4. For anyone who has been watching our budget, there is one category of expenditures that has been growing faster, I think, than any other, and that is the budget of the State Department of Corrections. Our prison budget is at an all-time high.

This year, at \$1.3 billion, it is the number-three expenditure in our budget. This is a trend that we cannot permit to continue. So a number of people, many people, have been working on ways to improve the way we deal with the Department of Corrections and the way we deal with offenders, particularly non-violent offenders, with their reentry into the community and their treatment once we have them in our control.

So House Bill No. 4 is part of a multi-bill package that has been developed by many people. Senator Costa and I serve as the Senate's representatives to the Pennsylvania Commission on Sen-

tencing, which has been very much involved in this process, along with the Department of Corrections, the Board of Probation and Parole, the respective Committees on Judiciary, and representatives in both the House and Senate.

In the development of this package, one piece is missing from House Bill No. 4, and that is the State intermediate punishment provision. It is my understanding that the intention was to run this as a freestanding bill, probably in the fall, but without its being there, the package is missing one of its central elements, and that is the ability of the courts and the Board of Probation and Parole to find alternative forms of sentencing for certain non-violent offenders, particularly those dealing with substance and alcohol abuse.

So I am asking for affirmative votes on House Bill No. 4 and House Bill No. 6 because they are critical, I think, to the future of our Corrections system and in trying to keep us from having to build a significant number of new, very costly prisons. But I hope that everyone who votes for House Bill No. 4 today will make the commitment that when the State intermediate punishment bill, which is a critical piece of this, comes before us in the fall, to give that a positive vote as well.

Thank you, Madam President.

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-49

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

NAY-1

Piccola

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

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

HB 6 (Pr. No. 4192) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of

the chairman of the board, for supervision of parole and probation, for power to parole, for commission of crime during parole and for victim of the offense.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Piccola

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

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

HB 306 (Pr. No. 4181) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board; and further providing for the dissemination of names for the Statewide jury list.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance

Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

BILL OVER IN ORDER

HB 747 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 1116 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1167 (Pr. No. 1431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further defining "company action level event" for purposes of risk-based capital reporting requirements.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL REREFERRED

SB 1276 (Pr. No. 2245) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensure of credit counseling agencies and for the powers and duties of the Department of Banking; requiring penal bonds; prohibiting certain fees and costs; providing for debt management plans; prohibiting certain acts by credit counseling agencies; and making a related repeal.

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

BILL OVER IN ORDER

SB 1421 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 1438 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1693 (Pr. No. 3393) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further defining "practice of social work"; defining "social worker"; further providing for qualifications for license; providing for endorsement of out-of-State licenses; and further proscribing unlawful practice.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald

