

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, AUGUST 11, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 69

SENATE

TUESDAY, August 11, 2009

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

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

PRAYER

The Chaplain, Reverend JEDIDIAH SLABODA, of Second City Church, Harrisburg, offered the following prayer:

Let us pray.

O God, the fountain of wisdom, Your will is good and gracious, and Your law is truth. And so we ask of You this morning to guide and bless the Senators and the legislature of this Commonwealth, that they may enact such laws as will please You, to the glory of Your name and to the welfare of its people. Send down upon those who hold office in this Commonwealth the spirit of wisdom, charity, and justice, that with steadfast purpose, they may faithfully serve in their offices to promote the well-being of all people, through Jesus Christ, our Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Slaboda, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

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

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Leach, Senator Logan, Senator Mellow, and Senator Stack.

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

Senator O'Pake requests legislative leaves for Senator Leach, Senator Logan, Senator Mellow, and Senator Stack.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

Senator O'PAKE asked and obtained a leave of absence for Senator FARNESE, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of July 14, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of July 14, 2009.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEA-47

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

NAY-0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Folmer has returned, and his legislative leave is cancelled.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR LeANNA WASHINGTON
PRESENTED TO THE SENATE**

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

Senator WASHINGTON. Mr. President, I am proud to have my niece, Ms. Margaret Mennell Taylor, visiting Harrisburg today. My niece lives in Haddonfield, New Jersey, and attends Kaplan University, where she is studying law. She also is employed by the New Jersey Transit Authority. I ask my colleagues to join me in giving her a warm welcome to the Senate.

The PRESIDENT. Would the guest of Senator Washington please rise to be welcomed by the Senate.

(Applause.)

CALENDAR

**BILLS ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 240 (Pr. No. 1312) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 35 (Health and Safety) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating emergency medical services systems; providing for licensure; conferring powers and duties on the Department of Health; further defining "emergency vehicle"; providing for penalties; providing for Emergency Medical Services Operating Fund distributions; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 240?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 240.

On the question,

Will the Senate agree to the motion?

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

Senator BAKER. Mr. President, emergency medical service units perform vital, indispensable lifesaving services across our communities. With nearly 2 million emergency calls placed per year, the need for service is escalating, as is the pressure for quality and dependability. We are grateful for the exceptional skill and commitment of the thousands who serve.

Unfortunately, their good work can be hindered by having to operate under an outdated State law. This effort to revamp the law is meant to help EMS workers do the very best they can. Time is the critical factor in emergency response. Anything that costs precious moments, whether it is confusion, conflict, or antiquated procedures, increases peril. Proper preparation saves time and saves lives. This new law will insure that the standards are as up to date as the technology and the training.

Over 10 years, a lot of people and organizations have contributed to this effort, some within State government, some who are here in the gallery today - Bureau Director Joe Schmieder and Deputy Secretary Michael Huff of the Department of Health - but many have been from outside State government. This process has benefitted from a wealth of good ideas and good intentions. The result is intended to be a practical operating manual, not a strait-jacket from Harrisburg. The measure we are about to vote on meets that goal.

We cannot remove the elements of risk and misfortune from life, but to the greatest extent humanly possible, we can make sure that emergency response is quick, safe, and effective. This helps service providers, and it helps our citizens and our communities. Mr. President, I urge a concurrence vote on Senate Bill No. 240. Thank you.

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

Senator WAUGH. Mr. President, I rise today, first of all, to support concurrence and to point out to the Members, this is one of those pieces of legislation that just sort of wound its way through the process, back again, and then once again through. It is not sexy. It is not something that a lot of people want to get up and engage in. But most importantly, today I want to rise on behalf of our EMS providers, be it basic life, advanced life, some of our QRS units and volunteer, career, or otherwise out there in our communities who, day in and day out, 24/7, provide for the sick and injured and emergency/medically needy across our State.

On behalf of them, I thank Chairwoman Baker. She really got into this thing. She got on board. She dug into something, frankly, that has been hanging out there for probably 8 to 10 years, various little needs across and around the State that have really needed to be brought to the top, aired out by all the stakeholders, and then finally brought to consensus and put into this omnibus overhaul of our EMS law here in Pennsylvania.

Senator Baker did a wonderful job with it, and she really needs to be commended. I suggest to the Members here that if they have a chance to congratulate her on this effort, it is one of those major undertakings that many shy away from, and she did a great job with it. So with that, I rise today to thank her, to commend her, and to encourage concurrence on the bill.

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-47

Alloway	Folmer	O'Pake	Tomlinson
Argall	Fontana	Orie	Vance
Baker	Gordner	Piccola	Vogel
Boscola	Greenleaf	Pileggi	Ward
Browne	Hughes	Pippy	Washington
Corman	Kasunic	Rafferty	Waugh
Costa	Kitchen	Robbins	White, Donald
Dinniman	Leach	Scarnati	White, Mary Jo
Earll	Logan	Smucker	Williams

Eichelberger	McIlhinney	Stack	Wozniak
Erickson	Mellow	Stout	Yaw
Ferlo	Musto	Tartaglione	

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 563 (Pr. No. 1355) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, further providing for definitions, for waiver of lien by claimant and for waiver by contractor and effect on subcontractor.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 563?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 563.

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-47

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

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 862 (Pr. No. 1370) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, authorizing certain lands in Centre County to be conveyed.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 862?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 862.

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-47

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

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

NONPREFERRED APPROPRIATION
BILLS OVER IN ORDER

SB 1036, SB 1037, SB 1038, SB 1039 and SB 1040 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 39 (Pr. No. 2058) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

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-47

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

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 AMENDED

SB 168 (Pr. No. 1354) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts; and providing for additional contracting authority for electric power and energy.

On the question,
Will the Senate agree to the bill on third consideration?

Senator PILEGGI offered the following amendment No. A3243:

Amend Bill, page 4, lines 23 and 24, by striking out "The General Assembly finds and declares as follows:" in line 23 and "(1)" in line 24

Amend Bill, page 4, line 28, by striking out "(i)" and inserting:

(1)

Amend Bill, page 4, line 30, by striking out "(ii)" and inserting:

(2)

Amend Bill, page 5, line 4, by striking out "(2)" and inserting:

(h)

Amend Bill, page 5, line 4, by striking out "clause (1)" and inserting:

subsection (g)

Amend Bill, page 5, line 16, by striking out "(h)" and inserting:

(i)

Amend Bill, page 5, line 20, by striking out "(i)" and inserting:

(j)

Amend Bill, page 6, line 6, by striking out "(j)" and inserting:

(k)

Amend Bill, page 6, line 13, by striking out "(k)" and inserting:

(l)

Amend Bill, page 6, line 17, by striking out "(l)" and inserting:

(m)

Amend Bill, page 6, line 24, by striking out "in 60 days" and inserting:
immediately

On the question,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER

HB 222 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL AMENDED

HB 348 (Pr. No. 379) -- 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 Waymart Area Historical Society, or its assigns, certain land, buildings and improvements situate in the Township of Canaan, Wayne County.

On the question,
Will the Senate agree to the bill on third consideration?

Senator EICHELBERGER offered the following amendment No. A2901:

Amend Bill, page 1, line 5, by inserting after "County":
; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Altoona Regional Health System certain lands situate in the City of Altoona, Blair County

Amend Bill, page 4, by inserting between lines 25 and 26:
Section 2. Conveyance in City of Altoona, Blair County.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to Altoona Regional Health System certain land and buildings situate in the City of Altoona, Blair County, for \$250,000 in accordance with a lease and option to purchase agreement with the Department of General Services dated May 1, 2007.

(b) Property description.--The property to be conveyed under this section consists of approximately 2.70 acres and improvements thereon bounded and more particularly described as follows:

BEGINNING at a stake marking the intersection of the Southeasterly property line of Willow Avenue with the Southwesterly property line of Fourth Street; thence along the Southwesterly property line of said Fourth Street South fifty one (51) degrees fifty two (52) minutes zero (0) seconds East two hundred eighty and thirty three one-hundredths (280.33) feet to an iron pin at the center line of Walnut Avenue (now closed); thence continuing by said line of Fourth Street South fifty one (51) degrees fifty three (53) minutes twenty seven (27) seconds East two hundred eighty and twenty one one-hundredths (280.21) feet to a stake on the Northwesterly property line of Howard Avenue; thence along the Northwesterly property line of said Howard Avenue South thirty eight (38) degrees seven (7) minutes ten (10) seconds West one hundred seventy three and sixty one-hundredths (173.60) feet to a stake at lands now or formerly of the Altoona Hospital; thence along said Hospital property North fifty one (51) degrees forty (40) minutes fifty (50) seconds West three hundred fifty two and forty one-hundredths (352.40) feet to a stake; thence continuing by same South forty three (43) degrees forty eight (48) minutes thirty (30) seconds West one hundred four (104) feet to a stake; thence by same North fifty one (51) degrees two (2) minutes forty eight (48) seconds West one hundred ninety seven and eighty nine one-hundredths (197.89) feet to a stake on

the Southeasterly property line of Willow Avenue, (said point being North thirty eight (38) degrees seven (7) minutes thirty one (31) seconds East one hundred twenty five and twelve one-hundredths (125.12) feet from the property line of Fifth Street); thence along the Southeasterly property line of Willow Avenue North thirty eight (38) degrees seven (7) minutes thirty one (31) seconds East two hundred seventy two and ninety nine one-hundredths (272.99) feet to a stake on the Southwesterly property line on Fourth Street, the point and place of beginning.

CONTAINING 2.70-acres, more or less.

BEING the same premises conveyed from the Altoona Hospital, to the Commonwealth of Pennsylvania, General State Authority, by deed dated February 24, 1969 and recorded March 25, 1969 in the Blair County, Recorder of Deeds Office in Deed Book Volume 884, Page 626.

BEING the same parcel and tract of land conveyed to the Commonwealth of Pennsylvania, Department of General Services, by the General State Authority in its deed, dated June 16, 1989, recorded in the Blair County, Recorder of Deeds Office in Deed Book Volume 1178, Page 451.

(c) Conditions.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Covenant.--A conveyance authorized under this act shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the Grantee, its successors and assigns. Should the Grantee, its successors or assigns permit a portion of the property authorized to be conveyed in this act to be used in violation of this subsection, the title shall immediately revert to and revest in the Grantor.

(e) Deed.--The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees.--Costs and fees incidental to this conveyance shall be borne by the Grantee.

(g) Alternate disposal of property.--In the event that this conveyance is not executed in accordance with a lease and option to purchase agreement with the Department of General Services, dated May 1, 2007, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Amend Bill, page 4, line 26, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 485, HB 602, SB 746, SB 893, SB 974 and SB 1042 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 1419 (Pr. No. 1741) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

Considered the second time and agreed to,

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

HB 1420 (Pr. No. 1742) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

Considered the second time and agreed to,

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

HB 1421 (Pr. No. 1743) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

HB 1422 (Pr. No. 1744) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

Considered the second time and agreed to,

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

HB 1423 (Pr. No. 1745) -- 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.

Considered the second time and agreed to,

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

HB 1424 (Pr. No. 1746) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Considered the second time and agreed to,

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

HB 1425 (Pr. No. 1747) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 303, SB 369, SB 535 and SB 899 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 951 (Pr. No. 2469) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options.

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

BILLS OVER IN ORDER

SB 993, SB 1007, SB 1009 and SB 1034 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 1754 (Pr. No. 2231) -- 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 notice to school district; and further providing for application for final approval.

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

BILL OVER IN ORDER

HB 1798 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes, first, of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a meeting of the Committee on Appropriations to be held in the Rules room, to be followed by a Republican caucus in the Majority Caucus Room.

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

Senator O'PAKE. Mr. President, after the meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations are over, I ask that the Democrats meet in our caucus room.

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations in the Rules room, followed by 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.

UNFINISHED BUSINESS

BILL REPORTED FROM COMMITTEE

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

HB 1663 (Pr. No. 2572) (Amended) (Rereported)

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

PREFERRED APPROPRIATION BILL REREPOR TED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 1663 (Pr. No. 2572) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year

beginning July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

Considered the second time and agreed to,

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

August 4, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 17, 2009, for the appointment of Sam Cohn (Voting Member), 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice The Honorable Dennis Yablonsky, Harrisburg, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

July 29, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 17, 2009, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as Magisterial District Judge, in and for the County of Mercer, Magisterial District 35-2-01, to serve until the first Monday of January 2010, vice James E. McMahon, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

August 7, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 29, 2009, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Magisterial District Judge, in and for the County of Northumberland, Magisterial District 08-2-01, to serve until the first Monday of January 2012, vice The Honorable Michael F. Mychak, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

July 20, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steward Russell Cades, Meadow Rise Farms, PO Box 184, Carversville 18913, Bucks County, Tenth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

July 20, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan M. Corbett, 1195 Baltimore Pike, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 9, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Irej, 126 Diane Drive, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
CANCER CONTROL, PREVENTION
AND RESEARCH ADVISORY BOARD

July 14, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine M. Poole, 250 Mapleflower Road, Glenmoore 19343, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
CONSERVATION COMMISSION

July 17, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack A. Dehoff, 400 Kendale Road, Red Lion 17356, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2013, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

July 15, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara A. Butcher, 514 Hills Creek Road, Wellsboro 16901, Tioga County, Twenty-fifth Senatorial District,

for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

July 15, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable William J. Goldsworthy, 21 Montgomery Avenue, West Pittston 18643, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

July 15, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Frank Linn, Sr., 800 Spring Garden Drive, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Nevin Funk, Mechanicsburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

July 15, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hugh J. Murray, Sr., 1148 S. Ashbrooke Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until April 17, 2010, and until his successor is appointed and qualified, vice Richard M. Hadley, Cranberry Township, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

July 15, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fred A. Scott, 704 Brad Street, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF THE WARREN STATE HOSPITAL

July 9, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Keith E. Bell, Esquire, 645 Shady Avenue, Sharon 16146, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Board of Trustees of the Warren State Hospital, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF THE WARREN STATE HOSPITAL

July 14, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara French, 905 East South Street, Corry 16407, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of the Warren State Hospital, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

July 29, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis M. Songer, 221 South Mercer Avenue, Sharpsville 16150, Mercer County, Fiftieth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Mercer, Magisterial District 35-2-01, to serve until the first Monday of January 2010, vice The Honorable James E. McMahon, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

SENATE RESOLUTION ADOPTED

Senator FERLO, by unanimous consent, offered **Senate Resolution No. 163**, entitled:

A Resolution recognizing the May 2, 2009, opening of Children's Hospital of Pittsburgh of UPMC in the Lawrenceville neighborhood of the City of Pittsburgh, Allegheny County.

On the question,

Will the Senate adopt the resolution?

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

Senator FERLO. Mr. President, I know that all of us hail from various counties and municipalities throughout our great Commonwealth, and every one of us could probably point to a major nonprofit institution in our respective communities that we are so very proud of. Certainly, none in Allegheny County stand out greater than the new Children's Hospital of the city of Pittsburgh.

This is a hospital, an institution, that cares for over 600,000 young children and patients each and every year. This is an institution that has been selected repeatedly by the National Institutes of Health as a training center for our nation's future pediatric leaders in the medical profession. It has been rated, singularly, for its contribution in pediatric research, and ranks number eight in NIH, National Institutes of Health, funding.

Mr. President, as you know, this is an institution that has close to \$1 billion of new construction in the heart of the Lawrenceville community, having moved out of the Central Oakland community, the bastion of the University of Pittsburgh Health Center. This is a building that prior to its actual construction, there was a yearlong effort at developing a planning model and sustainability for the LEED certification, not only of the structure and its architecture and its building, but--and is now one of the largest expenditures of a LEED-certified building in the city of Pittsburgh. The city of Pittsburgh now ranks fourth or fifth nationally in the number of LEED-certified buildings within one municipality. The Children's Hospital, to its credit, spent that year also developing a sustainability approach toward not only LEED certification construction, but also post-construction. How would it be the most environmentally friendly environment for patients, for visitors, and for consumers visiting this important new complex? Every year, Children's Hospital education trains close to 240 future pediatricians.

Again, I want to thank the Senate for recognizing the landmark and historic event of the newly constructed opening of Children's Hospital in May. I want to recognize them for appreciating the value of Children's Hospital.

I want to thank Children's Hospital and all the professional staff, their board, their many volunteers, and all the contributors that make this a great institution, because Children's Hospital stands out for its clinical services, its medical education, and its

research programs. As well, this is a major institution that should be credited for all of its philanthropic involvement in the community and for being such great corporate citizens in the city of Pittsburgh. Least of all is the fact that it is a major employer for so many professions and working people in the city of Pittsburgh, in our region.

So again, I think it is appropriate that the Senate recognize this opening in May and extend our warm wishes for the continued success of such a vital program as Children's Hospital. Just in closing, Mr. President, as you know, I think every Pittsburgher probably has some story or some relationship with Children's Hospital, to its credit. People from around the country visit for important transplants and other kinds of activities. People come from all over the world, in fact, to receive care, secondary and tertiary care, from Children's Hospital. So I want to thank that fine institution for its great work, day in and day out.

Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?

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

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 Shoemakersville Fire Company No. 1 by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. R. Zane Heffner and to M & T Bank by Senator Baker.

Congratulations of the Senate were extended to Maxwell Thomas Sutterlin by Senator Corman.

Congratulations of the Senate were extended to Grace Ovelman and to the People's Light and Theatre Company of Malvern by Senator Dinniman.

Congratulations of the Senate were extended to Justin Michael Carbaugh and to Frank G. Mills, Sr., by Senator Eichelberger.

Congratulations of the Senate were extended to Dominic Montemurro by Senator Ferlo.

Congratulations of the Senate were extended to Travis Noll, Christian R. Elliott and to Shaun Brandon Hauschild by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. David Dyer and to Matthew Mark Cressinger by Senator Gordner.

Congratulations of the Senate were extended to Mary Kroll by Senator Greenleaf.

Congratulations of the Senate were extended to Joseph N. Hinkle by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. William Plunkett by Senator Stout.

Congratulations of the Senate were extended to Timothy Jarrod Titus by Senator Tomlinson.

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 Reverend Raymond T. Brown by Senator Kitchen.

PETITIONS AND REMONSTRANCES

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

Senator TARTAGLIONE. Mr. President, on behalf of my colleagues, I submit for the record that we are not blind nor naive. I also submit that we are accustomed to the feeling of the cold hand of politics on the process of government. We are well aware that if you travel outside the borders of our great city, the game of Philly-bashing is still good business. I speak not only for my constituents but for journalists and experts from across the Commonwealth today when I say that the game risks dangerous consequences. It is a game no more.

Mr. President, I have heard clearly from my colleagues on the other side of the aisle that they will not respond to scare tactics and that they are immune to fear. I submit that inside these thick marble walls surrounded by steel gates and covered by a thick blanket of security, it is easy to be fearless.

But in my city, the temperature will hit a muggy 90 degrees, and 6,000 men and women will wrap themselves in Kevlar and spread out over 150 miles to stand between real fear and real people. They will work side-by-side with comrades who load 75 pounds of equipment onto fire trucks. They will count on men and women armed only with pen and pencil to counsel broken families, talk to troubled teens, and support vulnerable senior citizens. The combined effort of the thousands of Philadelphians in a fragile system is required to keep the workload of police, fire, and city workers manageable.

I have heard from them this week. They are not asking us to walk beside them. They are not asking us to do their jobs. They are simply asking us to do ours. Serving the streets of Philadelphia, they have heard it all - the alibis, the excuses, and the manipulations. They do not want to hear it from us.

Mr. President, if the August 15 deadline passes without action from the Senate, Philadelphia will be forced to prepare a budget of historic consequence. The city has opened America's first true public library, and it also will be the first to close. The city with America's second fire company will close firehouses. The city where American freedom was born will become a hostage in a political standoff.

Mr. President, a few weeks ago, our Republican colleagues asked us to consider a 200-page budget amendment in 6 hours. It was even explained to us how many minutes per page it would take. House Bill No. 1828 is only 14 pages. If this bill is not on the Governor's desk at the end of this week, no excuses, no alibis will cover the consequences. While I have had my disagreement with my colleagues on the other side, I know that when they want to get something done, they get it done. They did it for Pittsburgh in a couple of hours, and they did it without partisan sniping or political games.

This is a dangerous game, Mr. President, a game--which is why my Republican colleagues find themselves, once again, playing it alone. The PICA Board, which we formed and appointed to oversee Philadelphia's budget, voted unanimously to approve this plan. The Senate appointed two Members to that board, and both voted to approve it. The House was not close on

a vote. The Governor is ready to sign. There will be many future opportunities to score points and bash Philadelphia, but we have seen a disturbing trend in which hardworking Pennsylvanians are trapped like pawns on a political landscape. Two weeks ago, it was 20,000 unemployed workers who were left on the brink to make some point. Today, it is 3,000 working Philadelphians and the millions who depend on them.

Mr. President, I urge that the Senate follow the recommendations of the PICA Board it put in place to oversee the budget, and give my city the tools it needs to keep services functioning, to keep officers on the street, to keep faith with the men and women who stand between us and real fear.

Thank you, Mr. President.

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

Senator WASHINGTON. Mr. President, I can only hope that the people of Pennsylvania are paying close attention to what is being done here today. The political games that are being played with the livelihood of everyday Pennsylvanians must end now. It has gone too far. Mr. President, people of Philadelphia are citizens of this Commonwealth, too. They elected a mayor to lead that city. The mayor has chartered his path to lead the city out of this economic recession, and this body, in an attempt to score political points, has chosen to hold the people of Philadelphia hostage. Thousands of jobs, vital services, and quality of life are at stake, and my colleagues here in the Senate continue to sit on their hands instead of giving the mayor the tools he has asked for to enable Philadelphia's recovery to begin.

I can only hope that the people of Pennsylvania are watching today, because next time, it may be Chester, or Warren, or Pittsburgh, or York. Then what? As this budget stalemate continues to hold thousands of Pennsylvanians hostage to the political and partisan bickering, I think some of my colleagues need to be reminded of the individuals who are impacted by the attempt to score political points with vital funding. The lack of a budget threatens the jobs of police officers and firefighters, vendors who provide vital services like behavioral healthcare services to children. Every day, Pennsylvanians are suffering, as vital funding that kept thousands of children in daycare each day has stopped flowing from the State. As counties reach their breaking point and stop paying daycare subsidies, we face the strong possibility of daycare centers turning parents and children away, forcing time away from work for parents and a staggering loss in productivity for countless industries across the Commonwealth.

Mr. President, this is real for thousands of families across our Commonwealth. These individuals, the mothers, the fathers, the children, the employers, and the vendors, the individuals who rely on State funding to meet their day-to-day needs, they are the face of the budget impasse. Ideological lines in the sand are helping no one.

I invite my colleagues across the aisle to take a step back to the negotiating table, with the thoughts of the mother who needs State-subsidized daycare to allow her to work to feed her children. I invite my colleagues across the aisle to re-engage in budget negotiations so that the State employees who are still without paychecks, despite the stopgap budget, can be compensated for the tireless work they give to the people of Pennsylvania.

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, I stand here today not because I want to, but because I have to. The people who elected me expect me to fight for what is best for them. I am like most Members here, in that my office is inundated with calls, and we are inundated with e-mails from people wondering what is going to happen next. But most of all, Mr. President, I am concerned about the people who are calling to say that they want to come to Harrisburg. I am concerned that when I look out my window, I may see hundreds of senior citizens, children, people who cannot get their medicines, people who cannot use the library, and a lot of people are very, very concerned over what is going to happen if police are laid off in Philadelphia.

Mr. President, since I have been here in this Senate, we have solved many complicated issues. We have solved issues that people said we would never even talk about, let alone come up with a solution. Some of the issues that other legislatures across the country might not talk about, we did something about. But, Mr. President, I do not understand why we cannot come together now to finish the job we started with the budget, why we cannot now come up with legislation, House Bill No. 1858, which would help the people in Philadelphia. Mr. President, Philadelphia, as we all know, is a part of the Commonwealth, too, and even when Philadelphia has had problems in the past, we have been able to come up with solutions that did not go to these drastic means. I think that we can do better.

Mr. President, I hope that we can come together to bring about solutions and pass House Bill No. 1858 as soon as possible. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I do not think it could be said any more eloquently than by our delegation leader, Senator Kitchen. The city has worked in a deliberative fashion and in unison with a unanimous decision from the Philadelphia City Council, in total cooperation with the mayor, and had a series of extensive town hall and community meetings that were fully engaged--not quite as disruptive as we are seeing around the country in the conversation around healthcare, Mr. President--but fully engaged all across the city, in every corner of the city of Philadelphia. The solution and the resolve that they came up with has been presented to us. It is a solution that the city will address on its own.

It has been said eloquently by our delegation leader, Senator Kitchen; Senator Washington; and Senator Tartaglione. I will not belabor the point at this time, Mr. President, but we are in a position to get this matter done and get it done now. Hopefully, as we move forward, we will not so push out the decision and the decisionmaking process that it wraps us in a reality where firefighters, daycare workers, healthcare workers, police officers, and administrators of all kinds are forced into a layoff position. That, I think, is untenable for the city, is untenable for the region, which is a huge, important region for the Commonwealth of Pennsylvania. It is important for the entire Commonwealth and sends a bad message across the nation, Mr. President, of how we choose to do business here in this body.

Thank you very much.

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

Senator PILEGGI. Mr. President, let me respond briefly to the comments of some of the past speakers about House Bill No. 1828. Mr. President, this is a bill that was introduced in the House over a month ago and finally passed the House after more than a month, on August 5 of this year. We did receive the bill in the Senate, and about a week before that, for the first time, we saw a bill in the Senate that is on the same subject matter, introduced by Senator Kitchen.

So all of this talk about urgency, all of this talk about crisis and the need to work 24 hours a day, 7 days a week, to address this bill here in the Senate, somehow was not thought of last week, or the week before, or the week before that, or the week before that, or the week before that, or the week before that. It somehow just became urgent, it seems, last week. Or else, if everyone knew how urgent it was 2 months ago, a month ago, 3 months ago, 3 weeks ago, they did not think it was important enough to act on.

So now we have the bill, and then we have all the rhetoric about political posturing and other sorts of allegations. Just so people watching this know—I think the Members of this body know—we have referred the bill promptly to the appropriate committee, Senator Browne's committee, the Committee on Finance. Senator Browne, in fact, will have a hearing tomorrow on the bill, and we have agreed to work promptly, in a cooperative spirit, with members of the Philadelphia delegation and with interested Members from all parts of the State on this bill to address the very important and complicated issues of the largest pension plan in the State.

Just so we are clear, the issue of the sales tax increase of 14 percent is to help the city fund its unfunded or underfunded pension plan. One of the concerns that Members have, on both sides of the aisle, is that allowing the city to charge this higher sales tax rate and funding the pension plan is not just a Band-Aid on a chronic problem that will come back again in 3 years or 5 years or 6 years with another request for relief, another request to bail out an unfunded or underfunded pension plan.

So that is the process that we intend to engage in. We intend to do it promptly. We intend to do it in a public way. We hope to do it in a bipartisan way, without posturing or politics, and that is the way that we will certainly approach it on this side of the aisle. We invite our friends from the other side of the aisle to engage with us in that process. To the extent that we are able to do it that way, I think we can do it more quickly and more efficiently and reach the resolution that we all want to reach. If the intent is to point fingers and assign blame and draw out doomsday scenarios, then I think we will be at this process maybe longer than necessary, but that is certainly not our intention.

As I said, there will be a hearing tomorrow. It will be the start of this process, and we invite all of the interested Members, certainly, of this body and members of the public to follow that hearing process as we move quickly to try to improve this bill with the many suggested amendments that Members have put forward. Hopefully, that process will be completed in a prompt and efficient manner.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Well, Mr. President, in response to the response, one, on behalf of the Members who have sat in this Senate for a number of years, to pass a bill that is moved from the House after it has been read 3 days is not earth-shattering. The request that we move a bill from the House that has been placed on the Senate Calendar in a timely manner, based upon a set of circumstances and a certain set of detailed facts, is not earth-shattering. Frankly, I never heard any comments today that talked about doomsday or posturing or anything to that effect. Frankly, I think that verbiage need not be a part of our conversation today.

What need to be a part of our conversation today are the facts. The reality is that there are a number of counties, excluding Philadelphia, that have come before this Commonwealth before and asked for a similar kind of consideration, which, by the way, has been granted, and been granted with all the commentary, all the doomsday predictions and everything else, and has been granted in a timely manner. As a matter of fact, it has been granted in a manner similar to the one that Philadelphia has asked for.

So contrary to the commentary, we did not ask for this set of circumstances. We did not draw it out. We certainly did not talk about the budget in terms of its lengthy consideration. But for all those who are listening, let us get the record straight. We expected that there would be a budget passed, and those Members in leadership who are engaged in those conversations, all the Members in leadership who are engaged in those conversations certainly were aware of what was discussed months ago with regard to Philadelphia's fiscal situation and what we were asking for months ago with regard to the Philadelphia consideration.

It was also discussed in those leadership meetings that at some point in time, there would be a bill that would arrive that would ask us to provide this kind of consideration, and it was presented. There was never any conversation, to my knowledge, that said, you have to present it on this day or that day, and by the way, if you do not present it by a certain time, then it is too late, and we cannot respond to it. Never, to my knowledge. And of course, there has always been special consideration when the Senate or the House has suspended their rules to allow conversation and movement on a bill that allows for a particular set of circumstances.

So with all due respect to the gentleman and his comments, the reality is we have done this before. We have done it for Pittsburgh. We have done it for Allegheny County. We have done it for Philadelphia. I do not need to go down the list of other counties across Pennsylvania where that has occurred. That actually has been a part of this august body before. And to the words "bail out," which I have heard and read in the paper—first of all, Philadelphians take umbrage to that, and great umbrage. Forget their representation on this floor. They take great umbrage to that, because they will be paying the bill. They are not asking for the Commonwealth to pay a bill. They are going to pay their own bill.

When it comes to local government, of which, by the way, I hear a great deal on both sides of the aisle that big government should not intrude; Federal government and State government should not mandate. And here is a moment when, in fact, local

government has cleaned up its own fiscal house, closed a billion-dollar deficit of its own ability. Now, as required by the Constitution, we ask for enabling legislation to be moved, and now we are having a conversation about how we want to tinker with it.

Well, we do not want anybody to tinker with it. If you decide to have public hearings, so be it. But it should not be tinkered with. Whether others outside of this Chamber or in this Chamber decide that it is a Band-Aid, it is the Band-Aid that Philadelphia County decided to do of its own volition. If Philadelphia were coming before this body and asking for help, certainly, I think it is fair to talk about, you know, well, we think here is the suggestion, because we would be asking and giving money. I do not think it is fair for anyone in this Chamber who does not live in Philadelphia, does not represent Philadelphia County, to make decisions about how Philadelphia County operates, especially when no other county, whether it is Chester County, Allegheny, any of them, have seen their way, in these times, out of a billion-dollar deficit of their own effort. Not one. Not one has been that fiscally responsible to do that. Not one. And now, to suggest that somebody has a better vision and through public hearings is going to suggest to us how to fix our problem, well, I think they should have been there when we had the problem.

I think we should allow Philadelphia, which PICA--PICA, a State-mandated entity--has said, we buy your plan, we agree with your plan. It is not a political entity, not taking sides, not doing fanfare. As a matter of fact, they are the only ones who are not doing a press conference today. PICA--the entity which the State has created--has said that this plan works, we agree with it, and if we do not agree with it by the 15th, those circumstances and those things which the mayor has described will, in fact, happen, not because the mayor has said it, not because city council has said it, but because PICA has mandated it. PICA has mandated it, and Wall Street has mandated it. Those people who give Philadelphia County its bond rating and other considerations have said, if you do not do these things, we will downgrade your bond consideration.

So with all due respect to the commentary about what we want to do with politics and anybody else, that, frankly, is unnecessary. What is necessary is that we decide that we are going to move on this legislation, whether it came yesterday or 2 weeks ago. The facts are the facts. The situation, unfortunately, is the situation. The timeliness is certainly not because city council did not do it. City council did this months ago. I sit in the Senate, not in the House, and the Senate has the ability to move this, as they have other legislation, in a timely manner.

So with those considerations, I do ask that we decide and we move in a deliberative fashion. I do ask that, with all due respect to the public hearings, that the people who decide to use those public hearings for outside consideration or input, I ask that the same respect which is given any other county which is in the Majority entity be given to the Minority entity. Simply because we do not have 30 votes and we cannot get our way should not be a part of this conversation. It is totally fair, apparently, in the budget conversation, because that is the budget. This is not the budget. This is Philadelphia County making a decision about its own future, doing it with its own resources, and making its own sacrifice.

By the way, there is not one Philadelphian who necessarily wants to pay one penny more in terms of sales tax, but they have said, in resounding numbers, we will clean up our own house. We will not ask for Federal, State, or anyone else's intervention, but we have a plan which, by the way, PICA and Wall Street have bought off on. With all due respect to anyone else in this Chamber, I do not think anyone else has any more economic analysis or understanding than those particular bodies, because we have mandated them from the Commonwealth to do so. Now, for some strange reason, we want to decide that the authority which we created now does not have the ability to do its work, which I find very curious at this inappropriate moment.

So with all due respect to the comments made, "bail out" need not be a part of it. Reacting to the timeliness of it need not be a part of it. I think what we need to do is be more responsible and react to it immediately. We ask--with all due respect to all of those comments which were made, I have read about, seen on television, and everything else that we have all seen, we need to just simply get down to the people's business and allow Philadelphia County to do what it has asked to do.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, just a couple of brief comments in response to the comments of the previous gentleman. He raised the issue of other counties, and it is important to note that many of the other counties in Pennsylvania, although not as large as Philadelphia or not as blessed as Philadelphia is with the media outlets that Philadelphia has, have been struggling with this recession and drops in their pension valuations and drops in their revenue collections, and are asking the General Assembly for assistance. That is one of the issues that we are working through - how does what we are doing for Philadelphia impact, if at all, those other counties? Certainly, one of the issues that I understand Senator Browne will be taking up in his committee, as he should.

We have a responsibility, as a General Assembly, as the Senate of Pennsylvania, to legislate in a way that is appropriate for the entire State. We do not delegate that authority to individual counties to make up their own rules as each county sees fit. I do want to say, I have not made clear the involvement of Mayor Nutter in this process. He has done, in my opinion, an excellent job communicating the city's position here in Harrisburg. He has, I think, done an excellent job in formulating his plan for the city and in trying to implement it. I have worked with him and will continue to work with him in trying to expedite this legislation through the Senate in a timely manner.

On the issue of tinkering with the bill, as I said, many Members on both sides of the aisle have suggestions for improvements to the bill. They are worthy suggestions. They are suggestions that will be considered by the committee. In fact, one of the suggestions comes from a member of the Philadelphia delegation that is a specific improvement on the pension reform side. So these are important issues, as I said, that involve the largest city in the State, the largest pension plan in the State, but they have applications across the State, and we need to do our work promptly, quickly, but also in a thorough and efficient manner.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I certainly recognize that there are several other counties in Pennsylvania which are struggling, of which I happen to represent another, Delaware County. The question, as it relates to any other county in the Commonwealth, is a fair one, and we certainly think it is an appropriate one: that if there is a way that county, of its own volition, has its own desire that we help them execute something on a local measure that we have jurisdiction over, then it should be presented to us. But it is not normal that every time a local conversation occurs, be it a bridge-naming or financing, that every other county jump on it and say, you know what, I have one, too. That is just not what we do here.

Frankly, I have been here before when other counties have asked for assistance, and we do not necessarily Christmas-tree it. We participate, with all due respect, and allow local government to decide what local government is going to do. So with all due respect to the hearings and the other counties that have a similar question and concern, which we think is fair and we are prepared to assist, the fact that Philadelphia arrived here first does not mean it should get punished or held hostage with regard to others and their claims. The fact is that if they have those considerations, there should be a bill that is moved.

With the gentleman's comment concerning the member of the Philadelphia delegation and, quote, unquote, his ideas to improve the pension system in Philadelphia County--well, for one, with all due respect to that gentleman or any other gentleman or gentleperson who is here, there are certainly ways and timely manners to address that, and we look forward to that legislation. Again, that does not require itself to be amended to this bill. That would slow down this bill. It certainly could be introduced as an independent consideration, and we hope that Member on this side of the aisle would introduce that bill, which many of us would be happy to support.

But I draw attention to the gentleman who spoke and the ideas that he is going to talk about. I hope that he would be prepared for the Senate to make similar considerations to its pension program, because I plan to introduce my own amendments to those ideas. Because when they talk about, quote, unquote--and I will use the term which everybody wants to talk about--the "DROP program" in Philadelphia County, which drew a lot of attention from the press, and the reason why it drew a lot of attention from the press is because a particular city council member got ill, decided to retire, got better, and decided to run again. She drew down money that she had put into a system and got a lump-sum payment. I do not think people quite understand that we in the Senate have the same ability. The only difference is it is not 1 day; it is about 2 weeks. Yes. We can decide to retire, draw down our lump-sum payment, and then return to public service.

So if we want to consider that, then we need to do that here, for every public official, not just the city of Philadelphia, not just the county officials, but all of us who are going to be involved. So if we are going to make that standard, then frankly, we should do a deliberative study. We should have public hearings about it. We should do all the things we are talking about, but it does not necessarily require us, because Pittsburgh, Chester, Philadelphia, Erie, or Scranton are saying we need to do something to improve.

What it needs to do is happen in a deliberative process, independent of holding anyone up in terms of this process, and move it forward. We would fully engage that, fully support that, and vet that in the way that it needs to be vetted. Every time someone hiccups does not require anyone else to turn around and pay attention to it. What it does need to do is diagnose the disease which is causing the hiccup.

So frankly, I think that is the moment that we are in. So with all due respect to drawing attention to someone from Philadelphia County, the fact that they brought it up--it is great that they brought it up. What they should do is introduce a bill, like we normally do. And then, they should have public hearings on that bill. Again, I say we fully support that process, but we are going to sponsor it in the process that all public officials in Pennsylvania meet that standard.

Thank you, Mr. President.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 240, SB 563 and SB 862.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, AUGUST 12, 2009

9:30 A.M.	TRANSPORTATION (to consider Senate Bill No. 1047)	Room 461 Main Capitol
1:00 P.M.	FINANCE (public hearing on Municipal Pension Issues)	Room 8E-B East Wing

WEDNESDAY, AUGUST 26, 2009

1:00 P.M.	STATE GOVERNMENT (public hearing to consider Senate Bill No. 684)	Lodge Student Union Bldg. Penn State Beaver 100 Univ. Dr. Monaca, PA
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RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, August 12, 2009, at 10 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:33 p.m., Eastern Daylight Saving Time.