

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, AUGUST 12, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 70

SENATE

WEDNESDAY, August 12, 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 JAMES M. LYONS, of Prince of Peace Parish Catholic Church, Steelton, offered the following prayer:

Let us bring ourselves before our God.

Almighty God, let the light of Your divine wisdom direct the deliberations of this Senate and shine forth in all the proceedings and laws framed for our rule and government. May the Members of this body seek to preserve the good relationships they have developed over time, and heal any unproductive divisions that hinder their work for the common good of all. May their efforts continue to bring us the blessings of liberty and equality. We pray this. Amen.

The PRESIDENT. The Chair thanks Father Lyons, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

BILL REPORTED FROM COMMITTEE

Senator D. WHITE, from the Committee on Transportation, reported the following bill:

SB 1047 (Pr. No. 1339)

An Act amending the act of July 5, 1984 (P.L.587, No.119), known as the Rail Freight Preservation and Improvement Act, further providing for contracts, procurement and sale of property and competition in award of contracts.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Alloway, Senator Piccola, and Senator Pippy.

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, and Senator Mellow.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Alloway, Senator Piccola, and Senator Pippy.

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

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator BRUBAKER and Senator M.J. WHITE, 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 15, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of July 15, 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earl | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 Pippy has returned, and his legislative leave is cancelled.

CALENDAR**THIRD CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILL
REREPORTED FROM COMMITTEE AS AMENDED
ON THIRD CONSIDERATION AND FINAL PASSAGE**

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 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-45

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

NAY-1

Gordner

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

REMARKS SUBMITTED FOR THE RECORD

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

Senator COSTA. Mr. President, I would like to submit remarks for the record on behalf of Senator Mellow on the previously voted bill.

The PRESIDENT. The gentleman is in order. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentleman from Lackawanna, Senator MELLOW:)

Mr. President, I rise to reluctantly ask for an affirmative vote on House Bill No. 1663. This bill is necessary to fund the operations of the Pennsylvania Gaming Control Board, the State Police, the Attorney General, and the Department of Revenue as they relate to the gaming industry. However, I am concerned that the deep cuts in the Pennsylvania Gaming Control Board's budget will severely impact the agency's ability to strictly regulate the gaming industry.

House Bill No. 1663 reflects an over-8-percent reduction in the budget passed by the House of Representatives, but more importantly, the bill cuts the Board's funding by 5 percent over fiscal year 2008-09. In fiscal year 2009-10, the Board will potentially regulate four new casinos, approximately 40 percent more slot machines, and an estimated 2,600 more employees than in fiscal year 2008-09. Yet House Bill No. 1663 would require them to do that with 5 percent less money than last year. And that number does not even take into consideration the possibility of table games being legalized in the Commonwealth within the upcoming fiscal year.

Mr. President, in my opinion, such significant cuts jeopardize the Board's ability to strictly and effectively regulate the gaming industry. Pennsylvania's gaming industry continues to defy the odds in terms of revenue production. With two of our biggest venues recently opened and our Philadelphia venues still to come, we need to remain vigilant and insure the taxpayers' interests are protected by maintaining the strict regulation of gaming envisioned by this body when we passed the Gaming Act.

Mr. President, everyone knows the Gaming Control Board has had its problems, but cutting its funding is not the way to address those perceived deficiencies. Under the new chairman, Greg Fajt, I believe the Gaming Board has embarked on a new path and is making necessary changes to restore public confidence in the regulation of the Commonwealth's gaming industry. We are not making his job any easier by significantly cutting the Board's funding.

That being said, it is August 12, and we are still without a General Fund budget. This bill will insure that the Board remains operational and that its employees will continue to be paid. But whether the funding level is adequate to address the Board's ability to protect the taxpayers is an open question. I reluctantly ask for an affirmative vote.

Thank you.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED**

**PREFERRED APPROPRIATION BILLS
ON THIRD CONSIDERATION AND FINAL PASSAGE**

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 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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 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-46

| | | | |
|---------|-----------|---------|-----------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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 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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 without amendments.

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

SB 168 (Pr. No. 1376) -- 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.

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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 348 (Pr. No. 2571) -- 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 improve-

ments situate in the Township of Canaan, Wayne 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.

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-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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.

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

BILL LAID ON THE TABLE

SB 303 (Pr. No. 1210) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a grant program for volunteer emergency service organizations to provide incentives for establishing partnerships; conferring powers and duties on the Center for Local Government Services within the Department of Community and Economic Development; establishing the Volunteer Emergency Services Partnership Bond Fund; and providing for funding.

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

SB 303 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 303, Printer's No. 1210, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL ON SECOND CONSIDERATION

SB 369 (Pr. No. 1197) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 535, SB 899, SB 993, SB 1007, SB 1009, SB 1034 and HB 1798 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR LLOYD K. SMUCKER
PRESENTED TO THE SENATE**

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

Senator SMUCKER. Mr. President, I have two very special guests with me today serving as guest Pages. Two of my three children are here: Reagan, who is 11 and will be going into sixth grade this year; and Nicholas, who is 6, will be going into first grade. So would you please give them a warm welcome.

The PRESIDENT. Would the guests please rise to be welcomed by the Senate.

(Applause.)

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations 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 Dis-

trict, 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. Golds-worthy, 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

On the question,
Will the Senate advise and consent to the nominations?

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

YEA-46

| | | | |
|--------------|------------|-------------|---------------|
| 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 | Williams |
| Earll | Logan | Smucker | Wozniak |
| Eichelberger | McIlhinney | Stack | Yaw |
| Erickson | Mellow | Stout | |
| 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 Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED

Senators KASUNIC, ORIE and FERLO, by unanimous consent, offered **Senate Resolution No. 164**, entitled:

A Resolution designating September 11, 2009, as "Pennsylvania's Day of Remembrance" of the events of September 11, 2001.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, September 11, 2009, will mark the eighth anniversary of the horrific events that took place in New York City, Washington, D.C., and right here in Pennsylvania, in Shanksville, Somerset County. This resolution again declares that significant day in September as "Pennsylvania's Day of Remembrance."

Mr. President, the terrorist attacks against this nation on September 11, 2001, will forever remain heavy in the hearts and minds of all Americans. It was a day of unimaginable brutality and cowardice from the terrorist hijackers who used airplanes as virtual missiles to kill thousands, to kill thousands, Mr. President, of innocent people. I am sure none of us will ever forget the images of the horror we saw in the news that day. September 11 was an immeasurable tragedy, Mr. President, but amid the awfulness of that day, we also witnessed tremendous courage, valor, and sacrifice embodied in all who gave their own lives to save those in need.

Mr. President, it was in the sky over Somerset County where the first battle on the war on terrorism took place. The courageous passengers aboard Flight 93, Mr. President, are true American heroes. Faced with their own deaths, they fought back and stopped hijackers from causing further death and devastation. Their bravery will forever stand as a symbol of this nation's resolve to defend, at all costs, the precious freedoms that we have as Americans. The beautiful, rolling rural landscape in Somerset County is a fitting resting place for the men and women who died on Flight 93. The memorial that is being built in Shanksville will provide heroes the historical appreciation they richly deserve, and rightfully deserve, I might add. This Day of Remembrance will enable Pennsylvanians to express sorrow for those who perished as well as demonstrate our commitment to the cause of freedom.

Mr. President, my resolution calls on Pennsylvanians to honor the nearly 3,000 innocent victims and all those affected by the attacks, on this eighth anniversary, with a moment of silence and remembrance. It is just one way we can insure that this tragic event and the thousands of victims will never, never be forgotten. I urge unanimous approval, and thank you, Mr. President.

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

The PRESIDENT. On the adoption of the resolution, all those in favor will please rise for a moment of silence. Staff and guests, please also rise.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of the victims of the events of SEPTEMBER 11, 2001.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

Senators ORIE and KASUNIC, by unanimous consent, offered **Senate Resolution No. 165**, entitled:

A Resolution honoring again the national heroes aboard United Airlines flight 93 on September 11, 2009, and commending all of the volunteers and contributors who came together to make the Hearts of Steel project a reality.

On the question,
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, I rise today to offer a resolution to commemorate the heroism of the passengers and crew of United Flight 93, which crashed in Somerset County on September 11, and to thank and honor those who have helped to serve their memory by participating in the Hearts of Steel project. I want to personally thank Senator Kasunic. I was honored to work with him, and he has played a tremendous role in the success of the Hearts of Steel project, and this is an opportunity to thank him for what he has done in commemorating the heroes of Flight 93.

Pennsylvania and the entire nation were deeply touched by the heroism displayed by the heroes of United Airlines Flight 93 after the terrorist attacks of 2001, and many wanted to find a way to keep their memory alive. In the 40th Senatorial District, I was able to organize a consortium of businesses, nonprofit organizations, unions, social service agencies, as well as manufacturing companies to join together to produce a stainless steel engraved bracelet similar to the POW bracelets during the 1970s. The bracelets are made of solid stainless steel, which cannot tarnish, or break, just like the American spirit. These bracelets remind us all of what the courageous actions of a few brave people can do to change the world. The bracelets are entitled "Hearts of Steel" because southwestern Pennsylvania is known as the Steel Town and has opened its heart to so many causes.

The response to the Hearts of Steel project was enormous, far beyond what anyone could ever imagine, and people were deeply moved by the heroism of the passengers and crew, and they wanted to do something to establish a memorial befitting national heroes. The original goal was to raise \$10,000 for the Flight 93 Memorial. However, orders for the \$10 bracelets came in from around the United States and around the world in an overwhelming fashion. Due to the hard work of so many volunteers, I am happy to report that over \$1.1 million has been raised for the National Park Foundation to help fund the Flight 93 Memorial.

I am also proud that the Hearts of Steel project is the only 9/11 memorial charity in Pennsylvania that operated at no cost, with all proceeds going to the memorial for Flight 93. In addition, this is one of the very few that complied with all of the laws and obligations from the Department of State.

On September 10, 2009, we will be presenting the moneys to the National Park Foundation and to the families of Flight 93, as well as General Tommy Franks, who is the chairman of the Flight 93 fundraising organization, and thanking the volunteers, sponsors, and organizations across Pennsylvania who came together to make the Hearts of Steel project a reality.

Although I wish I could mention every generous supporter of the Hearts of Steel, I would like to mention a few who were instrumental in the earliest stages of this project and have been instrumental throughout and made Hearts of Steel a true reality. I would like to thank Asher's Chocolates, which donated the original moneys to make the actual die of the bracelet; Carl Jones, who has passed away since then, from Penn United Manufacturing Center, who manufactured the bracelets, utilizing his own workers and even his own personal money. Mr. President, some of these workers were actually laid off during that period and still came in to volunteer to make those bracelets. I would like to thank what was known as Allegheny Ludlum, or Allegheny Technologies, that donated thousands of tons of steel to make these bracelets. I would like to thank the United Steelworkers of Local 1196 and the Women of Steel, who, from day one, joined in promoting this project across the country.

I would like to thank the University of Pittsburgh Manufacturing Assistance Center, especially William Peduzzi, who created the first prototype of this bracelet. I would like to thank Family Services of Western Pennsylvania, commonly known as NorthCo. These were special-needs children who, for a year, packaged these bracelets and donated hundreds and hundreds of hours. I would like to thank Mellon Bank, Citizens Bank, PNC Bank, Pittsburgh Foundation, General Printing, and FedEx, who offered to pay for all postage associated with these bracelets. I would like to thank Aqua America for their contribution to this, the Pennsylvania Sheriffs' Association, the Pennsylvania Funeral Directors Association, and Eat'n Park.

The work of all of these tireless and dedicated volunteers is an amazing testament to the heroes of Flight 93 and all those who wanted to give thanks for those who died for our freedoms. John 3:18 tells us, "...let us not love with words or tongue but with actions and in truth." The passengers and crew of Flight 93 will always be a testament to that belief. Through their actions, many more lives were saved. Through their faith and unfailing courage, truth and goodness triumphed over unspeakable evil. These heroes gave their lives in order to save hundreds, even thousands of Americans. They made the ultimate sacrifice, and it is our duty as Americans and Pennsylvanians to keep their memory alive. Their bravery and valor are an inspiration. They are a testament to the power and perseverance of the American spirit, and we are all grateful for the sacrifices they made on behalf of their fellow Americans. They were our first citizen soldiers in the war on terror.

Every bracelet sold has brought us a step closer to building a memorial to honor their patriotism befitting national heroes. With every bracelet worn, we remember the ultimate sacrifice they made and the American ideals that our military now fights to preserve. The Flight 93 Memorial will stand on hallowed grounds in Somerset as a permanent reminder of the bravery of the heroes who died there.

Speaking about another hallowed field in Pennsylvania, President Abraham Lincoln said, "The world will little note, nor long remember, what we say here, but can never forget what they did here." Once the Flight 93 Memorial is built, it will allow the men and women who died that September day to be honored forever.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, at this time, I would like to commend and thank Senator Orié on behalf of the citizens of Somerset County, and certainly the members of the families of Flight 93, for her efforts. It was a tremendous effort on her behalf to raise this money. Once again, as I said, I would like to also personally commend her on her efforts and her commitment to keep alive the memory of those passengers aboard Flight 93 whose bravery and courage saved the lives of thousands. The over \$1 million - over \$1 million - is a tremendous effort that Senator Orié put forth in raising the money. Her Hearts of Steel campaign will help insure that the heroes who were aboard that flight on that day will receive a fitting tribute, and it will provide them with their rightful place in American history.

Again, Mr. President, I would just like to give my sincere congratulations and thanks to Senator Orié and let her know that I, along with the citizens and the family members of Flight 93, really appreciate all she did and to thank those who contributed in any way possible to the Hearts of Steel campaign.

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.

Senators PIPPY, FONTANA, ALLOWAY, ARGALL, BAKER, BOSCOLA, BROWNE, BRUBAKER, CORMAN, DINNIMAN, EARLL, EICHELBERGER, ERICKSON, FARNESE, FERLO, FOLMER, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, LEACH, LOGAN, McILHINNEY, MELLOW, O'PAKE, ORIE, PICCOLA, PILEGGI, RAFFERTY, ROBBINS, SCARNATI, SMUCKER, STACK, STOUT, TARTAGLIONE, TOMLINSON, VANCE, VOGEL, WARD, WASHINGTON, WAUGH, D. WHITE, M.J. WHITE, WILLIAMS, WOZNAK and YAW, by unanimous consent, offered **Senate Resolution No. 162**, entitled:

A Resolution offering heartfelt condolences to the victims, family and friends involved in the terrible tragedy at the L.A. Fitness gym in Collier Township, Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator PIPPY. Mr. President, it is with a heavy heart that I rise today with Senator Fontana to offer this condolence resolution on behalf of the victims who were killed on August 4, 2009, at the LA Fitness gym in Collier Township. During this period of great mourning, we extend our support and prayers to their fami-

lies and friends. There were also nine others who were seriously injured in this tragedy, and our thoughts and prayers go out to them and their families as they recover from this terrible incident.

Thank you, Mr. President, for the opportunity to offer this resolution on behalf of the entire Senate.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator DINNIMAN, by unanimous consent, offered **Senate Resolution No. 166**, entitled:

A Resolution recognizing the month of September 2009 as "Senior Center Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, our senior centers are vital institutions within the Commonwealth. Hundreds of thousands of our citizens in the Commonwealth utilize these facilities, and it is appropriate that we as a Senate recognize "Senior Center Month" here in the Commonwealth, pay tribute to our senior citizens, and pay tribute to the staff and the boards of directors of the numerous senior centers across Pennsylvania.

Mr. President, I ask that, with your permission, the desk remain open so those Members who wish to sign on to this resolution can do so, because I know that all of the Members of the Senate work very hard for the senior citizens of this Commonwealth. We work together on their behalf, and the senior centers themselves are institutions which provide much valuable assistance to hundreds and hundreds of thousands of Pennsylvanians.

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 Mary Ann Anceravige and to John J. Reese by Senator Argall.

Congratulations of the Senate were extended to Joseph Persico, Patrice Persico and to the citizens of the Town of Kingsley and to the Tunkhannock Presbyterian Church by Senator Baker.

Congratulations of the Senate were extended to Helen Brandt Stettler by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Albert S. Beers, Sr., Mr. and Mrs. Jeffrey L. Imes, Juniata Girls' 18 and Under Fast Pitch Softball Team, Mifflin County Junior Babe Ruth 15-year-old All-Star Team and to the Mifflin County High Intensity 16 and Under Softball Team by Senator Corman.

Congratulations of the Senate were extended to Elizabeth Schenk, Brenda M. Storti and to Christopher J. Nangle by Senator Dinniman.

Congratulations of the Senate were extended to the Chester County Department of Aging Services by Senator Dinniman and others.

Congratulations of the Senate were extended to Mr. and Mrs. Lloyd Fields by Senator Folmer.

Congratulations of the Senate were extended to Charles A. Bannon by Senator Fontana.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Szoke, Mr. and Mrs. Carl Johnson, Mr. and Mrs. Nelson Creasy and to Technical Sergeant Kendel H. Shade by Senator Gordner.

Congratulations of the Senate were extended to Nancy Kolb by Senator Hughes.

Congratulations of the Senate were extended to Anna M. Frederick by Senator Kitchen.

Congratulations of the Senate were extended to CareerLink of Norristown by Senator Leach.

Congratulations of the Senate were extended to Anne Hawkins by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. George Forte by Senator McIlhinney.

Congratulations of the Senate were extended to Tony Crea, Helen Warholc, Justin Joseph Laskowski and to Frances Makowski by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Steve Haluschak by Senators Mellow and Musto.

Congratulations of the Senate were extended to the 2009 Boyertown Bears Legion Baseball Team by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Parker, Guy R. Snyder, Andrew L. Snyder and to Kristie Dash by Senator Orié.

Congratulations of the Senate were extended to Matthew Anthony Novak, David Dockan and to Mark Alexander Carnivale by Senator Pippy.

Congratulations of the Senate were extended to Robin Monroe, Justin Salada, Leah Green and to Broad Acres Nursing Home of Wellsboro by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Lee Brewer by Senator Stout.

Congratulations of the Senate were extended to Special Agent Jonathan R. Jones, William C. Burgert, Wendell W. Young IV and to John B. Langel by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Soder, Chief Master Sergeant Cynthia A. Good, Vesta Jean Ringert, Ryan Jaselskis, Joshua Foster and to the citizens of the Borough of Shiremanstown by Senator Vance.

Congratulations of the Senate were extended to Courtney Bearer and to the citizens of the Borough of New Beaver by Senator Vogel.

Congratulations of the Senate were extended to Dr. Daniel J. Obara and to Stephen Mogush by Senator Ward.

Congratulations of the Senate were extended to the Reverend Maytha Wright by Senator Washington.

Congratulations of the Senate were extended to Reggie Bryant by Senator Washington and others.

Congratulations of the Senate were extended to Michael A. Zanella, Samuel J. Fletcher and to Ryan J. Anderson by Senator Waugh.

Congratulations of the Senate were extended to Richard and Ryan Keeler and to Lezzer Lumber of Curwensville by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Williams and to Almeda McFarland by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. John Drummer, Mr. and Mrs. John Patrick, Jr., Mr. and Mrs. William D. Hill, Mr. and Mrs. Edward Krupa, Mr. and Mrs. Walter Mattern, Connor Dumm, Albright Care Services' Living Independently For Elders program and to Citizen's Hose Company No. 5 of Lock Haven by Senator Wozniak.

Congratulations of the Senate were extended to Kristin Berger, Kelsey Belenko, Patricia Schwindinger and to Amanda Berger by Senator Yaw.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Raphael William Ogilvie by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Joseph A.S. Heeney, Jr., by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Charles J. Vizzini by Senator Wozniak.

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Rules room immediately. I expect the caucus to last no more than 15 minutes.

The PRESIDENT. For the purpose of a Republican caucus to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

BILL ON FIRST CONSIDERATION

Senator ORIE. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

SB 1047.

And said bill having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Senator HUGHES. Mr. President, I rise to speak this moment to make sure that there is a certain series of facts and circumstances laid upon the record, as it appears that as we wind up today's activities, we are confronted, especially for those of us who come from Philadelphia and southeastern Pennsylvania, with a serious and very dramatic fiscal crisis that the Commonwealth's only city of the first class, the city of Philadelphia, is confronted with.

It is my understanding that it appears, based on the Calendar schedule of activities, that we will not meet the deadline that has been prescribed to us by the PICA Board. The State agency, Mr. President, oversees the city of Philadelphia's financial situation and allows for and provides for certain conditions that the city must operate under. The PICA Board has provided us a specific date of August 15 to meet certain issues, certain requirements, or else the city will have to begin a process of implementing another plan, another program, so they can achieve the results of the 5-year plan that the PICA Board has prescribed upon the city that the city and the city council have agreed upon.

Consequently, the city will be required to look upon and interact and implement what the mayor has described in communications to this body, all of its Members, individually and collectively--presentations that I know he has made to the Senate Democratic Caucus and I believe that he has made to a portion, if not all, of the Senate Republican Caucus--about what he will have to do, what the city will be forced to implement to achieve some level of financial stability for now and in the future. Those plans, those programs, are not pretty, if you will, Mr. President. Those programs are not pretty.

Before we talk in some detail about what those programs are, I think it is important that we are clear and understand, without any hesitation, what the city has already undertaken to try to achieve some basic level of function to keep the city moving forward, but also, Mr. President, to address the national and international recession that the city, this State, and this nation are confronted with. I would say, Mr. President, that there is not a municipality that we are aware of that is not under some kind of financial or fiscal distress at some level, some more acute than others, that is totally a result of the national and international financial situation.

I am looking at a letter, Mr. President, that is dated August 7, from the mayor of the city of Philadelphia, and it is addressed to me, and it is also addressed -- I believe that every Member of the Senate has received this document. It says a number of things, but it specifically talks about the things that the city has done to move toward financial stability. I will just outline some of those things.

The letter refers to the fact that in November of 2008, in its rebalancing actions, the city has suspended its city-funded wage and business tax cuts. The city has suspended its city-funded wage and business tax cuts. The city has eliminated 220 filled, 600 unfilled, and 2,000 part-time positions. The city has reduced overtime citywide. The city of Philadelphia has reduced a number of city vehicles. The city of Philadelphia has enhanced delin-

quent tax collection efforts. The city has mandated 5 furlough days for exempt employees for fiscal year 2009-10.

The city has increased fines and fees for various permits, inspections, and licenses. The city has already deactivated five engine and two ladder companies in the fire department. The city has reduced library services from 6 days a week to 5 days a week. Let me mention that again. The city of Philadelphia has reduced library services from 6 days a week to 5 days a week. The city has reduced funding in arts and culture. The city has eliminated bulk tire and leaf collections. The city has reduced salaries in the mayor's office, the mayor's cabinet, and the managing director's office.

Those are actions that the city of Philadelphia has already taken. They are significant. They are dramatic. They are across the board. There is no member of city government that has not been impacted by the actions that have been taken in November of 2008. Those are called the rebalancing actions, and they are in the letter that the mayor has sent to all of the Senators here in the Commonwealth and, I am sure, every Member of the Pennsylvania House and also the Governor's Office.

So the city has been proactive in taking steps. The city has been proactive in terms of taking steps. Also, the city has put together its 5-year plan, a series of activities that are also outlined in this letter, Mr. President. The key components of Philadelphia's fiscal year 2010 budget and 5-year plan are as follows, and I will say them so that they are on the record.

The city is requesting a temporary 1-percent sales tax increase for 5 years. The city is asking for a change in the pension amortization period from 20 to 30 years, and to defer a portion of the city's pension payments for fiscal years 2010 and 2011. The city has eliminated the reserve for citywide wages and benefit increases for public employees in its plan for securing savings from employee benefits and work rule changes. It is looking to eliminate another 250 positions across the city; to charge small businesses a fee for trash collection services; to further reduce overtime costs; to implement waste minimization efforts in the sanitation division; to reduce funding for the demolition of vacant buildings; further reduce citywide vehicle fleet; enhance energy efficiencies citywide; increase EMS transport fees; and institute utilization review processes for prescriptions at city health centers.

I have just outlined the things that the city has already done in November 2008. We look at the items, the significant items in the fiscal year 2010 budget and the 5-year plan which the city is required to adopt for the next 5 fiscal years, and we know that two of the major issues that the city is required to undertake, has asked to undertake, is the increase in the sales tax of 1 percent for just the city of Philadelphia--I repeat, just for the city of Philadelphia--and a change in its amortization schedule for its pension system. That requires State approval. Both of those items, the sales tax and the amortization of the State pension costs, require State approval and require our action right here.

I think it is important, Mr. President, as we close down the business for this day, the business for this week, that we lay out those details for the record, for the body to see clearly, for those who are paying attention to what we are doing or not doing on the floor of the Senate, that it is in the record that you know what has been done and what is required of us. If we do not move

action on the bill that left the Pennsylvania House of Representatives, now sitting in our Chamber, if we do not take any action, the city has indicated, by the PICA Board requirement, that August 15 is an important date, a very important date, an extremely important and relevant date for the people who live in the city, for the folks who utilize the services of the city, and especially for those who work for the city of Philadelphia.

Because we have not taken action, Mr. President, and August 15 is approaching us, the PICA Board has said that the city must adopt a new program, a new plan to achieve fiscal stability over the next 5 years. The mayor has called that plan Plan C. The mayor has called that plan Plan C, and let me tell you what inaction on House Bill No. 1828, which is what the city has requested to help solve its problems--which also means, as I might say, Mr. President, no new funding from anyone else for the city. The city self-funds its fiscal crisis, its fiscal problem, with no new funding from anyone else.

What is in Plan C--since we are not taking action on the city's request for resolve here--what is in Plan C is something very dramatic, and folks need to know this. The Members of the body need to know this. The folks paying attention, and the city residents need to be aware of this even more so, and especially those who live in southeastern Pennsylvania or who plan on coming to the city anytime soon need to be aware of what Plan C is all about and what it means. I will break it down by categories.

In Plan C, the police department will be forced to eliminate 972 positions. This is over 10 percent of the Police Department, 972 positions, including 739 sworn officers, 43 civilians who work for the Police Department, and 190 positions will be eliminated by attrition. I would just put a caveat in there that as we deal with this very difficult economic environment that we are in right now - unemployment rates are going up, foreclosure rates are going up, the number of folks who have no health insurance, that population is going up - that clearly puts pressure on any community and is going to put, and has already put, pressure on the residents of the city of Philadelphia with the personal issues they will have to deal with. It is common practice, unfortunately, that when that pressure increases, folks act out in negative ways. Crime goes up. For police, 972 police positions will have to be eliminated because of Plan C, because of our inaction here.

The Fire Department will have to deactivate six engine companies, three ladder companies, and five ALS medic units. The Fire Department will eliminate 36 officer positions, 120 firefighter positions, and 40 paramedic positions. The Fire Department will see engine and ladder deactivations. This will likely result in the complete closure of the firehouses.

In the Health Department, the city will be forced to close two city health centers, resulting in a significant negative impact on Philadelphia's uninsured population. It will have to eliminate the Medical Evaluation Unit, and it will be forced to eliminate 112 positions.

The Streets Department, which is essentially our sanitation crew, will reduce trash pickup to twice a month, as opposed to once a week, and over 350 positions will be eliminated; 350 workers will lose their jobs. Also in the Streets Department, the city will reduce citywide cleaning and eliminate all citywide support staff. This is an additional 50 positions.

In the Recreation Department, Mr. President, all recreation centers in the city of Philadelphia will cease all programming activities. All recreation centers in the city of Philadelphia will cease all of their activities. Over 450 positions will be eliminated; 450 jobs will be eliminated.

The library, our Free Library, will cease operations at all branch and regional libraries, and over 490 positions will be eliminated. All operations at our regional libraries and our branch libraries will cease. Over 490 positions will be eliminated. That is our library system. In fact, we have the oldest library in the country. What a message to send to our library.

Fairmount Park--we have the largest municipal park in the nation--will have to cease all operations. Over 142 positions will be eliminated. All told, in the numbers that I have outlined here, and in some additional information as part of Plan C, almost 3,000 positions will be eliminated in the city of Philadelphia.

Those are real people. Those are real workers. Those are real families who will be significantly impacted in this very difficult situation. Mr. President, I am not going to go on and on and on. The numbers speak for themselves. We have, essentially, complete unanimity from all of our municipal workers' unions. AFSCME District Council 33--which is the largest organized, unionized workforce, municipal workers' union, in the city of Philadelphia--has signed on with a letter of support. AFSCME District Council 47 signed on with a letter of support. John McNesby, president of the FOP, Fraternal Order of Police, Lodge 5, signed on with a letter of support. Bill Gault, president of the Philadelphia Firefighters Local 22, our firefighters' union, all have signed on with a letter of support.

All of our municipal workers support the action that is required here in Harrisburg. The city council is in support of this action required in Harrisburg. The mayor has been to Harrisburg more -- Mayor Nutter has been to Harrisburg more times than Mayor Street and Mayor Rendell, when they were mayors, lobbying for and meeting with and talking with all of the Members of the Senate and Members of the House of Representatives. That is what we are confronted with here.

On this day, at high noon, if you will, 12 o'clock, 12 o'clock, we are probably going to be ending our activities for this week without any action of any significance on the requests that the city of Philadelphia has made to this body for relief. High noon. High noon. No action by this body on a simple request the mayor has made so that the citizens of the city of Philadelphia can resolve their own fiscal situation.

We are not looking for any money from the State, not looking for any new cash to come from Harrisburg, no check sent from Harrisburg to the city, no bundle of cash driven down the turnpike from Harrisburg to the city, just relief so that the citizens of the city of Philadelphia can solve their own fiscal situation. I might add, Mr. President, this is not a fiscal situation that was caused locally. This financial crisis was caused as part of a national and international crisis that was caused by folks outside of the city of Philadelphia.

Our request for resolve and resolution is not where we come looking for money to take back to our city. Our request is to allow us to tax ourselves more--in fact, a tax that is probably the most regressive tax that is available to us--but to tax ourselves

more to solve our own fiscal crisis. We have gotten no assistance, no help, no support. This coming weekend, we will reach August 15, and Mayor Nutter will begin the process of implementing the plans outlined here in Plan C.

Now, there has been public dialogue and some private conversation that the Majority here will be proactive and aggressive in terms of trying to respond. I hope that is the case. We are prepared to work with the Majority in a positive, thoughtful action to get this matter resolved. But I hope, Mr. President, that there is real substance behind the comments and the conversations that have occurred, and we are not dealing with just another stall tactic, which could force the city into a situation where 3,000 people and their positions will have to be eliminated; where families will directly have to be impacted; where libraries will not be able to be opened; where the beautiful Fairmount Park will not have access; where our recreation centers, which are the lifeblood for our young people, places for them to go and spend their time and enjoy themselves, where our recreation centers will still be able to operate; where our health centers will be able to respond to the growing health needs of the citizens of the city of Philadelphia; where our firefighters will be able to work; and where our police officers will be able to protect the citizens of the city of Philadelphia and all those other individuals who come to the city of Philadelphia to enjoy their services.

Next Thursday night—not this coming Thursday but, I believe, next Thursday night, if I have my schedule correct—the Philadelphia Eagles will be playing a home football game. I am not sure who the team is that they play. I believe they play the Patriots, but I am not quite sure of the schedule. It is a home game. Under this plan, the number of police officers available to support and police and secure that game will be reduced dramatically. When the Fightin' Phils, the State's premiere baseball team, come back and play their home games, and many folks who work in this Chamber and represent constituents who come to the city of Philadelphia and enjoy our Phillies baseball, they will come to the city, they will want to go to the game—well, unfortunately, the number of police officers who will be on the premises to secure the stadium complex in south Philadelphia will not be available.

In the next week or so, our premiere institutions of higher learning - Saint Joseph's University, Drexel University, the University of Pennsylvania, Temple University, Community College of Philadelphia, and a number of other private institutions that are also waiting for Harrisburg to respond to their fiscal crisis - students will be coming back to campus. They will be coming from all over the world to our city to enjoy those institutions and to get an education at those institutions. The number of police officers to secure the city, to secure those campuses, to work with campus police to keep those facilities secure, will be reduced. Folks will be coming into an environment not as safe, not as secure as before.

I might also add, Mr. President, that I sure hope, I sure hope that in the next several weeks, while we have to implement Plan C, I certainly hope that there is no dramatic or terrible fire situation that occurs in the city of Philadelphia, that families are safe, that families are smart, that institutions and people are protected so that no major fire occurs, because we will be reduced by over 100 firefighters in our city. The ability to respond to a fire, to an

emergency, will be decreased. I certainly hope that no incident occurs, because we will not be in a position to appropriately respond to a situation if it does occur. I hope our major refinery does not have a problem. I hope our neighborhoods in west Philadelphia, south Philadelphia, the great northeast, north Philadelphia, Center City, Society Hill, that those neighborhoods are not impacted by some fire calamity, because our firefighters, the number of firefighters, our brave firefighters, those who keep us safe, will not be there in great number to respond.

Hopefully, we can get this worked out. Hopefully, it can be worked out sooner rather than later. Hopefully, we will be called back in, in some significant amount of time, to vote this bill out and get this thing done, and send this directly to the Governor so we can get it addressed. We are prepared to work in a positive, thoughtful manner with the Majority to get this thing done. But be clear, the Majority controls the Calendar, and the Majority will control whether we are able to get this matter done now or sometime in the future. The city came to Harrisburg for help. So far, the request for help has gone unanswered. I hope that request will be responded to sooner rather than later.

Thank you, Mr. President.

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

Senator BROWNE. Mr. President, just briefly, in regard to the gentleman's comments on our plans to address Philadelphia's financial challenges, particularly relating to their current plan of recovery that has been advanced from the House to the Senate, we, members of the Committee on Finance and Members across this Chamber, are equally concerned about the financial challenges that Philadelphia is experiencing. We know that it has been perpetuated by economic conditions within the city and across this country, and the Committee on Finance, in cooperation with Members of the Majority and Minority of this Chamber, are going to be working diligently over the next several weeks to look at Philadelphia's suggestions for recovery, their special requests for additional revenue sources with which to accomplish this recovery plan.

I believe it is important to note that the experiences of Philadelphia are experiences that are existing across the State. The recovery plan that they are proposing is something that relates directly to their challenges with meeting minimum mandatory obligations to their pension system, and unfunded liabilities consistent with pension plans across this country are burdening our pension systems in Philadelphia and across the State in similar regard. The unfunded liability that Philadelphia now has on its books is a significant piece of what exists across Pennsylvania, but it really is only a matter of scale. There are many communities with as significant or more significant a challenge meeting their pension obligations this year and in the years to come because of the results of the financial markets and also because of structural challenges that exist within their current pension benefit structure.

So in regard to looking at Philadelphia's proposed solution, it is incumbent upon us to realize that this is the result of a bigger problem. In advancing legislation that will not only solve Philadelphia's and municipalities' fiscal challenges, now and into the future, our considerations must include a more comprehensive

focus of the symptoms of the problem and suggest amendments to our pension codes that will make sure that similar challenges will not exist or recur in the future.

That is our goal. We have a very aggressive schedule to accomplish that goal in order to meet the gentleman's suggestions. We look forward to making sure that the reforms he is suggesting, with suggestions that we will receive in hearings today and next week, are incorporated in that so that we have a plan for recovery not only for Philadelphia but for municipalities across Pennsylvania. I look forward to working with the gentleman to make that happen.

Thank you.

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

Senator HUGHES. Mr. President, thank you, and I appreciate the chairman's comments and appreciate the work of the committee, and I believe there is a hearing today at 1 o'clock, if I understand that correctly, and I will stop by for a while to observe. I just hope that we can, in this process, achieve some--as the due diligence is going to be done by the Majority--that we achieve some level of understanding or some level of communication to the mayor and the leaders of the city of Philadelphia, so that we do not have to go down this road of fully implementing Plan C.

If there is a way for some level of action or activity to occur in some fashion--and I am prepared to work with all of the interested parties to try to help achieve that--if something can be communicated or worked out in some fashion so that we do not have to eliminate or shut down ladder stations, so that we do not have to eliminate or shut down almost a thousand police positions, so that we do not have to eliminate or shut down health centers or recreation centers or libraries--if we can achieve some level of motion or movement in some fashion, so that we can postpone the implementation of Plan C, in some way, while we work through these things.

I respect the fact that many communities and counties and local townships and what have you are dealing with very similar fiscal situations. I respect that. I understand that. It is not a fault of their own. It is totally a result of the national and international recession that we are dealing with. I get that and understand that. The mayor understands that. He understands that unequivocally. He knows where all of this is coming from. The unfortunate problem that he and we in the city are confronted with, and the State is confronted with, because the city is a part of the State, is the fact that if we do not--in our oversight of the PICA Board, they have put this date of August 15 on us because of our financial constraints and our financial reality, so we must implement a new plan.

We have talked about what is represented in that new plan. We need some kind of relief, some kind of assistance, some kind of support to allow us not to have to implement Plan C. The best thing would be full enactment of it. Get it in, get it done, move the legislation on, and resolve that. But we need some message, some work, some effort, so that we do not have to eliminate 1,000 police officers, so that we do not have to shut down health centers, so that firefighters can be fully staffed and be responsive to the fire needs and the fire realities that exist, and so that our emergency support system can be fully staffed so they can respond to emergency needs.

We do not want on the head of anyone in this Chamber the calamity that could occur because of our inaction. We do not want on the head of anyone on this Chamber--and I repeat--the responsibility for any calamity that could happen in our city, or in any jurisdiction or in any municipality across the Commonwealth. That is all we request, some action in some way that allows us not to have to implement Plan C.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, a couple of points in response to the gentleman from Philadelphia's comments this afternoon. As Senator Browne, chairman of the Committee on Finance, outlined the plan of action for the bill, I will not get into that, but some people watching this might think that on August 15, all of a sudden, there will be fewer police officers and fewer firefighters, and somehow, that date is a cliff, after which, all of these things happen, and the city falls off that cliff, as far as services.

The gentleman referred to a letter from the mayor of Philadelphia, Michael A. Nutter, dated August 7, 2009. He read through almost the entire letter, except for the last page, which presents a timeline that people should be aware of. August 15 is an arbitrary date established by the PICA Board. It is not a date that is reflected in any sort of court order. It is not a date that is reflected in any sort of financial document, when payments are made or loans are due. It is an arbitrary date that the PICA Board picked, frankly, because they thought we would be finished with our legislative work in Harrisburg, before we recessed for the summer, by that date. They were wrong in June when they picked that date. They could not know that the budget impasse would extend this late into August, and so we are still here working on the budget. We have not recessed for the summer, and it does not look like we will have a summer recess.

So the first suggestion I make to the gentleman is to join me in asking the PICA Board to recognize those facts and to move the August 15 date forward. I wrote to James Eisenhower on August 10, asking him to extend that date to allow us to do our legislative work. The PICA Board is composed of five members, one appointed by the Governor and one appointed by each of the four legislative Caucuses. I ask the gentleman from Philadelphia to suggest to the member of the PICA Board appointed by his Caucus that they work in a cooperative way to extend that date, so long as we are making progress on the Philadelphia legislation. I think that is a very practical thing that he could do to allow this legislative process to move forward, and to avoid the talk about the calamities that would occur if the city does not receive the relief that it is requesting.

In the absence of that, either willingness to make that request or the refusal of the PICA Board to honor the request, a couple of the points that are raised on the last page of the mayor's letter are worth sharing with the public. The mayor presents a timeline, and on the August 15 date--and by the way, this timeline starts on July 1, although we in the Senate did not receive the bill containing Philadelphia's relief legislation until August 5. So all of this crisis, presumably, was known back in June and July but somehow was not sufficient to motivate the House to take any quicker

action on the bill that had remained in the House for the entire month of July.

But here we are, and without looking back, what are we going to do going forward? In the mayor's letter, it says, first of all, that this plan of layoffs would take 6 to 8 weeks to complete. So it is not as if--according to the mayor's letter, at least--on August 15, there will be layoffs. The plan allows for 6 to 8 weeks before these layoffs would actually take place.

Secondly, this contingency plan that has been talked about in such great detail is, as I understand it and as the mayor's letter seems to indicate, just a plan of the mayor that has yet to receive approval from the Philadelphia City Council, where such approval would be necessary. In fact, the mayor's letter talks about that necessity and says that city council has set aside meeting dates for later in August, the 18th, 25th, and 31st of August, to consider contingency plans if the legislation is denied or is not approved.

So I think that the clear, logical path, given that all of this needs city council approval and needs 6 to 8 weeks to implement anyway, is to have the PICA Board extend that arbitrary date and allow the legislative process to proceed in the prompt manner that we have committed to work through it, and then to allow the city to take the appropriate action after the legislation is passed. But even if that course is not accepted, the people watching this should know that we will finish our legislative process well before a single layoff occurs in the city of Philadelphia.

Thank you, Mr. President.

Senator HUGHES. If I may, Mr. President.

The PRESIDENT. Without objection, the Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, just as a point of response or clarification to the Leader, the issue of the city's fiscal plight has been a very public matter for quite some time--that is point one--many, many months, if not at least half of a year or so. The issue of the PICA Board having established the August 15 date as a point of significant demarcation for further action by the General Assembly and by the city was a date and a point and a program established on July 21 when the PICA Board met, and all four Caucuses are represented there.

That vote was a unanimous vote. It was done with full knowledge and information by the representative representing the Senate Democratic Caucus, the representatives representing the House Democratic and Republican Caucuses, and the individual who represents the Senate Republican Caucus. That is the date that they came up with, in unanimity, and provided to the city, to the city council, and to us as the date that was important.

Now, they obviously believed that we would be able to resolve our larger State budget problems and saw this issue tied together with the city's problem and the State's problem. They saw it tied together, but when it became clear that to resolve the State's problem was not going to occur in a timely fashion, then they asked and hoped that we would be able to very simply resolve the city's problem while we try to figure out the State's budget problems.

Hopefully, we can resolve this matter in a timeframe that no city worker has to face a layoff, but we do know that the process begins with the first notification. So there will be some family--some individual who works for the city of Philadelphia and,

consequently, that person's family--who will get a notification sooner rather than later, and then the process will evolve from there. That individual or that family will then have to consider whether they will be able to continue to pay their bills, feed their family, and take care of their own responsibilities. Hopefully, we can get our business done before anyone stops receiving a paycheck. Hopefully.

We also need to be very cautious, though, Mr. President, in terms of whatever message we send from Harrisburg, not just to the residents of the city of Philadelphia, not just to the mayor and the city council and all those therein. We also have to be very thoughtful and very mindful of the message that we send to the folks who work on Wall Street, if you will, and deal with the city's fiscal responsibilities from that perspective. Our ability to go to market and borrow money, which we all have to do at a municipal level, our ability to go to market and borrow money could be impacted, and it could be impacted dramatically from a negative perspective if we choose not to take action in a quick and fast and hurried timeframe.

So, Mr. President, I hope that we can figure out a way to work together, across both sides of this Chamber, to solve these problems and to solve them sooner rather than later. We want to make sure that our families in this great city are taken care of. We want to make sure that folks do not miss a paycheck. We want to make sure that the services that we provide in our city can continue, and can continue at a high level. We also want to be able to send a message to other municipalities across this city, other counties, other townships, other boroughs across this city, that when they come to Harrisburg looking for help, that Harrisburg will be able to step up for them, to assist them, and to assist them in a timely fashion.

Mr. President, I am prepared, and I am sure all of us in the city and everyone on this side of the aisle is prepared, to work with the Majority to try to get this matter resolved sooner rather than later. I suggest that we not be cavalier about the August 15 date, and that we be proactive in terms of responding to a crisis that none of us wants to see and, assuredly, none of us wants to be responsible for.

Thank you, Mr. President.

BILLS SIGNED

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

HB 1419, HB 1420, HB 1421, HB 1422, HB 1423, HB 1424 and HB 1425.

PETITIONS AND REMONSTRANCES (Continued)

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

Senator WILLIAMS. Mr. President, for the record, we sit here in a moment of, obviously, great concern and pause for not only Philadelphia but the surrounding region. In response to the Majority Leader's comments, I want to provide this for clarity.

The mayor was here yesterday from the city of Philadelphia. He had quite an active day, meeting with Members on both sides

of the aisle. I think he made an effective case for the fact that the issue and the crisis of Philadelphia is real and that there is a need to advance the bill. That said, I will also say--because I have been very critical of the delays in the process and the length of the process--for those of us who are engaged in the mayor's conversation and, frankly, engaged in other conversations, there does seem to be concern from the other side of the aisle that the issues in Philadelphia are real.

But to respond to the specifics: The item about approaching PICA. Frankly, I am not sure that is what anybody in the Chamber should do. PICA was created as a State oversight entity to remove itself from political pressure, and the reason why PICA was created was because Philadelphia, unfortunately, fell into a financial crisis of its own doing that was, in part, created by political activity. PICA was created to remove itself, remove politicians from putting their hands around the fiscal controls of the city. PICA is an authority that is supposed to use economic data and make objective, impartial, nonpolitical decisions, to remove itself from any political pressure, and to make decisions based upon the set of facts that are presented to them with regard to the city's fiscal consideration and circumstances.

For those reasons, I am not sure that anyone should be approaching PICA for changing a deadline. Whatever the deadline is, it is, and if PICA says it is that deadline, I think we need to respect it and work with it. I do respect the fact that the Majority Leader has said that he thinks that there is a deliberative process that includes hearings, that a full vetting of not only the 1-percent sales tax but the pension reform should be one that is not only considered simply from Philadelphia's perspective. I think that the conversations that we have had have been sincere and direct and honest.

I take the gentleman at his word that they do mean to move the process forward in an expedited fashion. I would draw caution, though, to the timelines. While people may not be laid off literally on the 14th day or the 15th day, the reality is that starting July 1, we missed a \$10 million infusion of revenue because we did not get the sales tax in Philadelphia. Ten million dollars followed by another month is \$20 million. By the time we potentially can finish this process, Philadelphia will be behind the curve by \$30 million in terms of expected revenue from the sales tax, and that is a real number.

Now, the reality is it may not be a layoff, but there certainly will be a program that is affected, there certainly will be a vendor that is affected, there certainly will be some level of impact, fiscally, to the county and, frankly, the surrounding region in the Commonwealth.

For those reasons, it is my hope that the hearings will certainly be deliberative but they will be expedited in a fashion that we will get to a bottom line, have ideas put on the table, and that within the next few weeks, we can return to this conversation and move the bill from the Senate to the House, with the full support, hopefully, of the Senate and the full support of the House. In a reasonable amount of time, we can get it to the Governor, and hopefully, we will not miss another deadline that relates to the sales tax revenue that the county dearly and sorely needs.

For those reasons, I hope that in the spirit that the Majority Leader spoke, we and he recognize that there is a need to move

quickly and expeditiously. We hope that the word "expeditiously" means, in fact, quickly and in a timely manner.

For those reasons, I hope that, for the first time, we can speak from the Senate for those people who are listening and watching, that there begins to be a crack in the wall of division, and frankly, some rational conversation around items that relate to all Pennsylvanians in a critical time, in a fiscally constrained time, and certainly in a crisis time for those people who dwell in Philadelphia.

For those reasons, I thank the Majority Leader for his comments today, and I certainly thank the Members on our side of the aisle who have raised this issue to a level of concern for the entire Senate.

Thank you, Mr. President.

The Presiding Officer (Senator JOHN C. RAFFERTY, Jr.) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, on behalf of Senator Pileggi, I would like to submit for the record two exhibits. One, an August 7, 2009, letter from the city of Philadelphia, signed by Mayor Nutter; and the second one, an August 10, 2009, letter signed by the Majority Leader, Dominic Pileggi.

The PRESIDING OFFICER. Without objection, the letters will be spread upon the record.

(The following letters were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE, on behalf of the gentleman from Delaware, Senator PILEGGI:)

CITY OF PHILADELPHIA

MICHAEL A. NUTTER
Mayor

Office of the Mayor
215 City Hall
Philadelphia, PA 19107
(215) 686-2181
FAX (215) 686-2180

August 7, 2009

Dear Senator:

I respectfully request your support for HB 1828. This measure is critically important to the City of Philadelphia. It provides us with essential tools needed to help us respond to the fiscal crisis triggered by the unprecedented financial downturn in the national and global economy. I know that the Commonwealth is not immune from the world-wide recession and that you are facing your own budget challenges. As such, the legislation we are seeking from you has no fiscal impact on the Commonwealth.

HB 1828 authorizes the City to defer a portion of its pension payments, change our pension amortization period, and impose a temporary 1% increase in the local sales tax to pay for pension obligations. If HB 1828 is not enacted swiftly, the City will be faced with the need to make deep and painful cuts in our services and programs.

It is important to stress that we have taken many local actions to reduce spending, increase revenues, and implement efficiencies. The City only turned to the State for authorization truly as a last resort. And let me stress again, our request from the Commonwealth has

zero fiscal impact on the state budget. It is not a "bail-out," rather it is a recovery plan that enables the City to help itself.

Beginning in the fall of 2008, as we experienced declining tax revenues, dramatic losses on earnings in our pension fund, and soaring interest rates on debt, we took unprecedented actions in the middle of the fiscal year to rebalance our budget and five-year plan. These mid-year cost containment and revenue enhancement measures totaled \$1 billion over the life of our plan.

The following are some of key November 2008 rebalancing actions:

- Suspended City-funded wage and business tax cuts
- Eliminated 220 filled, 600 unfilled and 2,000 part-time positions
- Reduced overtime city-wide
- Reduced the number of city vehicles
- Enhanced delinquent tax collection efforts
- Mandated 5 furlough days for exempt employees for Fiscal years 2009 and 2010
- Increased fines and fees for various permits, inspections, licenses, etc.
- Deactivated 5 engine & 2 ladder companies in the Fire Department
- Reduced library services from 6-days a week to 5-days a week
- Reduced funding in Arts and Culture
- Eliminated bulk, tire and leaf collections
- Reduced salaries in the Mayor's Office, Mayor's Cabinet & Managing Director's Office

Unfortunately, these actions were not sufficient to keep pace with the downward spiral in the national economy. In the spring of this year, as City Council and I worked to craft a responsible Fiscal Year 2010 budget, we were faced with the daunting task of closing another \$1.4 billion hole in our five-year plan. Thus, the City's current FY10 budget and five-year plan contain more belt-tightening measures, enhanced efficiencies, and additional fees on Philadelphia residents and businesses. It also relies on critically important actions by the Commonwealth.

The key components of Philadelphia's FY10 Budget & Five-Year Plan are as follows:

- Temporary 1% sales tax increase for 5 years (requires State approval)
- Change pension amortization period from 20 to 30 years, and defer a portion of the City's pension payments for Fiscal Years 2010 and 2011 (requires State approval)
- Eliminate reserve for city-wide wage and benefit increases for public employees
- Secure savings from employee benefits and work rule changes
- Eliminate another 250 positions city-wide
- Charge small businesses a fee for trash collection services
- Further reduce overtime costs
- Implement waste minimization efforts in the Sanitation Division
- Reduce funding for demolition of vacant buildings
- Further reduce city vehicle fleet
- Enhance energy efficiencies city-wide
- Increase EMS transport fees
- Institute utilization review process for prescriptions at City Health Centers

As you may know, the state fiscal watchdog for Philadelphia created by the General Assembly in the early 1990s – the Pennsylvania Intergovernmental Cooperation Authority (PICA) – requires that the City prepare not only a balanced budget, but a balanced five-year financial plan. While this requirement of a balanced five-year plan is particularly challenging in this unpredictable fiscal climate, it instills fiscal discipline, discourages quick one-time fixes, and encourages longer-term strategies to respond to the deep budget holes.

Recently, PICA met on July 21st and approved our budget and five-year plan unanimously. However, they did so with the following contingency:

If the State Legislature should fail to grant the authorities requested by the City to increase the Sales Tax rate and change certain Pension Fund calculations by August 15th, the Plan will be deemed disapproved and the City shall be required to submit a revised plan within fifteen days.

We have been preparing for this contingency – which we call "Plan C" – because we must plan for the worst case scenario. Now, PICA has established a timetable with which we must comply. It is my sincere hope that I will not have to implement Plan C because it will cut deep into the bone and will have a serious and negative impact on the City and region. Plan C will require eliminating 1000 police and 200 fire positions, reducing trash collection from weekly to twice a month, and closing entire service departments, including Parks, Recreation, Libraries, Planning and Commerce. In total, more than 3000 positions will be cut. Given the magnitude of these cuts and civil service procedures, we must initiate implementation now as is described on the attached timeline.

I have been advocating for the City's needs in Harrisburg for over two and one-half months. I have met with many of you and you have been very considerate and generous with your time. The severe fiscal crisis that state and local governments are dealing with could not have been predicted. The worldwide economic collapse was swift and severe and there remains tremendous uncertainty about the timing of any recovery. The City is depending upon you to help us help ourselves in this difficult time. Please provide us with the fiscal tools that we need in order to continue to manage our financial crisis responsibly and avoid deep cuts that will permanently harm the City and Southeast region. Time is of the essence given the PICA deadline. Don't let our great city die, please pass HB 1828 as quickly as possible.

Sincerely,

MICHAEL A. NUTTER
Mayor

- July 1** The new fiscal year begins for the City & State without passage of state legislation approving the City's pension changes and increased sales tax. These two state items generate \$250m in new revenues and savings in the City's FY 10 budget, and provide \$700m over the course of the Five-Year Plan.
- July 3** HB 1824 (sales tax) & HB 1828 (pension changes) introduced.
- July 6** City stopped longevity and step increases for City employees.
- July 16** The City initiates cash conservation measures ceasing payments to vendors. At this point, the uncertainty at the State surrounding the legislation impedes the ability of the City to do a routine cash flow borrowing. Payments to vendors stop to insure enough cash for employee salaries, debt service and emergencies.
- July 21** PICA approves the City's budget and five-year plan unanimously, but with the following contingency: *If the State Legislature should fail to grant the authorities requested by the City to increase the Sales Tax rate and change certain Pension Fund calculations by August 15th, the Plan will be deemed disapproved and the City shall be required to submit a revised plan within fifteen days.*
- July 30** Mayor announces details of the revised plan required by PICA if the State does not act. In order to balance the budget and plan, the City will need to eliminate nearly 1000 police and 200 fire positions, reduce trash collection from weekly to twice a month, and close entire service departments, including Parks, Recreation, Librar-

ies, Planning and Commerce. In total, nearly 3000 positions will be cut. Even if the legislation is eventually passed, delays in that passage will cost the City sales tax revenues and force some cuts.

- July 30** HB 1828 is amended in committee to combine sales tax authorization into pension code changes, and the bill is reported out to the floor.
- July 31** SB 1058 introduced in the Senate; contains same language as the amended HB 1828 and is sponsored by all Philadelphia Senators and Senator Costa.
- August 1** The City's Budget assumes \$10m in increased sales tax revenues each month beginning on August 1st.
- August 5** HB 1828 passed by House 112-85 and moves to the Senate for action.
- August 15** Date set by PICA to have State legislation approved. As of this date, if the PICA condition is not met, City must initiate lay-off process in order to achieve personnel savings by November 1st, and take other measures immediately to insure a balanced budget and five-year plan. The lay-off process is governed by civil service regulations and is a huge undertaking. It requires scoring of thousands of employees to prepare rankings by reviewing seniority, performance reviews, etc. It takes 6-8 weeks to complete the process for a lay-off of this size.
- August 31** Date set by PICA to submit a revised Five-Year Plan if legislation is not approved. City Council will need to reconvene to provide necessary approvals, and the Council President has announced emergency sessions for August 18, 25 and 31.
- Sept 1** For those City contracts which need to be terminated, 30-day notices sent.
- Sept 15** Lay-off two-week notices sent.
- Oct 2** Lay-offs take effect which then begins a period of "bumping" which takes about one month to conclude.

**THE MAJORITY LEADER
SENATE OF PENNSYLVANIA**

9th Senatorial District
Dominic Pileggi

The State Capitol
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August 10, 2009

James Eisenhower, Esquire
Chairperson
Pennsylvania Intergovernmental Cooperation Authority (PICA)
1500 Walnut Street, 16th Floor
Philadelphia, PA 19102

Re: Philadelphia City Budget

Dear Mr. Eisenhower:

I am writing to urge you to extend the August 15, 2009, deadline for state legislative action related to Philadelphia's proposed Five-Year Financial Plan for FY 2010-2014 by one month, to September 15, 2009.

House Bill 1828, the legislation sought by the city, was not considered by the House until August 5, 2009.

The Senate will exercise its responsibility to give full, prompt consideration to this legislation and any proposed amendments. However, given the delay in House action, final consideration is not feasible by August 15, 2009.

Again, I appreciate your consideration of a one-month extension of the August 15, 2009, deadline. If you would like to discuss this issue in further detail, do not hesitate to contact me.

Sincerely,

DOMINIC PILEGGI
Senator

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, AUGUST 12, 2009

| | | |
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| 1:00 P.M. | FINANCE (public hearing on Municipal Pension Issues) | Room 8E-B East Wing |
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WEDNESDAY, AUGUST 19, 2009

| | | |
|------------|---|---|
| 10:00 A.M. | AGRICULTURE AND RURAL AFFAIRS (joint informational committee hearing with the House Agriculture and Rural Affairs Committee to hear testimony on "The Farm Bill: Year One Update and a Look Ahead") | Theatre Area College of Agriculture Penn State Univ., Rock Springs, PA |
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WEDNESDAY, AUGUST 26, 2009

| | | |
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| 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 PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I move that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

AFTER RECESS

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

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

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 19, 2009, at 1:22 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 11 p.m., Eastern Daylight Saving Time.