

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, FEBRUARY 3, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 8

**SENATE**

WEDNESDAY, February 3, 2010

The Senate met at 11 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend PHIL HERNANDEZ, Pastor of In the Light Ministries, Lancaster, offered the following prayer:

Dear Heavenly Father, we prepare, this morning, for this day's Senate Session. Help us to be mindful that You are the one who lifts up and brings low. You have exalted and lifted up every Member of this Senate to a great trust. The people of this great Commonwealth have also endued them with this authority and trust. We pray that You may bestow wisdom upon them to lead wisely, that You may touch their hearts, that they may govern justly.

We are reminded of Solomon's prayer as he was being entrusted to lead the people. He could have asked for pleasures such as wealth, long life, the favor of kings, and the expansion of his kingdom, yet he refused these carnal pursuits and called out to You, that You would help him rule justly and with the wisdom that comes from above. History tells us, as well as our Scriptures, that he asked for a good thing. As such, You granted him not only good governance but wealth and favor. Father, we offer this same prayer.

Bless every Member of this Senate with the wisdom to govern righteously. Prosper them in everything they do. Bless their families and loved ones. Grant them health, peace, abundant resources, that they may accomplish all that the people of this great State have elected them to do.

We close, reminding ourselves of the Lord Jesus' prayer as He taught others to pray. Father, let Your kingdom come. Let Your will be done in this Senate, as it is done in heaven. Grant us, in this Commonwealth of Pennsylvania, the bread we need to move forward, and forgive us of all unrighteousness. Help us to be merciful, even as You have shown us mercy. Deliver us from all those who would desire to harm us, that You may continue to be exalted in this State as well as this nation.

I offer and present all of this to You, Father, in Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Hernandez, who is the guest today of Senator Smucker.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

February 2, 2010

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, Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2012, and until her successor is appointed and qualified, vice George Demetriades, Sr., Tamaqua, deceased.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

February 2, 2010

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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2011, and until her successor is appointed and qualified, vice Harold Jordan, Clarks Summit, deceased.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF NURSING**

February 2, 2010

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, Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Paulet Washington, Pittsburgh, declined appointment.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

February 2, 2010

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, Stephanie Moore (Public Member), R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until September 24, 2014, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Juli Miller, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committees indicated:

February 3, 2010

**HB 2003** -- Committee on Transportation.

**BILL INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bill numbered, entitled, and referred as follows, which was read by the Clerk:

February 3, 2010

Senators YAW, BAKER, M. WHITE, EARLL and BRUBAKER presented to the Chair **SB 1185**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, in retirement for school employees, further providing for definitions and for construction of part; in membership, contributions and benefits, further providing for eligibility points for retention and reinstatement of service credits, for creditable nonschool service, for classes of service, for eligibility for annuities, for eligibility for vesting, for member contributions for creditable school service, for contributions for purchase of credit for creditable nonschool service, for actuarial cost method and for member's options; in administration and miscellaneous provisions, establishing the individual annuity savings account; further providing for payments to school entities by Commonwealth; and establishing a defined contribution retirement benefit program.

Which was committed to the Committee on FINANCE, February 3, 2010.

GENERAL COMMUNICATIONS

ANNUAL REPORT ON AUTO  
INSURANCE STATISTICS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Insurance Department  
1326 Strawberry Square  
Harrisburg, PA 17120

January 29, 2010

W. Russell Faber, Chief Clerk  
Senate of Pennsylvania  
133 Main Capitol  
Harrisburg, PA 17120

Dear Mr. Faber:

Section 1723 of Title 75 (Motor Vehicle Financial Responsibility Law) requires the Insurance Department to make an annual report to the General Assembly on various auto insurance statistics. Specifically the Law states, "Beginning December 31, 1986, and each year thereafter each insurance company writing automobile insurance in this Commonwealth shall file with the Insurance Department the number of its insureds, the number of its insureds who have purchased first party medical benefits in excess of the minimum required by §1711 (relating to required limits), and the number of insureds who have purchased first party medical benefits under §1715(a)(1) and (1.1) (relating to availability of adequate limits). The Insurance Department shall furnish this information to the General Assembly annually."

Accordingly, please find attached the following report that I am submitting to the General Assembly in compliance with this statutory requirement. The information contained in the report is the most recent data available.

Should any questions arise regarding the figures listed or the illustrative charts, members should feel free to contact me, Deputy Commissioner, Randy Rohrbaugh, or our Legislative Director, Mary-Jo Mullen at (717) 783-2005.

As always, thank you for your assistance in distributing this report on my behalf.

Sincerely,

JOEL ARIO  
Insurance Commissioner

The PRESIDENT. This report will be filed in the Library.

ANNUAL REPORT ON THE STATUS OF  
THE CATASTROPHIC LOSS BENEFITS  
CONTINUATION FUND

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Insurance Department  
1326 Strawberry Square  
Harrisburg, PA 17120

TO: Mark R. Corrigan, Secretary Parliamentarian  
Senate of Pennsylvania

Reizdan Moore, Parliamentarian  
House of Representatives

W. Russell Faber, Chief Clerk  
Senate of Pennsylvania

Anthony Barbush, Chief Clerk  
House of Representatives

FROM: JOEL ARIO  
Insurance Commissioner

MARY A. SODERBERG  
Secretary of the Budget

DATE: January 29, 2010

RE: Annual Report of the Status of the Catastrophic  
Loss Benefits Continuation Fund

In accordance with Act 24 of 1989, the Insurance Department is submitting to the General Assembly the annual report on the status of the Catastrophic Loss Benefits Continuation Fund and the unfunded liability of the Catastrophic Loss Trust Fund.

Thank you for distributing the report on behalf of the Insurance Department.

The PRESIDENT. This report will be filed in the Library.

**LEGISLATIVE LEAVE**

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Musto.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Musto. Without objection, the leave will be granted.

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of January 6, 2010, is now in print.

The Clerk proceeded to read the Journal of the Session of January 6, 2010.

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-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**CALENDAR**

**BILLS ON CONCURRENCE IN  
HOUSE AMENDMENTS**

**BILLS OVER IN ORDER**

**SB 125** and **SB 973** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 435, HB 602, HB 692** and **SB 1115** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1169 (Pr. No. 1620)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing generally and for collection of restitution, reparation, fees, costs, fines and penalties.

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

On the question,  
Shall the bill pass finally?

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

Senator WAUGH. Mr. President, I rise today to offer Senate Bill No. 1169 in order to correct what I happen to believe is a flaw in a law that was intended to require convicted inmate remuneration of State and county costs of the trial and conviction process. I believe very firmly that the people of our State expect convicted inmates who are now in our prison system, especially those who have been convicted of mass murder, to help pay for the taxpayer-funded costs associated with their prosecution.

The General Assembly--in fact, this very body and the Governor at the time--responded to this expectation in 1998 with the passage of Act 84 of 1998, which, in fact, provided for the deduction of court costs from inmate accounts. Recently, the Commonwealth Court revealed a flaw in Act 84 when it was presented with a case in which a convicted murderer contested such deductions. The court determined that in this case, according to Act 84 in its current form, the court cost deductions could not be made, and it went on to further hold that the deductions already withheld and paid to our county and State could potentially have to be reimbursed to the convict.

This bill will correct this loophole. It will clearly and specifically allow for the deduction of taxpayer-funded costs of prosecution from a convicted inmate's account by amending Sections 9721 and 9728 of Title 42. I ask for the Members' support. Thank you.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-50

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

#### BILLS OVER IN ORDER

**HB 1551** and **HB 1768** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### SECOND CONSIDERATION CALENDAR

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

**SB 53** and **SB 213** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILLS OVER IN ORDER

**HB 67, SB 87, HB 181, SB 225, SB 432, HB 526, SB 642, HB 727, SB 747, SB 825** and **SB 895** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILLS ON SECOND CONSIDERATION

**SB 908 (Pr. No. 1626)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, in civil service, further providing

for rules and regulations and examinations and for selection of appointee from a certified list of applicants.

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

**SB 909 (Pr. No. 1627)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probation period and for physical examinations.

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

**SB 910 (Pr. No. 1628)** -- 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, as to civil service for police and firemen, further providing for general provisions relating to examinations, rejection of applicant and hearing, manner of filling appointments, probationary period and physical examination.

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

**SB 911 (Pr. No. 1629)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for civil service examinations and eligibility lists.

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

**SB 912 (Pr. No. 1630)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period and for physical examinations.

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

**SB 913 (Pr. No. 1631)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period and for physical examinations.

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

**BILLS OVER IN ORDER**

**SB 916, HB 933 and SB 960** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILLS REREFERRED**

**HB 975 (Pr. No. 2060)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, adding definitions; further providing for general powers of board and for procedure for licensing as professional geologist; providing for continuing professional competency and education requirements; and further providing for practice by firms and corporations.

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

**SB 1011 (Pr. No. 1281)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for certificates qualifying persons to teach and for kinds of State certificates; and providing for residency certificates.

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

**BILLS OVER IN ORDER**

**SB 1019, SB 1020, SB 1021, SB 1022, SB 1023, SB 1024 and SB 1026** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION**

**HB 1030 (Pr. No. 2434)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans' Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Oil City, Venango County; and authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bidding process, certain lands, buildings and improvements situate in the First Ward of the City of Meadville, Crawford County.

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

**BILLS OVER IN ORDER**

**HB 1041, SB 1057, SB 1059, SB 1060, SB 1061, SB 1062, SB 1063, SB 1074, SB 1076, SB 1086, SB 1112, SB 1117, SB 1167, SB 1193, SB 1200, HB 1332, HB 1515, HB 1516, HB 1517, HB 1518, HB 1519, HB 1520, HB 1523, HB 1533, HB 1783, HB 1799 and HB 1859** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED**

Senators PICCOLA, SCARNATI, PILEGGI, ORIE, WARD, BRUBAKER, M. WHITE, FOLMER, BAKER, WOZNIAK, DINNIMAN, ALLOWAY, ERICKSON, ROBBINS, MENSCH, EICHELBERGER, FONTANA, ARGALL, GREENLEAF, RAFFERTY, PIPPY, GORDNER, D. WHITE and EARLL, by unanimous consent, offered **Senate Resolution No. 246**, entitled:

A Resolution recognizing February 6, 2010, as "Ronald Reagan Day" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators PICCOLA, DINNIMAN, BRUBAKER, BAKER, EARLL, WOZNIAK, ALLOWAY, ERICKSON, ROBBINS, PILEGGI, GORDNER, WASHINGTON, ORIE, TOMLINSON, YAW, TARTAGLIONE, KASUNIC, BOSCOLA, MENSCH, KITCHEN, FERLO, LOGAN, STACK, WAUGH, STOUT, FONTANA, MUSTO, GREENLEAF, RAFFERTY and LEACH, by unanimous consent, offered **Senate Resolution No. 247**, entitled:

A Resolution commemorating the month of February 2010 as "Career and Technical Education Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

**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 Larry Krome and to Phillip Andrew Rider by Senator Argall.

Congratulations of the Senate were extended to Matthew Hopfer, Garrett Hopfer and to Matthew E. Ceonzo by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence Hoffman, the Reverend Wilbur E. Goist, Timothy Joseph Zastko, Rodney Jarinko and to Fred J. Moyer Plumbing, Inc., of Allentown, by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Fabian and to the Reverend Harold S. Weiss by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Donald L. Campbell, Sr., and to Sacred Heart School of Lewistown by Senator Corman.

Congratulations of the Senate were extended to Helen Kosh, Jim Werner, Valerie White, Tim Glass, Mark Alloway and to Alice Anderson by Senator Dinniman.

Congratulations of the Senate were extended to Ryan L. Colyer, Penn's Woods Council of the Boy Scouts of America and to General Cable's Altoona Manufacturing Facility by Senator Eichelberger.

Congratulations of the Senate were extended to Ronald Frank by Senator Ferlo.

Congratulations of the Senate were extended to Master Sergeant Dennis Brown by Senator Folmer.

Congratulations of the Senate were extended to Nicholas Anthony Inverso II by Senator Gordner.

Congratulations of the Senate were extended to George Marino Teslovich and to Ceane O'Hanlon-Lincoln by Senator Kasunic.

Congratulations of the Senate were extended to Rob Hagel, John Monastero, Dave Ellick, Sr., James Staufenberg and to George Quier by Senator Leach.

Congratulations of the Senate were extended to the Clairton High School Football Team by Senator Logan.

Congratulations of the Senate were extended to the Reverend Robert E. Mitman, Matthew Paul Demusz, John Goshaw and to the League of Women Voters of Bucks County by Senator McIlhinney.

Congratulations of the Senate were extended to Nicholas J. Douglas, Kyle B. Matthew and to the members of the African American Coalition of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Peter Ramage and to Vincent Jones by Senator Orié.

Congratulations of the Senate were extended to Minnie Jardine, Maxwell John Coniglio and to Bernice Murdock by Senator Pileggi.

Congratulations of the Senate were extended to Ron Taylor and to Brian Holzshu by Senator Robbins.

Congratulations of the Senate were extended to Salvatore J. Patti, Donna M. Fluehr, Lorraine Ranalli and to Anthony L. Gargano by Senator Tartaglione.

Congratulations of the Senate were extended to Edward Frydlewicz, Kevin Sweeney, Darlene Herritt, Brian Baltzer, Joseph Seborowski and to William Poynor II by Senator Tomlinson.

Congratulations of the Senate were extended to Sean Loose and to Linda DeSanzo by Senator Vogel.

Congratulations of the Senate were extended to Mr. and Mrs. Marc Briggs and to John Fedak by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Angelo F. Pedro 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 John Adam Horoshko by Senator Baker.

Condolences of the Senate were extended to the family of the late Francis E. Albus, to the family of the late Joseph M. Peters and to the family of the late Sheila Connor Selby by Senator McIlhinney.

## PETITIONS AND REMONSTRANCES

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

Senator ORIE. Mr. President, today, I stand before you saddened as we express our condolences on the loss of life of three young men from Butler County. Trevor Barkley, Sam Bucci, and Elijah Lunsford were all killed last Wednesday, January 27, in a car accident in Butler County. Trevor was 17, and Sam and Elijah were both 18. They were classmates at Seneca Valley High School.

Sam and Elijah spent their free time volunteering as junior firefighters with the Zelienople Volunteer Fire Department. Trevor had planned on joining the Zelienople Volunteer Fire Department as well as pursuing a career in law enforcement as a State Trooper. Sam was a pitcher on the varsity baseball team who had decided to attend California University of Pennsylvania and had planned to play baseball there. Elijah had plans of becoming a flight medic in the United States Air Force before going into pediatrics.

Eileen Freeman once said, "The angels are always near to those who are grieving, to whisper to them that their loved ones are safe in the hand of God." The dedication and the compassion for their communities that these young men shared by volunteering their free time as firefighters and even looking to pursue a career in military service is an unfortunate rarity these days. Our community and the Commonwealth have lost three very special young men, three very special heroes, in the passing of Trevor, Sam, and Elijah.

Mr. President, the Senate notes with great sadness the passing of these young men, Trevor Barkley, Sam Bucci, and Elijah Lunsford, and we extend our heartfelt condolences to their parents and their families, Jeffrey and Amy Barkley, Michael and Kathy Wittenmeyer Bucci, and Delana Shaffer and Philip Lunsford. Mr. President, I ask my colleagues to join me in paying recognition and tribute to these young men.

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

Senator COSTA. Mr. President, earlier this morning, our Senate Democratic Caucus conducted a press conference where we attempted to lay out the goals and priorities of our Democratic Caucus as we begin to have this budget conversation next week. Mr. President, some of the goals and priorities that I would like to outline very briefly in a summary fashion are important to our Members, and I want to take a few moments this morning to articulate them.

Mr. President, we recognize that last year, we were forced to deal with a budget shortfall of \$3.25 billion. And as we now know, through 7 months, our revenue picture has not gotten

much better, with revenues already about \$374 million below estimates. While we hope our economy is beginning to turn around--and we see signs that that may be the case--we cannot stand here and say how fast that will be, how soon that turnaround will come, and how big it will be. Therefore, Mr. President, we established a set of priorities, and in that, we believe we must be careful stewards as we continue to shape our priorities for this Commonwealth.

Mr. President, for us, last year's budget fight was about protecting key State investment programs in educating our children, insuring basic health and human services, and continuing our investment to grow our economy. Mr. President, this year, we want to continue that commitment but also be smart about the use of our State resources. We hope to identify cost-saving opportunities where possible and make new investments where they are appropriate. Many families in this Commonwealth continue to struggle through very difficult times. We are not here today to suggest anything that might place any greater burden on them, on the middle class and on working-class families. It is our job to identify commonsense approaches to help them find new opportunities for a better tomorrow.

With that being said, Mr. President, here are the goals of the Democratic Caucus. With respect to our budget framework, Mr. President, we think it is essential that we do everything we can and everything in our power to enact a budget on time. We believe that it is essential, from our side of the aisle, that we do not have any new broad-based tax increases as part of the budget discussion, and we believe we should work within the 2-year budget framework outlined last fall but recognize that we have concerns about the budget situation that currently exists, as I indicated earlier.

But, Mr. President, we have other priorities, as well, that we would like to talk about over the course of the next several months, more specifically related to jobs. Jobs and employment investment, we think, is an area we need to continue to work on. We need to develop and create jobs in this Commonwealth to allow us the opportunity to put our folks back to work. Mr. President, with some 200,000 individuals coming off of the unemployment rolls this year, it is imperative that we have something in place to allow that to take place, jobs for these folks to turn to when they come off of unemployment.

We believe it is essential that we maintain our education progress. We believe the investments that we have made in education--both basic education as well as early childhood education programs--have demonstrated significant and positive results.

We also need to be smarter with respect to our resources and the decisions we make relative to our resources. One of the areas we intend to focus on is Corrections. Mr. President, as you well know, 25 years ago, our Corrections budget was approximately \$185 million. Today, it stands 10 times greater than that, at \$1.8 billion. We need to find ways to be smart about Corrections. They include a number of priorities, including a State intermediate punishment program, and working with the judiciary to get folks assigned to that program. We have a 20-percent eligibility factor with respect to the number of people who are participating in that program.

Likewise, Mr. President, we need to make investments in our specialty courts to allow us the opportunity to redirect individuals from our correctional system into programs that provide supervision and treatment, particularly as it relates to our nonvio-

lent offenders. We recognize that we must provide adequate prison space for our violent and repeat offenders, but at the same time, we need to be cognizant that we must be smarter in terms of how we allocate those resources.

Finally, Mr. President, with respect to our long-term goals, some of the goals we need to take a look at and will be working toward include: reforming our business tax structure to improve the business tax climate, as well as addressing the pension situation that is looming on the horizon. We believe that we need to take steps now in this budget. We contemplate that in a 2-year framework, but we need to take steps now to address that issue.

Finally, Mr. President, one of the issues that our Members want to look at is campaign finance reform, making certain that we have a conversation about implementing that particular set of priorities and goals that have been established along those lines.

So thank you very much for the opportunity to make a few comments today, because we wanted to outline some of our Caucus' priorities as we begin the conversation about our State budget for the 2010-11 fiscal year.

Thank you, Mr. President.

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

Senator PIPPY. Mr. President, today, I rise to say a few words to honor the bravery of the McMutrie sisters, Jamie and Ali, from my district.

In the wake of the catastrophic January 12 earthquake in Haiti, two sisters from Pittsburgh were working in a Port-au-Prince orphanage. They immediately put into motion a rescue program for these orphans. After the earthquake, the facility itself was in dire straits. It was so badly damaged that the sisters and the orphans were actually living out in the courtyard. They were very concerned about security and access to basic items. They were able to borrow a cell phone to send an e-mail and make calls to their friends back in the Pittsburgh area. The news spread around the country via Twitter, Facebook, and blogs, telling people about the challenges of these little kids.

Through all this interest, their pleas for help were finally answered. With the help of government officials, not only in this State, but in the Federal government, Catholic Charities USA, the US Army, and other local aid and medical personnel, a mercy flight was organized to rescue these children and deliver over 2 tons of medical supplies.

There were numerous snags and challenges, but in the end, the sisters said they would not leave without the children from the orphanage. They were able to bring those children back to Pittsburgh, most of them already in the process of being adopted by families in the United States. The children range in age from infants to 12 years old. It is really a success story.

Today, I just want to honor them by mentioning them and putting them in our record. Prior to the devastating earthquake, these sisters, Jamie and Ali, were heroes to these children. They were volunteers. They did not get paid. They lived in the same conditions. After what they have done, the whole world and, in particular, western Pennsylvania and our Commonwealth as a whole can be very proud of these American and Pennsylvanian heroes. We look forward to continuing to support their efforts as time goes on.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, if I may, briefly, just a little while ago, I held a press conference regarding the Mcare Abatement Fund and the Mcare Commission. I want to publicly thank the orthopedic surgeons for appearing at the press conference with me and for their vocal support on the matter. The trial bar, the trial attorneys were represented as well and were very supportive of the measure to make sure there is dedicated funding and predictability to the Mcare Abatement Fund. So I wanted to take the time to thank them.

In reference to comments that were made earlier, I was one of the members of an ad hoc committee that was founded 6 or 7 years ago now on campaign finance reform, along with Representative Greg Vitali over in the House, and I welcome the opportunity to work together with my colleagues on trying to drive home a realistic and worthwhile program in that endeavor.

Thank you, Mr. President.

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

Senator ORIE. Mr. President, I rise today on behalf of Senator Pippy and myself, along with Senator Costa and my fellow colleagues from Allegheny County, to say a few words about a great man, a great entrepreneur from Pittsburgh, Dave Matter, who is retiring after 22 impressive years as the president and chief executive officer of the Oxford Development Company.

David's credentials speak for themselves. He is a graduate of the Edmund A. Walsh School of Foreign Service at Georgetown University and the Graduate School of Public and International Affairs of the University of Pittsburgh. After serving as chief of staff to Pittsburgh Mayor Richard Caliguri, David continued his public service by volunteering his time and expertise on various boards, including the Allegheny Conference on Community Development, the Regional Industrial Development Corporation of Southwestern Pennsylvania, the Pittsburgh Cultural Trust, the Pittsburgh Public Theater, Highmark Blue Cross/Blue Shield, and United Concordia.

Mr. President, David also served as chairman of the Pittsburgh Water and Sewer Authority and as vice chairman of the Public Auditorium Authority of Pittsburgh and Allegheny County, and was a member of Governor Rendell's Pittsburgh Economic Improvement Task Force. David's love for Allegheny County is exemplified by his great dedicated service. As Winston Churchill once said, "You make a living by what you get; you make a life by what you give." What a tremendous contribution he has made to Allegheny County, and he will be missed. We hope he has a blessed retirement.

Thank you, Mr. President.

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

Senator LOGAN. Mr. President, I also rise to join my colleagues, Senator Orie and Senator Costa, just for a few seconds, to talk about our good friend, David Matter, who is retiring, as Senator Orie said, from the Oxford Development Company. She listed some of the items on his resume. She probably only glossed over a few of them. David has served on countless charitable and civic boards. I know he has given his life to the Pittsburgh Public Theater and has turned that organization around.

Most importantly, Mr. President, the gentleman really never stopped. We knew he was going to retire, but this last year or 18 months, he really made an impact in my district, Mr. President. We have a convention center that was the Pittsburgh ExpoMart

in Monroeville that was owned by the Oxford Development Company. He had an opportunity to bring 1,000 jobs to Monroeville with a call center for CVS/pharmacy. He did that, and unfortunately, at that time, the convention center went away, and Monroeville had the chance of losing a lot of hotel tax revenue.

So we sat with Mr. Matter and came up with a plan not only to gain those 1,000 jobs but to build a new convention center in Monroeville and revamp an existing hotel. Just in the corridor around the Monroeville Mall location, Mr. Matter invested and reinvested about \$35 million in my district for a new hotel and for a new convention center that is just flourishing and bringing a lot of pride back to Monroeville.

He is a gentleman who could have walked away, said I am just going to spend my last couple months, but he did not. He rolled up his sleeves and reinvested. I always say, outside of some of our bigger areas, Philadelphia and the city of Pittsburgh, where is there another community that somebody, today, is investing \$35 million of their own money? That just shows you what type of person he is, and as Senator Orie said, and as my colleague, Senator Costa, will speak, we are going to miss him. We will call upon him, as I am sure so many other civic and charitable boards will. We wish him well in his retirement.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I, too, rise to express my well wishes to an individual whom I consider to be a friend but, more importantly, somebody who has been a true civic leader in Allegheny County for a number of years and, quite frankly, in the western region and across this Commonwealth. I venture to say that a number of the folks in this room have had an opportunity to work with David Matter, particularly during his years at the Oxford Development Company, where he was instrumental, along with the late Mr. Ray Lewis, another legend and icon in the Pittsburgh area, in developing a corporation that has been very, very successful and has a very prominent place in the city of Pittsburgh.

Mr. President, given all the outstanding things that Mr. Matter has accomplished over the course of his time, I think, oftentimes, he does not get recognized for his commitment to one aspect of the cultural activities in the city of Pittsburgh and Allegheny County, and that is the Pittsburgh Public Theater. Mr. President, no one has been a greater champion of the arts and theater in the city of Pittsburgh than David Matter. He has worked very, very closely with a number of us and others to make certain that the appropriate programming takes place there. He has been a tremendous supporter, as I said, of so many folks in this room, and I wanted to stand and take a few moments to say, thank you, David, very much, for a job well done. Your service to our community has been exemplary, and you deserve to take a break, sit back, and rest on your laurels. Thank you, David.

Thank you, Mr. President.

#### ANNOUNCEMENTS BY THE SECRETARY

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



SENATE OF PENNSYLVANIA					
COMMITTEE MEETINGS					
<u>THURSDAY, FEBRUARY 4, 2010</u>			<u>TUESDAY, FEBRUARY 23, 2010</u>		
10:00 A.M.	LAW AND JUSTICE (public hearing on Senate Bill No. 984)	Courtyard Marriott, 700 Power Line Dr. Greensburg, PA	10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.
3:00 P.M.	GAME AND FISHERIES (public hearing regarding the Steelhead Fishery and the economic impact on the Erie region - other topics include the financial status of the PA Fish and Boat Commission and Lake Erie Management and Operations)	Tom Ridge Envir. Ctr. Erie, PA	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 10, 2010</u>			<u>WEDNESDAY, FEBRUARY 24, 2010</u>		
9:00 A.M.	MAJORITY POLICY COMMITTEE (public hearing on the impact of the Governor's Mid-Year Budget Reductions)	Hrg. Rm. 1 North Off.	10:00 A.M.	APPROPRIATIONS (Budget Hearing - PA State Police)	Hrg. Rm. 1 North Off.
10:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing and committee meeting to consider Senate Bills No. 964 and 1147)	Room 8E-B East Wing	1:00 P.M.	APPROPRIATIONS (Budget Hearing - PEMA/Homeland Security)	Hrg. Rm. 1 North Off.
12:00 P.M.	EDUCATION (public hearing on Mandate Waivers)	Hrg. Rm. 1 North Off.	3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA State System of Higher Education)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 16, 2010</u>			<u>THURSDAY, FEBRUARY 25, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue/ Governor's Budget Office)	Hrg. Rm. 1 North Off.	10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Hrg. Rm. 1 North Off.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Hrg. Rm. 1 North Off.	3:00 P.M.	APPROPRIATIONS (Budget Hearing - Treasury Dept.)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 17, 2010</u>			<u>MONDAY, MARCH 1, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Hrg. Rm. 1 North Off.	10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Office of Attorney General)	Hrg. Rm. 1 North Off.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Hrg. Rm. 1 North Off.	3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military & Veterans Affairs)	Hrg. Rm. 1 North Off.
<u>THURSDAY, FEBRUARY 18, 2010</u>			<u>TUESDAY, MARCH 2, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - SERS/PSERS)	Hrg. Rm. 1 North Off.	10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections/Probation & Parole)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor & Industry)	Hrg. Rm. 1 North Off.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Judicial Department)	Hrg. Rm. 1 North Off.	<u>WEDNESDAY, MARCH 3, 2010</u>		
<u>MONDAY, FEBRUARY 22, 2010</u>			10:00 A.M.	APPROPRIATIONS (Budget Hearing - State-Related Universities)	Hrg. Rm. 1 North Off.
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community & Economic Development/PA Housing Finance Agency)	Hrg. Rm. 1 North Off.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Executive Offices and Office of the Governor)	Hrg. Rm. 1 North Off.	<b>RECESS</b>		
<p>The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.</p> <p>Senator PILEGGI. Mr. President, I move that the Senate do now recess until Monday, February 8, 2010, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.</p> <p>The motion was agreed to by voice vote.</p> <p>The Senate recessed at 11:58 a.m., Eastern Standard Time.</p>					