

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JUNE 8, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 33

SENATE

TUESDAY, June 8, 2010

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Right Reverend CHARLIE McNUTT, Retired Bishop of the Episcopal Diocese of Central Pennsylvania, Mechanicsburg, offered the following prayer:

Good afternoon. Please join me in prayer.

Almighty and ever-living God, You are the fountain of knowledge and wisdom. Your will is goodness and graciousness for all people. Your law is truth, justice, and peace. Today, we pray in Your presence for the Senators of this Commonwealth who convene in this Chamber to do the business of the people of Pennsylvania. So bless and guide them in their work and deliberations, that they may enact laws that are in accordance with Your love, Your justice, and Your will. Grant them courage, wisdom, and foresight to propose and adopt legislation that provides for the needs and well-being of all people. Give them such a regard for all of Your creation that they will pass laws that empower the citizens and industries of this State to reverence and use the resources of nature in ways that do not abuse or waste them but rather protect and conserve them, so that generations yet to come may continue to benefit from the abundance and bounty You have created for all people and for the well-being of Your creation.

To You belong the power, the glory, and the honor, and to us belongs the ability to respond with gladness and in accordance with Your holy will. Amen.

The PRESIDENT. The Chair thanks Bishop McNutt, who is the guest today of Senator Vance.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 8, 2010

HB 1186 -- Committee on Public Health and Welfare.

HB 2001 -- Committee on Local Government.

HB 2212 -- Committee on Consumer Protection and Professional Licensure.

HB 2231 and 2342 -- Committee on State Government.
HB 2493 -- Committee on Finance.

BILLS REPORTED FROM COMMITTEES

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 1303 (Pr. No. 2032) (Amended)

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for the Clean Water Fund and for industrial waste discharges.

SB 1374 (Pr. No. 1991)

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further providing for definitions and for minimum distance between gas wells.

SB 1379 (Pr. No. 2033) (Amended)

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for recycling at educational institutions.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 1055 (Pr. No. 2042) (Amended)

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, providing for continuing education.

SB 1327 (Pr. No. 1900)

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

SB 1328 (Pr. No. 1901)

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions and for unlawful acts by manufacturers or distributors.

Senator McILHINNEY, from the Committee on State Government, reported the following bills:

HB 621 (Pr. No. 680)

An Act selecting, designating and adopting the Eastern Box Turtle (*Terrapene carolina carolina*) as the official reptile for the Commonwealth of Pennsylvania.

HB 2275 (Pr. No. 3257)

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to the Canaan Bible Chapel certain lands situate in South Canaan Township, Wayne County, in exchange for certain property in South Canaan Township, Wayne County, to be conveyed by the Canaan Bible Chapel to the Commonwealth of Pennsylvania.

Senator PICCOLA, from the Committee on Education, reported the following bills:

SB 250 (Pr. No. 2038) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in education empowerment, further providing for mandate waiver program and for expiration.

SB 553 (Pr. No. 601)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school finances, providing for millage rate increase.

SB 890 (Pr. No. 2039) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for disclosure of secondary school athletics equity.

SB 1134 (Pr. No. 2040) (Amended)

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 suspension of operating privilege.

SB 1385 (Pr. No. 2015)

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

Senator D. WHITE, from the Committee on Banking and Insurance, reported the following bills:

SB 1181 (Pr. No. 2035) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for immunity from liability; and making a related repeal.

SB 1222 (Pr. No. 2036) (Amended)

An Act amending the act of July 2, 1996 (P.L.514, No.85), known as the Health Security Act, prohibiting insurers from setting fees for noncovered insurance services.

SB 1334 (Pr. No. 2037) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for marketing and administration of service contracts being distinct from the business of insurance.

HB 838 (Pr. No. 3868) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for access to community pharmacy services.

HB 1251 (Pr. No. 3869) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for minimum number of covered employees; further providing for duties of

insurers and insurance producers, for investment, for group accident and sickness insurance and for mini-COBRA small employer group health policies; providing for continuation of coverage reinstatement; in long-term care, further providing for definitions; and providing for appealing an insurer's determination the benefit trigger is not met, for prompt payment of clean claims and for applicability.

RESOLUTION REPORTED FROM COMMITTEE

Senator PICCOLA, from the Committee on Education, reported the following resolution:

SR 343 (Pr. No. 2041) (Amended)

A Resolution directing the Joint State Government Commission to study and review The Library Code for modernization.

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

LEGISLATIVE LEAVE

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

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Mellow.

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

LEAVES OF ABSENCE

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

Senator O'PAKE asked and obtained leaves of absence for Senator FERLO and Senator KITCHEN, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of April 19, 2010, is now in print.

The Clerk proceeded to read the Journal of the Session of April 19, 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-47

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, we have two guest Pages here today from the Kutztown Area Middle School in Berks County. They are Christopher and Jonathan Rarick, and they are fraternal twins. Both of them are active in baseball, soccer, wrestling, and the Boy Scouts of America, Troop 101. They are both in the honors and gifted programs, and they participated in the Future City and Science Olympiad competitions.

They are here, and also in the gallery is their very proud mother, Mrs. Lisa Rarick, from Kutztown. I ask the Chair to extend its usual warm welcome to Mrs. Rarick and her twin sons, Christopher and Jonathan Rarick, from Kutztown, Pennsylvania.

The PRESIDENT. Would the guests of Senator O'Pake please rise to be welcomed by the Senate.
(Applause.)

GUEST 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 am very pleased to have a young gentleman from my district here today by the name of Patrick Hughes, who is serving as a guest Page. Patrick is shadowing me here in Harrisburg today to learn more about what it is like to serve here. He is a junior at Lampeter-Strasburg High School, and is very interested in government and in studying political science and economics when he goes on to college. So if you would, please welcome Patrick here today.

The PRESIDENT. Would the guest of Senator Smucker please rise to be welcomed by the Senate.
(Applause.)

GUESTS OF SENATOR LAWRENCE FARNESE PRESENTED TO THE SENATE

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

Senator FARNESE. Mr. President, today, many of my colleagues and I have had constituents stopping by our offices advocating for early education funding. At this time, I would like to take a few moments to recognize the practitioners and parents who represent the following institutions in my district - Tuny Haven International Early Learning Center, Young World Early Learning Center, and Today's Child Learning Centers - who are here today visiting legislators and talking about the importance and the benefits of early education.

Mr. President, these groups are here today in Harrisburg to request support for early education funding, especially Child Care Works, Keystone STARS, Pre-K Counts, and Head Start. As explained by one of my constituents today, Mrs. Takecha Hobbs, this funding is helping not only the students she works with, but her family as well. Mrs. Hobbs and her family, like many in this Commonwealth, are being hit hard by the economy. While she works at Tuny Haven, her husband works two jobs. She is thankful for the support of the State that helps to subsidize daycare for her two children so that both parents can continue to work to keep their household afloat.

With support from her colleagues at Tuny Haven, Mrs. Hobbs is also working toward her teaching degree. Mr. President, she is now in her third year, so she can be a role model for working mothers but also show that people are looking to better their lives across this Commonwealth and across the great city of Philadelphia.

Mrs. Hobbs was afraid to talk today. She was afraid to open up and explain to me her situation and how important the funding is for early education. But I am so glad that she did. Her courage today helps exemplify a situation that impacts many of our constituents. As we continue to discuss the next steps in the budget, I hope we can remember people like Mrs. Hobbs and her family and the need to support and fund early education initiatives.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, it is my pleasure to introduce some constituents of mine. Ms. Lois Torok has brought her fourth-grade students from Afton Elementary School to join us today. Also accompanying the Afton Elementary students is the school's principal, Mr. Joseph Masgai.

Mr. Masgai, Ms. Torok, and her fourth-grade students are here in Harrisburg to address the Senate Committee on State Government on the importance of passing House Bill No. 621, which would designate the Eastern Box Turtle as the official State reptile. Please join me in giving Mr. Masgai, Ms. Torok, and the fourth-grade students of Afton Elementary School a warm Senate welcome.

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

(Applause.)

GUESTS OF SENATOR LeANNA WASHINGTON PRESENTED TO THE SENATE

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

Senator WASHINGTON. Mr. President, today I am proud to have as guests Ms. Katherine W. Lacey and parents and students from Glenside Elementary School in Glenside, Pennsylvania. They are in Harrisburg today attending a meeting of the Senate Committee on State Government in support of House Bill No. 621, which would designate the Eastern Box Turtle as the official reptile of Pennsylvania.

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

(Applause.)

Senator WASHINGTON. Mr. President, I have some other guests. It is my pleasure to introduce members of the Epsilon Sigma Omega Chapter of Alpha Kappa Alpha Sorority, Inc., located here in Harrisburg. They are here today at the Capitol to watch the legislature in action. They have been attending business meetings with Members of the House and the Senate on issues that interest their chapter members, such as women- and minority-owned businesses, education, green jobs creation, and more access to healthcare. My colleague, Senator Piccola of Harrisburg, and I are introducing a resolution today honoring the members of the Epsilon Sigma Omega Chapter of Alpha Kappa Alpha Sorority, Inc., in Harrisburg. I ask my Senate colleagues to give them a warm welcome.

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

(Applause.)

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 Majority Caucus Room immediately.

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

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

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

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Robbins, and a legislative leave for Senator Baker.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Robbins, and a legislative leave for Senator Baker. Without objection, the leaves will be granted.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

HB 48 (Pr. No. 3850) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for wine marketing, for sacramental wine licenses, fees, privileges and restrictions, for interlocking businesses prohibited, for number and kinds of licenses allowed same licensee, for limited number of retail licenses to be issued in each county, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for licenses issued and for limited wineries.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 48?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 48.

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-41

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

NAY-6

Baker	Eichelberger	Orie	Smucker
Brubaker	Folmer		

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

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

BILL OVER IN ORDER

SB 904 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 987 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 104 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 115 and **SB 954** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1145 (Pr. No. 1522) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in Pennsylvania Commission on Sentencing, further providing for adoption of guidelines for sentencing; and providing for adoption of risk and needs assessment instrument.

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-47

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

SB 1161 (Pr. No. 2030) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, in inmate prerelease plans, providing for inmates serving short minimum sentences; and, in probation and parole, providing for release to group-based home providers; and further providing for parole power.

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-26

Alloway	Dinniman	McIlhinney	Tomlinson
Argall	Eichelberger	Mellow	Waugh
Baker	Erickson	Mensch	White, Donald
Browne	Folmer	Orie	Wozniak
Brubaker	Greenleaf	Pileggi	Yaw
Corman	Hughes	Scarnati	
Costa	Leach	Smucker	

NAY-21

Boscola	Musto	Stack	Washington
Earll	O'Pake	Stout	White, Mary Jo
Farnese	Piccola	Tartaglione	Williams
Fontana	Pippy	Vance	
Kasunic	Rafferty	Vogel	
Logan	Robbins	Ward	

A constitutional majority of all the Senators having vote "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.

SB 1275 (Pr. No. 1764) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 61 (Penal and Correctional Institutions) of the Pennsylvania Consolidated Statutes, in Pennsylvania Board of Probation and Parole, further providing for violation of terms of parole.

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-45

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

NAY-2

Robbins	Vogel
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A constitutional majority of all the Senators having voted

"aye," the question was determined in the affirmative.

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

BILLS OVER IN ORDER

HB 1300 and **HB 2070** -- 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 460, SB 621 and **SB 900** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 47, HB 117 and **HB 264** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 384 (Pr. No. 382) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the offense of violation of Fort Indiantown Gap regulations and providing for the powers and duties of police officers employed at State military installations.

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

BILL ON SECOND CONSIDERATION

HB 666 (Pr. No. 3796) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development interests in certain lands situate in the 39th Ward of the City of Philadelphia; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 699 (Pr. No. 1888) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for protection of abused, neglected, exploited or abandoned adults; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of adults; providing for protective services; and prescribing penalties.

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 831, SB 1057, SB 1192, SB 1205, SB 1248, SB 1250, SB 1297, SB 1314, SB 1318, SB 1340, SB 1360, SB 1366, SB 1367, SB 1368, SB 1369, HB 1789 and HB 1859 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 205, ADOPTED

Senator PILEGGI, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 205**, entitled:

A Resolution urging Congress of the United States to restore the presumption of a service connection for Agent Orange exposure for veterans.

On the question,

Will the Senate adopt the resolution?

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

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators WASHINGTON and PICCOLA, by unanimous consent, offered **Senate Resolution No. 356**, entitled:

A Resolution honoring Alpha Kappa Alpha Sorority by designating June 8, 2010, as "Alpha Kappa Alpha Sorority Day" 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 Allison Updike by Senator Argall.

Congratulations of the Senate were extended to Stephen Tuthill Wolff by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. J. Ben Yoder and to William Snedeker by Senator Corman.

Congratulations of the Senate were extended to Ade Kunle and to Adebimpe Babalola by Senator Dinniman.

Congratulations of the Senate were extended to Mark J. Biedlingmaier by Senators Dinniman and Mensch.

Congratulations of the Senate were extended to Charles and Susan Zimmerman by Senator Folmer.

Congratulations of the Senate were extended to Brett W. Mauser by Senator Gordner.

Congratulations of the Senate were extended to R. Alan Bailey by Senators Kasunic and Stout.

Congratulations of the Senate were extended to Calvary Baptist's Children's Learning Center of Norristown by Senator Leach.

Congratulations of the Senate were extended to Sister Mary Anne Bigos, Sister Theresa Lepera and to Constance L. Leinbach by Senator O'Pake.

Congratulations of the Senate were extended to the Hawk Mountain Council of the Boy Scouts of America by Senators O'Pake and Argall.

Congratulations of the Senate were extended to Chief Jack Schaeffer and to Jessica A. Vogt by Senator Rafferty.

Congratulations of the Senate were extended to Matthew Jordan Sines by Senator Robbins.

Congratulations of the Senate were extended to Katie Choiniere, Bryanna Warner and to Alicia Vandermark by Senator Smucker.

Congratulations of the Senate were extended to Clyde M. Barr by Senator Vance.

Congratulations of the Senate were extended to Jeff Cole by Senator Ward.

Congratulations of the Senate were extended to Hose Company No. 6, Kittanning Ambulance Service by Senator D. White.

Congratulations of the Senate were extended to Kristina Taylor by Senator M.J. White.

Congratulations of the Senate were extended to Erica Baltimore and to Jacqueline Chaney by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. John Demangone and to James Ray Ottenmiller by Senator Yaw.

BILLS ON FIRST CONSIDERATION

Senator McILHINNEY. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 250, SB 553, SB 890, SB 1055, SB 1134, SB 1181, SB 1222, SB 1303, SB 1327, SB 1328, SB 1334, SB 1374, SB 1379, SB 1385, HB 621, HB 838, HB 1251 and HB 2275.

And said bills 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 want to just take a moment of the Members' time in this environment as we get close to hopefully resolving a budget and resolving that budget on time. I know it has been an important point that all of us want to get to.

In the context of that discussion about resolving the budget, Mr. President, many people have talked freely and loosely about the need to find new resources, new investments, and being judicious with that. But at the same time, Mr. President, there has been a lot of loose conversation about the issue of making cuts. And we know that with a deficit of \$1.5 billion that is probably growing, there is a significant reality that exists with respect to so much of the investments and spending that this State makes to assist people, and especially to assist people who are living on the line, living on the margin, Mr. President. They are living, if you will, from one hand to the other, from one moment to the next, trying to make it through. And we need to be very cautious, very concerned, and very thoughtful about how we make these decisions about how we are going to resolve this process.

I have had huge numbers of folks coming into my office. I will use today as an example. There were folks coming into my office today talking about the importance of their program and how we need to find resources and help for early childhood education, which is childcare and things of that nature. The folks who came into my office today, just today, talked to me about investments and trying to find resources for small business and technology support. All of it is credible. All of it is important. We need to try to figure out a way to assist in a very difficult environment and a very difficult time.

But in all of that, in all of that, I think the most pertinent comments came from a community meeting that I had within the last couple of weeks with folks from the neighborhood, folks out in the community, folks who are living on the margin or trying to help people who are living on the margin, Mr. President. And they asked us, and I explained to them in great detail what we are confronted with in this Commonwealth, this budget crisis, this spending reality, having the amount of dollars that we have to spend and how to spread that across the needs and wishes of so many.

And after going through the deliberate conversations and all of the technical pieces and all of the great detail that I have been

able to learn and to provide to folks, they said to me: Senator, we understand that, but understand, please, to put the people first. Please put folks' interests and needs and concerns, their survival realities, first in everything that you do. Please make sure that the people are being taken care of and that those of us who are struggling in this environment are taken care of in some fashion.

So I took that, asked my folks, did some work, and asked my staff to try to put together some details, to try to create a larger picture of what we are talking about. First of all, this issue of poverty, this issue of unemployment, this issue of folks living on the margin, is not just an issue that people are confronted with in urban Pennsylvania, in our big cities and our big metropolitan areas. This is an issue that is now across the entire Commonwealth of Pennsylvania. According to the most recent U.S. Census data, about 1 1/2 million Pennsylvanians, 12.1 percent, live in poverty. Over 1 1/2 million Pennsylvania citizens, 12.1 percent, live in poverty.

A recent study entitled "The Self-Sufficiency Standard for Pennsylvania" says that to survive in Philadelphia without food stamps or other government assistance, a family of four needs to make nearly \$60,000 a year, just to survive without food stamps or any other government assistance. Census data shows that nearly 62 percent of Philadelphia households take in less than \$50,000 a year. With this severe budget gap, Mr. President, between earnings and needs, low-income families are forced to make impossible choices among food, housing, healthcare, and childcare.

According to the same study, Mr. President, one parent with two children, a preschooler and a school-aged child, needs \$25.90 an hour to make their basic needs, \$25.90 an hour to make their basic needs. This is equivalent to more than three full-time minimum-wage jobs. That is what that individual would have to be working, Mr. President. The same study said that two parents with one preschooler and one school-aged child need to earn \$14.09 per hour to meet the family's needs. Census data shows that nearly 62 percent of Philadelphia households take in less than \$50,000 a year.

About 85 percent of low-income children have parents who work, and most have at least one parent working full-time year-round. The numbers that exist, Mr. President, as it relates to our healthcare reality in this Commonwealth, are devastating. Even with the passage of healthcare reform in Washington, D.C., even with the passage of that important piece of legislation by the United States Congress and by the President, most of the benefits of that legislation will not take effect until the year 2014.

While we are waiting for that, while we are waiting for that important legislation to come into play, Mr. President, we need to understand that nearly 44,000 Pennsylvanians were enrolled in the State's adultBasic health insurance program. And while that is a good thing, we should also be clear about the other side. There are 385,000 people who are waiting for a slot to open. They are on the adultBasic waiting list, as of May 2010, just last month. Forty-five thousand people are participating, but almost 400,000 people are on the waiting list. And it goes on and on and on.

For those individuals who are participating in adultBasic in some fashion, for those who have bought into this coverage, they are facing a near doubling of their premiums for what was supposed to be an affordable program. This has been accompanied by a new \$1,000 coinsurance requirement, severe limits on hospital stays, and sharp reductions in services such as physical therapy. With just 7 months left, the program remains on life support. The buy-in option has been made unaffordable by the premium hikes. Furthermore, due to the loss of charitable obligations, 45,000 Pennsylvanians currently receiving subsidized coverage will be cut off if the legislature does not act this year.

This is what we are confronted with, Mr. President. These are the deals. These are the issues that we are suffering from. When we talk about the reality of putting together our budget, when we

talk about the needs of the citizens of the Commonwealth, we need to make sure that they are not just relegated to 1,000, 2,000, 6,000 lines in a budget document, where spending is allocated in each one of those lines. We need to be fundamentally clear that there are real people who are represented in the spending patterns of each one those line items, and we should not take their needs lightly.

We are in an economic environment that we have not seen in decades in this Commonwealth, in this nation. It is essentially no result of the work and the efforts by the folks who are in this General Assembly. It is a result purely of an international economic collapse. And as we work to resolve that collapse, as we work to try to put the pieces back together, we need to make sure that we do not put the pieces back together on the backs of the people who did not cause this problem. Those individuals I talked about, those individuals who are living on the margin, who are trying to make it on a day-to-day basis, those should not be the ones who suffer from this process.

We need to try to figure out a way to help them through all of this, to use our intelligence, to use the great services and resources that we have available to us, but most importantly, to use our compassion and commitment to them to make sure that we do not put this budget together on the backs of those individuals who did not cause this problem. They deserve for us to stand for them, Mr. President. Sometimes, we complain. We complain that we do not hear from them loudly enough or often enough. And sometimes, I kind of fall into that pattern. But then, you have to stop and think about it for a minute, Mr. President.

These are the individuals who do not have the luxury in their schedules to come to Harrisburg. They are working two and three jobs, sometimes four jobs a week, to try to pull everything together to try to make ends meet. These are the individuals from whom we may not necessarily get an e-mail, Mr. President, because they are not hooked up online. They do not have the availability of online services to make the connection. They cannot afford a computer. They cannot afford the monthly cost of the Internet. They are just trying to make it from day to day. They did not cause the problem that we are in. We need to use our compassion as well as our intelligence and our wisdom to work wisely through this process.

These individuals, 12.1 percent--all across this State, in every county, unemployment is up. In every county, poverty is up. In every county, the need for services is up. Every county. They did not cause this problem, Mr. President. As we work to resolve this problem, we should make sure that solutions do not fall on the backs of the very people who need us the most.

Thank you very much, Mr. President.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

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

Senator COSTA. Mr. President, I rise this afternoon just to take a few moments to talk a little bit about what I believe to be three very important pieces of legislation that passed in this Chamber earlier today. Specifically, I want to make reference to Senate Bill No. 1275, Senate Bill No. 1161, and Senate Bill No. 1145 and, at the outset, commend the maker of each of these bills, Senator Greenleaf, who has been a longtime champion of providing reforms to the correctional system, but also for the work that he does on the Committee on Judiciary. I had the privilege of serving as the Minority chairman of the Committee on Judiciary for a number of years and had the pleasure of working with Senator Greenleaf on measures like this.

Mr. President, it is very timely, and I think that is what is most important. And I think what I would like to comment a little bit about is, in addition to the merits of the bills themselves, the fiscal impact to this Commonwealth, I think, is something we

need to take a look at as well. These bills have been pieces of legislation that the Senate Democratic Caucus, back in, I believe it was early February, prior to the Governor's Budget Address, recognized as a series of bills as part of what we believed to be sort of a look at or a reform to or a review of our Corrections policies in this Commonwealth. And it is something that we felt very strongly about.

Shortly thereafter, Secretary Beard came to a meeting of the Committee on Appropriations and, I believe, testified in support of these bills as three measures that, quite frankly, we could enact, in a series of other things that needed to be done, that would result in a number of resource savings to this Commonwealth. So I am very happy today to be able to stand here with the passage of these bills, and I hope that they move forward over on the House side, with a quick review by the House and, hopefully, ultimate adoption.

Mr. President, as you know, Corrections resources and budgets have spiraled out of control, quite frankly, for the past number of years. Remembering back 25 years ago, they tell me that the budget for Corrections was about \$185 million. Mr. President, today, we are approaching a \$1.9 billion Corrections budget. We have in excess of 51,000 inmates who are in our system. Two thousand of them, Mr. President—maybe more soon—are actually housed out of State. The cost to house a prisoner, quite frankly, has spiraled out of control with individual costs. That is why it is necessary that we take the time, and we believe, in the Senate Democratic Caucus, that we need to look at alternatives along those lines.

If I am not mistaken, Mr. President, just last week, the Governor signed legislation that was authored by another Member of this Chamber, Senator Orie - the specialty court legislation - that has proven to be successful. I know in my county, in Allegheny County, studies have reflected that it was a positive step, working with those specialty courts, and it has resulted not only in helping those individuals through difficult times and navigating through the system but, more importantly, reducing resource costs to the counties and to the Commonwealth as a whole.

These three bill packages, as I understand it from our fiscal folks, will have an impact on this Commonwealth's budget this year that could be about \$10 million. It grows to about \$60 million in the second year, and I believe in the out-years, it could be as much as \$100 million in cost savings to this Commonwealth. These are the types of things that we need to do, particularly when we are addressing issues largely about nonviolent offenders. We are not talking about those individuals who are hardcore criminals who deserve to be locked up and will continue to be locked up. We are talking about developing alternatives to sentencing within our structure, within our Corrections system, and providing alternative methods to sentencing that will not only help the individual through training, education, and the like, but will also make certain that we reduce our expenditure of resources in this Commonwealth.

Mr. President, I want to commend the maker of the bills and congratulate our colleagues on moving forward three very important pieces of legislation as we go forward. Again, I look forward to working with Senator Greenleaf, my colleagues on the Committee on Judiciary, as well as our House colleagues, to make certain that this legislation is enacted as soon as possible.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I rise to thank the Senate for passing these three prison reform bills. They will go a long way not only to reform our prison system and save the Commonwealth millions, tens of millions of dollars, but it will also make our criminal justice system more effective. When we do these things, it sounds counterintuitive, but the facts and the studies in other States have shown that what happens is that violent crime begins to drop while we are doing it. While we have

been following the old system, violent crime has gone up over the last 30 years. When following these new types of systems, violent crime has consistently gone down.

The first bill is a risk and needs assessment piece of legislation, and that deals with our sentencing procedures. We have held hearings in the Committee on Judiciary over many years, and we know what is causing the excess overcrowding in our prisons. It is our sentencing procedures, it is technical parole violators, and it is parole. These three bills each deal with one of those issues.

The bill dealing with risk and needs assessment is an instrument in the sentencing of criminal offenders to determine who is a violent offender. And if it is a violent offender, then they will be given an appropriate sentence to protect society and the public. But if they are not, then by using a risk assessment, they will be able to craft a sentence for that person and provide alternative sentencing for them so they can go back into society and live a productive life.

We are just getting smart on crime. We can be smart on crime and still be tough on crime. This legislation was recognized when Virginia did it, and they have been very successful. The Crime and Delinquency magazine indicated:

"...the risk assessment instrument in Virginia provides a firm foundation for distinguishing nonviolent offenders less likely to recidivate from those more likely....The risk assessment instrument provides an objective, reliable, transparent, and more accurate alternative to assessing an offender's potential for recidivism than the traditional reliance on judicial intuition or perceptual shorthand. At the state level, the risk assessment instrument is a workable tool for managing prison population."

It has been very successful in Virginia, and it has helped to reduce their prison population and has saved money while still maintaining public safety.

The other bill, Senate Bill No. 1275, deals with technical parole violators, another cause of our prison overcrowding. And here, again, it is being smart on crime but still being tough on crime. All too often, we have a situation where someone commits -- there are two types of violations. There is a substantive violation of parole, and that is when one is convicted of a crime. That is not what we are talking about. A technical parole violator is someone who violates the terms of their parole. For example, they do not show up for a meeting, or they take a test that shows that they have been using drugs, and maybe they have been clean for a year or two.

So, technical parole violations are not substantive crimes, but they are technical violations of parole. And all too often, what happens is that the punishment that we inflict does not match the offense. If someone violates their parole now, they go back for 2, 3, 4 years, and it may just be for not making one of their meetings with their parole agent.

So, what this bill does is it reinforces what the parole board does and provides for high-, medium-, and low-range violations, technical violations, and high-, medium-, and low-range sanctions, because we need to take those actions but not overpunish. By overpunishing, what we are doing is we are spending \$35,000 a year to keep them in prison when they should have been sanctioned in another way that would still get their attention and correct their behavior.

And the last bill deals with the prerelease centers. These prerelease centers that this legislation deals with have been in existence since 1968. So we have not touched that program. That program is still in existence. All we are saying is, now that we have changed the laws--for example, when prisoners were serving their time in county prison or serving a short minimum, they have a few months and they arrive at the Department of Corrections, this would allow the Department of Corrections to put them in the existing prerelease centers that have been around for over 40 years, to complete their sentence while they are in the community Corrections program. What has happened is that if

we do not do that, then they end up in prison, and again, we are paying \$35,000 a year while they complete a program that they could complete in the community.

I thank the Senate for the passage of these bills, and I urge their passage in the House. Thank you very much, Mr. President.

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

Senator COSTA. Mr. President, I will be brief. I just wanted to reiterate, Senator Greenleaf referenced and the legislation references work that needs to be done by the Commission on Sentencing. Over the past several years, I have had the honor and privilege of serving on that commission with some wonderful colleagues, commission members, including Senator Mary Jo White. This legislation would impose upon the commission additional responsibilities, similar to what we did, I think it was last year, when we enacted legislation that was signed by the Governor that required the Commission on Sentencing to undertake the development of sentencing guidelines with respect to how we deal with parole violators and how those resentencings are taking place.

This is very important legislation, a very important responsibility that the Commission on Sentencing intends to undertake. The problem, Mr. President, as with so many organizations and commissions, is resources. I do think, though, that this is one of those areas where we need to really work hard to provide the appropriate resources to this commission to insure that they undertake the responsibility of addressing what are perceived by many to be discrepancies with regard to some of the parole violators in terms of what those sentences are. And that is something that we need to recognize, as we go through these very difficult economic times and we prioritize what is important, particularly with regard to our commissions, that we find the time to find resources for these types of programs to allow these agencies to implement those guidelines and those things that they are charged by us to develop and implement. I look forward to working with my colleagues to make certain that we provide the appropriate resources to that end.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I rise and certainly agree with Senator Costa in regard to that area. It is like spending \$1 to get \$100 back. It is an investment that will pay dividends in the future. And I also want to thank the Senator. When he was Minority chair of the Committee on Judiciary, he was an outstanding member of that committee and worked diligently. Now that he is the Minority chair of the Committee on Appropriations, he is continuing to do that. It has been an honor and a privilege to work with him. He has been very, very effective in this area. I thank him for his integrity and courage to continue in that vein.

Thank you very much, Mr. President.

BILLS INTRODUCED AND REFERRED

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

June 8, 2010

Senators WOZNIAK, WASHINGTON, FONTANA, RAFFERTY, TARTAGLIONE, O'PAKE, YAW, FARNESE and ALLOWAY presented to the Chair **SB 1392**, entitled:

An Act designating and adopting the Piper J-3 Cub as the official airplane of the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 8, 2010.

Senators EICHELBERGER, M. WHITE, D. WHITE, EARLL and MUSTO presented to the Chair **SB 1394**, entitled:

An Act amending the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act, further providing for mining permit and reclamation plan.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 8, 2010.

Senators BROWNE, COSTA, SCARNATI, GORDNER, MENSCH, TARTAGLIONE, VOGEL, ROBBINS, O'PAKE, ALLOWAY, BAKER, WOZNIAK, WAUGH, KASUNIC, RAFFERTY, LOGAN, WASHINGTON, WARD, D. WHITE, M. WHITE, EARLL, ARGALL, FOLMER, MELLOW, BOSCOLA and FERLO presented to the Chair **SB 1395**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a brownfield job creation program.

Which was committed to the Committee on FINANCE, June 8, 2010.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

June 8, 2010

Senator WILLIAMS presented to the Chair **SR 355**, entitled:
A Resolution strongly urging all public schools in this Commonwealth to use a merit-based system for teacher layoffs.

Which was committed to the Committee on EDUCATION, June 8, 2010.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 8, 2010

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.
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WEDNESDAY, JUNE 9, 2010

9:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nominations of James H. Cawley and John F. Coleman, Jr., to the Public Utility Commission)	Senate Maj. Caucus Rm.
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10:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider House Bill No. 1175)	Room 8E-B East Wing
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10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 522, 1049, 1163, 1288, 1305, 1315 and 1320; and House Bill No. 1800)	Room 461 Main Capitol
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.
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FRIDAY, JUNE 11, 2010

1:00 P.M.	JUDICIARY (to receive testimony regarding Philadelphia's criminal justice system, specifically looking at the issues of witness intimidation and witness relocation)	Phila. Bar Assn., 1101 Market St. 11th Floor Phila., PA
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TUESDAY, JUNE 15, 2010

10:30 A.M.	JUDICIARY (to receive testimony relating to "best practices" in juvenile justice)	Room 8E-B East Wing
12:00 P.M.	GAME AND FISHERIES (to consider Senate Bill No. 1272; and House Bills No. 94, 460 and 2161)	Room 8E-A East Wing

WEDNESDAY, JUNE 16, 2010

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 60)	Room 8E-B East Wing
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (briefing on public safety and environmental impact of recent events associated with Marcellus Shale natural gas development)	Senate Maj. Caucus Rm.

THURSDAY, JUNE 17, 2010

10:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (gather information on the Keystone Initiative for Network Based Education and Research)	Room 8E-B East Wing
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RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, I move that the Senate do now recess until Wednesday, June 9, 2010, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 5:08 p.m., Eastern Daylight Saving Time.