

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, JUNE 23, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 40

**SENATE**

WEDNESDAY, June 23, 2010

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend FRANK SAYFORD, of Trinity Lutheran Church, Fort Washington, offered the following prayer:

Let us pray.

Good, gracious, and merciful God, we come before You today with the Members of the Senate of the Commonwealth of Pennsylvania as they consider the issues before them and work for the best interests of those whom they are called to serve. As You called the 70 elders to assist the prophet Moses in the governance of the nation of Israel, and as the apostles were called to follow and then to lead, we give thanks for the men and women of the Senate who have answered Your call to serve Your people. As they discuss and decide those issues which are so important to the lives and livelihoods of the citizens of this great Commonwealth of Pennsylvania, we ask today that they feel Your presence and guidance as they deliberate in this Session. We pray that they understand their call to support the government You have ordained and defend the rights and needs of those who are most vulnerable in our society.

With humble hearts, we come before You, asking for comfort, strength, peace, and blessing. With the prayers on our lips, the prayers in our hearts unspoken, and the prayers down so deep inside that only You can know and hear them, we give You thanks for the promise to answer all prayers, and we offer this all in Your most holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Sayford, who is the guest today of Senator Greenleaf.

**PLEDGE OF ALLEGIANCE**

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

**APPOINTMENTS BY THE  
MAJORITY LEADER**

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointments:

Senator Robert B. Mensch as a member of the Commonwealth Health Care Reform Implementation Advisory Committee.

Senator Patricia H. Vance as a member of the Commonwealth Health Care Reform Implementation Advisory Committee.

**BILL REPORTED FROM COMMITTEE**

Senator YAW, from the Committee on Urban Affairs and Housing, reported the following bill:

**HB 60 (Pr. No. 3975) (Amended)**

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program; and establishing the Housing Affordability and Rehabilitation Enhancement Fund.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following resolution:

**SR 347 (Pr. No. 2085) (Amended)**

A Resolution recognizing the importance of international commerce in the Commonwealth of Pennsylvania.

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

**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 Piccola.

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

Senator Mellow requests a legislative leave for Senator Williams.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of May 5, 2010, is now in print.

The Clerk proceeded to read the Journal of the Session of May 5, 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-49

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

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 LISA M. BOSCOLA  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, every year, I offer an internship program in my district office for local students. The program has been designed to give students real-world and hands-on experience, and it is wonderful to have them interacting with the residents of the Lehigh Valley and Pocono areas. As part of this program, interns come to Harrisburg on Session days to experience firsthand what we do in the legislature. I have some of them here today, and I would like to introduce them to my colleagues.

First, Kelsey O'Connell has brought many contributions to my office. The interesting thing about Kelsey is that she is neither a political science major nor studying the field of government while at college. She is actually a music major at Susquehanna University studying to be a music teacher. She truly enjoys working in the legislative office and helping with our local community.

Another intern I would like to recognize is T.J. Bonilla. T.J. is a pre-law major and has been studying U.S. government as part of his curriculum at Moravian College. Aside from studying

law, he enjoys sports, especially wrestling, which he coached at our local Bethlehem middle schools. I am proud to see T.J. taking an active role with our youth in the area.

Pia Abrill has come to my office from the Penn State Lehigh Valley campus. She is studying political science and is excited to be heading to Penn State's main campus next spring. Pia has been very involved with the Penn State Student Government Association, where she actually served as a senator. She is learning much about public service, and I hope she continues down that path.

Mr. President, we also have with us today Hannah Schwarzbach. Hannah will be attending the University of Pennsylvania and will begin studying government, philosophy, and economics. She is very active in student government and was student representative to the Bethlehem Area School Board while in high school. She has done great community work at the Children's Coalition of the Lehigh Valley, and she is the founder of the Winter Warmth Campaign, which is a local nonprofit organization that collects winter clothing and distributes it to underprivileged children in the Bethlehem Area School District.

Finally, Mr. President, Josh Kortze is here with us today. Josh attends Kutztown University, where he majors in political science and minors in biology and marine science. He has been active in many clubs at Kutztown University, but most notably, he has been vice president of the Kutztown University Open Forum Society and marine biology club. Josh has also been very active in the Model United Nations club and has participated in many conferences, including going to Mexico, the Netherlands, and Taiwan.

Mr. President, I ask my colleagues to give them our usual warm welcome.

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

(Applause.)

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**HB 9** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILLS OVER IN ORDER**

**HB 115** and **SB 460** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 929 (Pr. No. 2077)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the sale of certain course materials at institutions of higher education, for responsibilities of faculty and institutions of higher education and for college textbook rental pilot programs; and establishing the College Textbook Policies Advisory Committee.

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 Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, we all talk about the cost of higher education, and with the passage of this bill today, we will be able to reduce that cost. When you and I went to school, when Members of this body went to school, our textbooks were maybe in the hundreds of dollars. For students today, these books are in the thousands of dollars. This bill, the College Textbook Affordability, Accountability and Accessibility Act, builds upon and enhances in Pennsylvania the Federal textbook legislation passed last year by the Federal government as part of the Higher Education Opportunity Act.

Mr. President, let me give one example of how we will save money. For example, a book costs \$100. Now, the university can get that book at a 20-percent discount, for \$80. And if we get the faculty to agree to keep that book for four semesters, or 2 years, that \$100 book, by our rent-a-book program that this legislation would allow, would cost that student \$20 instead of \$100. And if we get the faculty to agree to keep the book for 4 years, eight semesters, that \$100 book would go for \$10, a 90-percent reduction in the cost of one book for students, a good way in this Commonwealth to save money.

Finally, Mr. President, when we take this bill with the other legislation passed by this body, such as our articulation legislation, which says to all public and State-related universities, if you offer a course in one, the other university has to accept it so students are not paying two or three times for the same course. When we put these together, we are saving real money for the students in this Commonwealth. And, Mr. President, when we come back, in our next Session, we will have more bills to save money. I am proud today, and I urge you to support this bill, because we can and we must save funds for both students and parents in terms of the cost of higher education.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-49

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

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.

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR ROBERT M. TOMLINSON  
PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, I have with me today one of my summer interns, who is a student at Penn State Abington. He is here today to see how government works on this side of the Susquehanna after working on constituent matters and other legislative matters in my district office. He is here today to get some Capitol experience. I would like to introduce Eric Meredith, my intern for the summer.

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

(Applause.)

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1250 (Pr. No. 2083)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for disposition of fees, fines and civil 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 yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1300 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1328 (Pr. No. 2078) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question, Shall the bill pass finally?

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

YEA-49

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

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 2070 and HB 2275 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 47, HB 94 and SB 250 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 264 (Pr. No. 3801) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record and for juvenile records; providing for expungement fee; and making an editorial change.

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

BILLS OVER IN ORDER

HB 291, HB 444, HB 460, SB 522, SB 553, HB 621, SB 728, HB 786, SB 831, HB 838, SB 900, SB 976, SB 998, SB 1049, SB 1055, SB 1134, SB 1163, SB 1168, SB 1171, HB 1175, SB 1181, SB 1222, SB 1272, HB 1287, HB 1288 and HB 1289 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 1305 (Pr. No. 2050) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in powers of department and local authorities, further providing for promulgation of rules and regulations by department.

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

SB 1315 (Pr. No. 2066) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate and for automated red light enforcement in first class cities; providing for automated red light enforcement systems in second class, second class A and third class cities and for the Automated Enforcement Fund; and transferring money.

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

SB 1317 (Pr. No. 1857) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications, eligibility and compensation for district attorneys.

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

BILL ON SECOND CONSIDERATION

SB 1334 (Pr. No. 2037) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

#### BILLS REREFERRED

**SB 1340 (Pr. No. 1916)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, adding a definition; and providing for salary of corrections managers.

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

**SB 1379 (Pr. No. 2033)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**SB 1385 (Pr. No. 2015)** -- 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, in certification of teachers, further providing for certificates qualifying persons to teach and for kinds of State certificates.

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

#### BILL OVER IN ORDER

**SB 1394** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**HB 1609 (Pr. No. 2269)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "traditional neighborhood development"; further providing for grant of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; and providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development.

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

#### BILLS OVER IN ORDER

**HB 1800, HB 1859, HB 1990 and HB 2246** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a brief Republican caucus to be held in the Rules room immediately.

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

Senator COSTA. Mr. President, I ask that the Democratic Members join us at the podium for a brief caucus as well.

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

#### AFTER RECESS

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

#### CONSIDERATION OF CALENDAR RESUMED

##### SENATE RESOLUTION No. 323, CALLED UP

##### RESOLUTION LAID ON THE TABLE

Senator PILEGGI, without objection, called up from page 9 of the Calendar, **Senate Resolution No. 323**, entitled:

A Resolution directing the Joint State Government Commission to conduct a comprehensive study of the number and types of mandates placed upon Pennsylvania's local governments by the Commonwealth.

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

#### UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators GREENLEAF, PILEGGI, COSTA, LEACH, O'PAKE, YAW, ALLOWAY, GORDNER, EARLL, D. WHITE, MENSCH, VANCE, BAKER, RAFFERTY, BOSCOLA, STACK, FARNESE and BROWNE, by unanimous consent, offered **Senate Resolution No. 366**, entitled:

A Resolution congratulating the Commonwealth Court on its 40th anniversary.

On the question,  
Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, I offer this congratulatory resolution to celebrate the 40th anniversary of our Commonwealth Court, which is an intermediate appellate court that hears issues involving local, county, and State government. As the resolution indicates, it has been in existence for 40 years. It was created by the Constitutional Convention of 1968. The

court went into effect in 1970 and, since then, has established an outstanding record.

We in the executive and legislative branches solve problems, but we do not resolve disputes. This court and the other appellate courts and the courts of common pleas resolve disputes. It is a basic function of our democracy to resolve disputes that occur between citizens of our Commonwealth and to resolve them in an efficient and just way. This court has done just that, quietly, efficiently, and effectively, every day of the week. So we thank them for that. We celebrate their anniversary, and we thank them for their service to our Commonwealth.

Thank you very much.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators HUGHES, STACK, FERLO, MELLOW, LOGAN, DINNIMAN, O'PAKE, TARTAGLIONE, FARNESE, ERICKSON, GREENLEAF, STOUT, COSTA, FONTANA, ALLOWAY and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 367**, entitled:

A Resolution designating June 22 through 27, 2010, as "Dreamgirls" week 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 Mr. and Mrs. Ronald Plocinik, Sr., and to Slatington Hose Company No. 1 by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Larry Blatz by Senator Baker.

Congratulations of the Senate were extended to Andrew James Castaldi, Rachel Migliacci and to Students Together Striving for Excellence of Allentown by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Tihansky by Senators Browne and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Gary C. Cooper and to the Bellefonte Area High School Softball Team by Senator Corman.

Congratulations of the Senate were extended to the Reverend Jay Bohn by Senators Corman and Piccola.

Congratulations of the Senate were extended to ArcelorMittal by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Devin Mullen and to Josiah Daniel Hartman by Senator Eichelberger.

Congratulations of the Senate were extended to the SS United States Conservancy by Senator Farnese.

Congratulations of the Senate were extended to Colonel Michael P. Crall by Senator Ferlo.

Congratulations of the Senate were extended to the Masonic Village at Elizabethtown by Senator Folmer.

Congratulations of the Senate were extended to Camp Louise by Senator Gordner.

Congratulations of the Senate were extended to Samuel Bonanno and to Martin Schaefer by Senator Greenleaf.

Congratulations of the Senate were extended to Sheryl Lee Ralph, Kimmel Center for the Performing Arts and to The Concern for Children's Betterment School of Performing Arts of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Gregory Flood by Senator Kitchen.

Congratulations of the Senate were extended to Wayne E. Tettemer by Senator McIlhinney.

Congratulations of the Senate were extended to Dustin Blaine Seyler and to the members of St. Paul's Roman Catholic Parish of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Eric James Auth and to Gabriel Michael Marchetti by Senator Orié.

Congratulations of the Senate were extended to Elmetta Mobley by Senator Piccola.

Congratulations of the Senate were extended to the Mt. Lebanon High School Softball Team by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. L. David Kriegel and to Mr. and Mrs. Teddy Nystrom by Senator Scarnati.

Congratulations of the Senate were extended to Samuel Staten, Sr., by Senator Tartaglione.

Congratulations of the Senate were extended to Daniel G. Martin by Senator Vance.

Congratulations of the Senate were extended to Paul Melvin Pugh, Jr., by Senator Vogel.

Congratulations of the Senate were extended to Emily Noviello by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. Bob Taylor, Mr. and Mrs. Jim Benson, Mr. and Mrs. Kenneth Beals, Chelsea Grey, Jessie Kummer and to Mark Robert Keck by Senator M.J. White.

### 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 Charles J. Bufalino, Jr., by Senators Baker and Musto.

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

Condolences of the Senate were extended to the family of the late Dr. Allen S. Hoey, to the family of the late Richard C. Helms and to the family of the late Angela Marie Felt by Senator McIlhinney.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Dennis Spancake was extended to the family by Senator Corman.

### BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

**HB 60.**

And said bill having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, yesterday, Schuylkill County experienced a heartbreaking tragedy when one of our bright, young residents passed away after being struck by a vehicle in New Mexico. John Anczarski of Ringtown was part of a four-man team called "The Pink Pedal: Riding Hard to Fight Breast Cancer" making the cross-country trek en route to San Diego to raise money and awareness for the Susan G. Komen Race for the Cure fight against breast cancer.

John was a 2008 graduate of North Schuylkill Junior/Senior High School and was enrolled at the University of Colorado at Boulder. He and his fellow cyclists began their cross-country journey from Schuylkill County on May 23. The pain of this tragedy is felt not only in Schuylkill County but literally across the nation, as these four young men were cheered on by thousands of strangers while on their journey. Four years ago, I had the privilege of attending a special ceremony for John when he earned the rank of Eagle Scout.

Mr. President, this is truly a heartbreaking tragedy, and I know I speak for all of us when I say our hearts and prayers are with John's family and friends during this very difficult time. I certainly hope that they can find strength and comfort from the prayers and thoughts of an entire State that joins in their mourning.

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

Senator HUGHES. Mr. President, I rise at this moment to, once again, as we get closer in our budget resolution process, make sure that those who are watching and paying attention to the affairs of the Commonwealth--and I know that there are many--and in addition to all of our Members here on the Senate side and of course in the House, understand that, again, as we move toward a resolution of this year's budget, and as we move toward making sure that we get things done in a timely fashion--which I believe we have the capacity to do, I believe we have the will to do, and I think we are in a position to do--we need to be, again, very thoughtful when the dialogue and the conversation about resolving a budget crisis, which we are in right now, comes to, obviously, how to potentially secure new revenues to help solve the bottom line, but also when it comes to the conversation with respect to what cuts may need to be made in this process.

I have stood at this microphone on several occasions in the past and will continue to use this forum as a vehicle to make sure that those individuals across this State, those individuals who are suffering in an economic reality that in many cases is unprecedented, that they have at least some voices who are concerned about their particular issues and their particular reality. Also, we always need to be mindful, Mr. President, of the economic reality that exists in this Commonwealth.

It is not just a conversation of how we get to equity and a bottom line with respect to putting the numbers together. There are significant numbers of folks across this Commonwealth who

are tied directly to every budget item, every line item in our Commonwealth. They need their services. They need those services. They need that help. They are not living in a reality and an environment, Mr. President, where we have a 3-percent or 4-percent or 4.5-percent or 5-percent unemployment rate. That is not what we are in right now. We live in an environment where our unemployment rate across the Commonwealth is approaching 10 percent. In many communities, the unemployment rate is twice that level. And in some very devastated communities, the unemployment rate is almost 30 or 40 percent.

This is not the environment that we are used to. It is a very peculiar, unprecedented economic condition that has, at this moment, about 370,000 people who are on the adult Basic waiting list, hoping to find a way to get access to health insurance while we wait for the provisions of the Federal legislation to take effect. This is not the normal period where, 4 years ago or 5 years ago, the waiting list was maybe 40,000 or 50,000 or 70,000 people. The waiting list now has almost 400,000 individuals.

This is not a normal time, Mr. President, and we must use our voices to make sure that the issues are raised and the economic conditions are considered as we make decisions about trying to get to a bottom line with respect to our budget. If we talk about cutting economic development projects, if we talk about cutting healthcare projects, and if we talk about cutting projects that support the important humanities and arts and culture and things of that nature within our districts, within our communities across the Commonwealth, there are real people attached to that, and they hurt. They are hurting. They are suffering.

The State already ranks low with respect to the amount of resources that it provides for healthcare support and healthcare services across the country. We are in the bottom 25 percent of States that provide direct State support for healthcare services across the country. Well, now, those individuals whom we represent, whom we have the charge and responsibility of taking care of, looking after their lives and looking after their circumstances, now many of those programs will probably be cut.

We need to be careful of how we use the scissors, how we perform surgery on this budget to make sure that we do no harm, that these individuals are not impacted, because they, Mr. President, did not cause this problem. We look at some of the statistics and some of the analyses, and again, this State has done such a great job with respect to its work in public education, and we can all stand together and be proud of the efforts that have been made over the last 6, 7, 8 years, of what we have done and invested in, and we have really begun the process of changing the course in this Commonwealth with respect to public education.

We have made significant progress. It has been collective. But unfortunately, if we make cuts and do not continue to support the issue of public education, that progress will be stymied, and we need to be very careful about that, Mr. President. We are the only State in the nation that can show progress at every grade level in every subject matter - the only State in the nation.

Mr. President, in just 6 years, Pennsylvania moved from 24th place for the percentage of kids on grade level in eighth-grade math to 10th place. We moved from 16th to 6th in the nation for the percentage of fourth graders reading at grade level. We have done well. We have done well, Mr. President. And in the 50 districts that have received the largest increases in State funding since 2002, Mr. President, students performing at grade level

grew by an average of 41 percent - a 41-percent increase in their performance. That is significant. That is significant.

We have even seen progress, Mr. President, in my home district of Philadelphia, the largest school district in the Commonwealth of Pennsylvania, a district that has an overwhelmingly large number of young people who are at or below the Federal poverty level. The PSSA test scores are up for the eighth consecutive year.

Fifty-seven percent of all students scored at grade level or above in math. Fifty-one percent scored at grade level or above in reading. Eleventh graders at grade level jumped from 38 percent last year to 45 percent this year in reading, and from 32 percent to 38 percent in math. The percentage of students in the lowest achievement group continues to go down to its lowest level in 7 years in both math and reading.

All of the groups are making progress, Mr. President, and perhaps even more importantly, in Philadelphia, our persistently struggling schools are also showing gains. These are the schools, Mr. President, that have been having difficulty for extended periods of time. Scores at the 107 lowest-performing schools increased 6 points in math and 5 points in reading just in the last year.

As I said before, our State progress has not gone unnoticed. The Center on Educational Policy, a highly respected think tank in Washington, found that from 2000 to 2008, Pennsylvania was the only State in the nation to show significant improvement in reading and math at every grade level - the only State. That is something we should be proud of, Mr. President, something we should be very proud of.

But if we do not make thoughtful decisions, we stand at the precipice of probably making a decision, Mr. President, that could stunt the progress, slow the growth, and, for many of these young people who are suffering, pull the rug out from under them. That has to be unacceptable. The students at those 107 lowest-performing schools in Philadelphia, those students and their family members who are waiting on the adultBasic waiting list of 369,000 people--and those are only the individuals who have applied. There are hundreds of thousands more individuals who have chosen not to apply because they have lost hope. Those young people and their family members who are looking to collect unemployment insurance because they are unemployed right now because their jobs have left this State, their jobs have left the nation, the recession has caused things to slow down dramatically, those individuals did not cause this problem. It is no fault of their own. They did not cause this problem. They did not cause this pain. And they sit defenseless, except for us. They sit defenseless and watch idly as we make the determinations.

They ask us to stand for them and make sure that they are not forgotten, that we put the people first, that we put them first in our decisionmaking process, that we not just sit down and look at that big budget book, that thick, 500-page document with 6,000 different lines of spending attached to it, and not just see those lines and dollar figures attached to each and every one of those lines, but understand that there are real people who are at the other end of the work and the figures represented there.

They are real. They are women who have suffered as a result of domestic violence. They are children who have suffered as a result of child abuse. They are folks who are suffering from the plight of the scourge of HIV/AIDS. They are people who are looking for childcare services. They are people who are looking

for work. They are folks looking to revitalize their neighborhoods and their communities. They are all suffering.

They did not cause this problem. We need to be very cautious and make sure that the solutions that we come up with, that these individuals, who did not cause this problem, that their shoulders do not have to bear the burden of this. That would be unfair. That would be unfair, and that would not represent the best in us. In many respects, Mr. President, that would represent the worst in us.

So I stand here again, Mr. President, I choose to rise, and I will continue to rise as long as it is necessary, and I encourage my colleagues to do the same, to make sure that as we make these decisions, we do not forget the people who did not cause this problem. They go to work when they can. They try to get their kids to school in improving schools. They try to find childcare to try to make everything come together for them. They are hiding from a potentially abusive spouse. They are trying to work and live in neighborhoods that are not safe. They are trying to make their way through, and the work we do directly impacts them.

Let us put the people first, Mr. President. Let us make sure that we live up to our constitutional responsibility to make sure that these individuals--if you will, the least of these--that no harm is done to them. Let us put the people first, Mr. President.

Thank you.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, with just 7 days to go until the June 30 budget deadline, I want to just put out there that I am really pleased about a lot of the progress that has been made in this Chamber and in the House. We have had some really good agreements, and we have had some disagreements, but the one thing that is clear is that on the heels of last year's 101-day budget stalemate, expectations are much higher this year. We are hearing our constituents--many who are depending on State funds--demand that we get this budget done on time. They want it. They deserve it. We need to give it to them.

We have had to tackle a few ideas and think about some tough budget decisions this year, because we are facing, yet again, a very challenging task in closing a \$1.2 billion deficit. Senator Erickson and I have been leading a bipartisan proposal to raise revenue for the Commonwealth by including small games of chance at taverns in our whole budget negotiations. This is an interesting innovation. We think that 30 percent of the tax revenue would go directly back to Pennsylvanians. It is estimated that on the whole, this plan could generate -- a very conservative number is \$100 million in additional revenue; a moderate number is about \$150 million; and, Mr. President, I just spoke with a high-ranking leader of this Chamber, and he believes the number, more realistically, is about \$200 million.

In addition, 20 percent of the revenues would go to charitable organizations that are designated in the business license application. That means local fundraisers and organizations, from volunteer fire companies to Little League teams to nationally recognized charitable organizations, could see up to \$80 million in contributions statewide if we enact this legislation. Now, this is



gambling, but it is not really an expansion of gambling, and it is not going to negatively impact the Lottery or the casino industry. People will continue to play the Daily Number and visit casinos and play slots and table games.

And it will generate funds for local nonprofits, which is why it has the support of so many VFWs, Elks and Moose Lodges, and of course the volunteer fire companies of which you, Mr. President, are a huge supporter. In short, it is a win-win for Pennsylvania, and it is absolutely something we need to use to balance this budget.

We also need to take a look at putting a severance tax on natural gas drilling. The Marcellus Shale has the potential to bring millions of dollars in steady revenue and thousands of jobs to our State. Pennsylvania is the only major fossil fuel State that does not have a severance tax. So, of course, it is not going to drive away the industry.

We also need to consider taxes on cigars and smokeless tobacco. We could generate over \$41 million in revenue, which will help us now, when our Federal stimulus funds will dry up next year. We are one of only two States in the entire country that do not tax cigars, and we are the only State that does not tax chewing tobacco.

Finally, we need to think about implementing a traffic ticket amnesty program, and this is something that you and I have talked about, Mr. President, with regard to reforming how the parking authority and other agencies are run. If we try to implement a traffic ticket amnesty program, we could collect a lot of tax dollars, as the tax amnesty program showed us, where we collected \$261 million from delinquent taxpayers.

My legislation, Senate Bill No. 1251, would create a one-time 90-day traffic ticket amnesty program for Philadelphia. Philadelphia has 160,000 people with suspended licenses, and the value of their unpaid traffic tickets is \$150 million - once again, much-needed money that this government is owed anyway and that would help close the budget gap. With the tax amnesty program in place, the city could receive up to \$72 million. Now, imagine how much that would generate across this State.

In this economy, we should consider commonsense approaches to generating revenue. However, I will say that I am glad that the Governor took his proposal to expand the sales tax off the table. Although some people had said that the revenue from that kind of tax would have been substantial, it is my belief that it was going to be regressive, and it was going to hurt businesses and job creators. So I am glad we were able to convince the Governor that it was not a good idea.

Mr. President, I think we are moving forward in a positive direction. This Chamber has been inspiring in that we have been working together in a bipartisan way. I have no reason to believe that we will not continue in the home stretch to pull together to solve this problem for the future of Pennsylvania. I commit myself to working on this project with you, Mr. President, and with all of the Members of this Chamber and the House.

Thank you, Mr. President.

## 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 23, 2010

**HB 1764** -- Committee on Consumer Protection and Professional Licensure.

**HB 2030** -- Committee on Transportation.

**HB 2489** -- Committee on Judiciary.

### 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 23, 2010

Senators FONTANA, COSTA, MUSTO, WASHINGTON, MELLOW, O'PAKE, FARNESE, BOSCOLA, LOGAN, STOUT, WOZNIAK, DINNIMAN, TARTAGLIONE and STACK presented to the Chair **SB 1408**, entitled:

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

Which was committed to the Committee on FINANCE, June 23, 2010.

Senators STOUT, TARTAGLIONE, MUSTO, RAFFERTY, WASHINGTON, M. WHITE, HUGHES, O'PAKE, FERLO, FONTANA, BOSCOLA, WARD, EARLL, WOZNIAK and D. WHITE presented to the Chair **SB 1412**, entitled:

An Act providing for notice of motor vehicle event data recorders and for information retrieval; imposing penalties; and providing for evidentiary rules.

Which was committed to the Committee on TRANSPORTATION, June 23, 2010.

Senators FONTANA, GREENLEAF, WASHINGTON, PIPPY, LOGAN, O'PAKE, COSTA, FARNESE, BOSCOLA, FERLO, WARD, STOUT, DINNIMAN and BROWNE presented to the Chair **SB 1414**, entitled:

An Act establishing a task force within the Department of Education, providing for its powers and duties and providing for administrative support.

Which was committed to the Committee on EDUCATION, June 23, 2010.

Senators COSTA, WASHINGTON, FERLO, BAKER, O'PAKE, STOUT, TARTAGLIONE, FONTANA and BOSCOLA presented to the Chair **SB 1416**, entitled:

An Act relating to safe drinking water; establishing the Emergency Drinking Water Support Fund; and providing for testing, for purchase of clean drinking water and for surcharge.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 23, 2010.

Senators DINNIMAN, ALLOWAY, WASHINGTON and BOSCOLA presented to the Chair **SB 1417**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for revocation or refusal of kennel licenses, for seizure and detention of dogs, for provisions relating to dog bites and for disposition of fines and penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 23, 2010.

Senators BOSCOLA, McILHINNEY, WASHINGTON, BROWNE, MENSCH, MELLOW, STACK, HUGHES, FARNESE, ALLOWAY and RAFFERTY presented to the Chair **SB 1418**, entitled:

An Act requiring all public officers and employees to reside in this Commonwealth.

Which was committed to the Committee on STATE GOVERNMENT, June 23, 2010.

Senators McILHINNEY, STACK, TARTAGLIONE, RAFFERTY, TOMLINSON, WASHINGTON, MELLOW, BRUBAKER, CORMAN, FARNESE and FERLO presented to the Chair **SB 1419**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for school foods reform; and imposing duties on schools relating to the sale of food and beverages, and on the Department of Education and the Department of Health.

Which was committed to the Committee on EDUCATION, June 23, 2010.

### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Monday, June 28, 2010, at 1 p.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 12:36 p.m., Eastern Daylight Saving Time.