

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, APRIL 13, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 23

## SENATE

WEDNESDAY, April 13, 2011

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

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

## PRAYER

The Chaplain, Reverend Monsignor JAMES M. LYONS, of Prince of Peace Parish, Steelton, offered the following prayer:

Let us bring ourselves before the almighty God.

God of all truth and justice, we come before You as Your children, yearning to do Your will. You are the truth we seek in our deliberations. Yours is the justice that forms the basis of our laws. Guide the discussions that occur in the Senate Chamber. May the hearts and minds of these Members always be open to Your inspiration, so that the fruits of their labor may have Your blessing. May these Senators remember who they are and the important position they hold in the State government. May they remember, too, that You as loving creator are their source and destiny. We ask these blessings in Your holy name. Amen.

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

## 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:

April 13, 2011

**HB 1** -- Committee on Judiciary.

**HB 140** -- Committee on Public Health and Welfare.

**HB 295** -- Committee on Community, Economic and Recreational Development.

**HB 389, 390, 399, 438 and 589** -- Committee on Transportation.

**HB 705 and 707** -- Committee on Local Government.

**HB 728** -- Committee on Labor and Industry.

## BILLS INTRODUCED AND REFERRED

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

April 13, 2011

Senators McILHINNEY, RAFFERTY, FOLMER, GREENLEAF, BAKER, EICHELBERGER, WAUGH, D. WHITE, VOGEL, ALLOWAY, BREWSTER, MENSCH, TOMLINSON and SCARNATI presented to the Chair **SB 891**, entitled:

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for verification of nationality and immigration status.

Which was committed to the Committee on STATE GOVERNMENT, April 13, 2011.

Senators GREENLEAF, ALLOWAY, BREWSTER, WASHINGTON, LEACH and FARNESE presented to the Chair **SB 959**, entitled:

An Act requiring health insurance policies to provide coverage for tobacco cessation programs and drugs.

Which was committed to the Committee on BANKING AND INSURANCE, April 13, 2011.

Senators TOMLINSON, STACK, ORIE, VANCE, FONTANA, KASUNIC, ERICKSON, M. WHITE, BOSCOLA and ALLOWAY presented to the Chair **SB 964**, entitled:

An Act providing for the licensing and regulation of cremation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 13, 2011.

Senators YAW, ALLOWAY, BREWSTER, DINNIMAN, FONTANA, HUGHES and SOLOBAY presented to the Chair **SB 966**, entitled:

An Act selecting, designating and adopting the timber rattlesnake as the official reptile of the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, April 13, 2011.

## BILLS REPORTED FROM COMMITTEE

Senator BRUBAKER, from the Committee on Finance, reported the following bills:

**SB 158 (Pr. No. 145)**

An Act amending the act of December 17, 1986 (P.L.1693, No.202), known as the New Home Construction Local Tax Abatement Act, further providing for procedure for obtaining an exemption.

**SB 318 (Pr. No. 295)**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for income tax returns.

**SB 320 (Pr. No. 297)**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for additions to tax.

**SB 405 (Pr. No. 1055) (Amended)**

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

**SB 564 (Pr. No. 1056) (Amended)**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax and for collection of tax.

**SB 704 (Pr. No. 685)**

An Act amending the act of June 27, 1947 (P.L.1046, No.447), referred to as the State Tax Equalization Board Law, further providing for board membership, for chairman's authority and duties, and for quorum and hearings.

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Smucker and Senator Greenleaf.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Washington, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Smucker and Senator Greenleaf.

Senator Costa requests a temporary Capitol leave for Senator Washington, and a legislative leave for Senator Williams.

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS  
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of March 8, 2011, and March 9, 2011, are now in print.

The Clerk proceeded to read the Journals of the Sessions of March 8, 2011, and March 9, 2011.

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

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

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

**YEA-50**

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

**NAY-0**

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ANDREW E. DINNIMAN  
PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Mr. President, please give a warm welcome to our guests today. They include John F. Kirk, who is instrumental in raising funds for those who are hungry in our county. Also here is his wife, Nancy Kirk; his granddaughters, Ally Kirk, who is 12 years old and loves horseback riding in Chester County, and Ashley Kirk, his 9-year-old granddaughter, who loves the color pink; and John F. Kirk III, who is the proud father of Ally and Ashley and Mandy Kirk, who also is another granddaughter. I hope we will give them a good welcome.

You are going to have a lot of my guests here who win me in these various auctions as we raise money for nonprofits by promising to give them a tour of the Capitol. I want to thank the Lieutenant Governor, who has allowed us to show our guests his office, which he wants to very much share with all the people of Pennsylvania. So if you could give my guests a warm welcome, I would appreciate that, Mr. President.

The PRESIDENT. Would the guests of Senator Dinniman please rise so that the Senate may give you its usual warm welcome.

(Applause.)

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 1, SB 101, SB 105, SB 260 and SB 328** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 357 (Pr. No. 347)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as the Borough Code, further providing for general powers.

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-50**

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	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.

**SB 358 (Pr. No. 348)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

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-50**

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams

Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	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.

**SB 359 (Pr. No. 349)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

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-50**

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	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.

**SB 360 (Pr. No. 350)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for sales of personal property.

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-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	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.

### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 27, HB 38, SB 58, SB 118, SB 202, SB 224, SB 225, SB 227, SB 263 and SB 274** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILLS REREFERRED

**SB 293 (Pr. No. 971)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 5, 1947 (P.L.1217, No.498), known as the State Public School Building Authority Act, further providing for competitive bidding of contracts; and providing for evasion of advertising requirements.

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

**SB 296 (Pr. No. 972)** -- 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, providing for adjustments based on Consumer Price Index; and further providing for work to be done under contract let on bids and exception, for purchase of supplies, for contracts for construction, repair, renovation or maintenance, for project contracts and for powers and duties of institution presidents.

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 329, SB 330, SB 343, SB 344, SB 366, SB 375, SB 386 and SB 419** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL REREFERRED

**SB 537 (Pr. No. 543)** -- 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 school finances, providing for millage rate increase.

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

#### BILL LAID ON THE TABLE

**SB 566 (Pr. No. 1032)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Donora-Monessen Bridge in Washington and Westmoreland Counties as the Stan the Man Musial Bridge.

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

#### SB 566 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 566, Printer's No. 1032, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

#### BILLS REREFERRED

**SB 612 (Pr. No. 974)** -- 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 professional employees, further providing for causes for suspension and for persons to be suspended.

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

**SB 623 (Pr. No. 641)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for contracting with veteran-owned

small businesses; and imposing duties on the Department of General Services and other Commonwealth purchasing agencies.

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 626, SB 631, SB 637, SB 717, SB 725 and SB 726** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 745 (Pr. No. 744)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### BILL OVER IN ORDER

**SB 747** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILLS REREFERRED

**SB 802 (Pr. No. 975)** -- 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 school health services, further defining "school nurse" and "dental hygienist."

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

**SB 803 (Pr. No. 832)** -- 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 preliminary provisions, further providing for publication of notices and proofs of publication.

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

**SB 814 (Pr. No. 976)** -- 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 preliminary provisions, providing for mandate waiver program.

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 815, SB 816, SB 817, SB 818, SB 828, SB 829, SB 830, SB 831, SB 832, SB 834, SB 844 and SB 850** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILLS REREFERRED

**SB 857 (Pr. No. 882)** -- 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 reimbursements by Commonwealth and between school districts, further providing for accountability to Commonwealth taxpayers.

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

**SB 858 (Pr. No. 977)** -- 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 district and assistant superintendents, further providing for eligibility; and making editorial changes.

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

**SB 869 (Pr. No. 920)** -- 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 pupils and attendance, further providing for when transportation of pupils provided.

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

**SB 870 (Pr. No. 935)** -- 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 professional employees, further providing for payment of salaries in cases of sickness, injury or death, for alternative payment plan, for persons entitled to leaves of absence, for salary while on leave and for Distinguished Educators Program.

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

**SB 871 (Pr. No. 978)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and for program of continuing professional development.

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

**SB 872 (Pr. No. 956)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for responsibilities of school entities; repealing provisions relating to concurrent enrollment committees; and further providing for concurrent enrollment agreements and for enrollment in concurrent courses.

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

**SB 873 (Pr. No. 979)** -- 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 grounds and buildings, further providing for acquisition and for administration; and providing for lease approval.

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

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 907 (Pr. No. 943)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in special funds, reviving and further providing for investments.

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

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

#### BILL ON SECOND CONSIDERATION

**SB 916 (Pr. No. 949)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

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

#### BILL OVER IN ORDER

**SB 932** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### SENATE RESOLUTION No. 44, ADOPTED

Senator PILEGGI, without objection, called up from page 10 of the Calendar, **Senate Resolution No. 44**, entitled:

A Resolution designating the week of April 10 through 16, 2011, as "Local Government Week" and April 15, 2011, as "Local Government Day" in Pennsylvania.

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 RESOLUTIONS ADOPTED

Senator TOMLINSON, by unanimous consent, offered **Senate Resolution No. 90**, entitled:

A Resolution designating the month of April 2011 as "Pennsylvania One Call System Month."

On the question,

Will the Senate adopt the resolution?

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

Senator TOMLINSON. Mr. President, I ask for adoption of my resolution designating April 2011 as "Pennsylvania One Call System Month." Pennsylvania One Call System provides easy one-call notification about construction and excavation projects that may endanger lives and jeopardize utility lines. The center serves the residents of Pennsylvania by promoting safety, reducing underground utility damage, minimizing utility service interruptions, and protecting the environment for over 39 years. It also serves more than 100,000 excavators and 3,400 critical infrastructure owners in the Commonwealth. The resolution encourages all Pennsylvania residents to call before digging to help protect underground infrastructure.

Mr. President, I ask for unanimous adoption of this resolution.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator HUGHES, by unanimous consent, offered **Senate Resolution No. 91**, entitled:

A Resolution designating April 22, 2011, as "Earth 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 David A. Graham and to the Gettysburg 150th Commemoration Kick-Off Committee by Senator Alloway.

Congratulations of the Senate were extended to Walter Michael Price, Andrew J. Leibenguth, William L. Leickel, Slate Kleinsmith, Washington Hook and Ladder No. 1 of Mahanoy City and to the Ranger Hose Company of Girardville by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Suhosky, Mr. and Mrs. Allan M. Kluger, the Honorable Charles D. Lemmond, Peter George, Willis Ide, Walter Gosart, George Pyle, Peter Roushey, Ken Cosgrove, Lillian Regina Greene, Jack L. Evans, Jonathan Edward Fedor, Joseph Richard Fedor and to the Bushkill Volunteer Fire Company by Senator Baker.

Congratulations of the Senate were extended to Danielle Terranella and to Alli Walsh by Senator Blake.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Insalaco by Senators Blake and Yudichak.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Farah, Mr. and Mrs. Jerry Charvala, John Angelucci, Richard J. Berner, James R. Laser, Edward H. Yapple, Thomas M. Jordan, Robert Mitchell, Marge Wardrop, Meals On Wheels of Northampton County and to the Pulaski Committee of the Lehigh Valley by Senator Boscola.

Congratulations of the Senate were extended to Mike P. Caffrey by Senators Boscola and Browne.

Congratulations of the Senate were extended to the Honorable Craig A. Dally, Theodore Albanese, Geraldine Bonora, David P. Colley, Lucy Ann Gold, Raymond Greene, David Livirrie, Virginia Love, Nancy Medei, James Moser, Susanne Nelson, Jack Burke and to the volunteers of the APPRISE Program by Senator Boscola and others.

Congratulations of the Senate were extended to Emily Fucinato, Matthew Rach, Pamela Nester, Vivian Wang, Dennis Sell, Tara Jain, PPL Corporation of Allentown, St. Luke's Hospital and Health Network of Wind Gap, Matador Development of Bethlehem, Spillman Farmer Architects of Bethlehem and to Serfass Construction of Allentown by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. R. Clinton Buch, Mr. and Mrs. Ray Lausch and to the Warwick High School Girls' Soccer Team by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Clair Reisinger, Sr., Mr. and Mrs. George W. Hassinger, Robert D. Griffith, Ronald L. Varner, Sara Ellen Babin and to Ivonne Bucher by Senator Corman.

Congratulations of the Senate were extended to Eleanor Mae Fitzpatrick by Senator Costa.

Congratulations of the Senate were extended to Joyce Rothermel by Senators Costa and others.

Congratulations of the Senate were extended to Michael Walker, Oscar Lasko, Kelly Deveney, April Klotzbach, Marian Moskowitz, Donna L. Urian, William Andersen, Tom

Millichap, Ida McIntyre, Communications Test Design, Inc., of West Chester, Phoenixville Hospital, Artisans Gallery and Caf of Phoenixville and to the Phoenixville Public Library by Senator Dinniman.

Congratulations of the Senate were extended to Steven A. Pavolko by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Merrill Coady, Chief John Wayne Reilly, Sr., Patricia M. Gildea, William C. C. Cavanagh, William C. Warnock, Jean-Philippe Speder, Jean-Louis Seel, Marc-Marique Menestrey, Jean-Luc Menestrey and to Jeremiah Neely by Senator Eichelberger.

Congratulations of the Senate were extended to Mark Branson and to Daniel Anthony Grieff by Senator Erickson.

Congratulations of the Senate were extended to Virginia Caldwell, John Kesicli, Tanner Murray, James W. Erb, Jr., Matthew Rusiewicz and to Sean Jones by Senator Ferlo.

Congratulations of the Senate were extended to Frank A. Kuhn, Sr., Andrew Mohn, Mary M. Gardner, Charles H. Fetter and to Richard P. Bonfanti, Jr., by Senator Folmer.

Congratulations of the Senate were extended to Craig M. Cannella, Jr., Ian Donovan, Nicholas Maslakowski, and to the Bishop Canevin High School Ice Hockey Team of Pittsburgh by Senator Fontana.

Congratulations of the Senate were extended to Colonel Dr. John Husak, Matthew J. Crme, Jr., Jennifer A. Gomez and to Eric B. Hertz by Senator Gordner.

Congratulations of the Senate were extended to Shirley Hjertman by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Matthews and to John D. Wright by Senator Kasunic.

Congratulations of the Senate were extended to Donald P. Worthington, Robert Child, Frederick E. Schea, Thomas P. Donnelly and to Dontech, Inc., of Doylestown by Senator McIlhinney.

Congratulations of the Senate were extended to Thomas P. Donnelly and to Lynn T. Bush by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Michelle Lee, Aaron J. Smith, Robert Bozzuto, Nicole Thens, Michael Clouse, Jacob Chavara, Christopher Leonard and to the Seneca Valley School District by Senator Orie.

Congratulations of the Senate were extended to Master Sergeant Thomas B. Stuckey, Joseph Bernard Chrismer, Sr., Neil Weber and to Curtis Robert Hughes, Jr., by Senator Piccola.

Congratulations of the Senate were extended to Jeffrey P. Simon, Michael R. Meyers, William Wade Bastian and to the Garage Community and Youth Center of Kennett Square by Senator Pileggi.

Congratulations of the Senate were extended to the Honorable Jeffrey A. Manning, Alexander Reis Ciorra, Antonietta Bubba Minucci, Dustin William Tucker and to David Robert Tucker by Senator Pippy.

Congratulations of the Senate were extended to Thomas R. Tulip, Alyxis Renae Kimmel and to Joseph H. Carter, Jr., by Senator Robbins.

Congratulations of the Senate were extended to Mable Dunkle, Leevi Yungwirth, Barbara H. Hagg, Gary E. Basinger, Dominic Barilar, Roger Raybuck, Harvey L.

Golubock, Clearfield County 911 Center employees, General Joseph Warren Chapter of the National Society of the Daughters of the American Revolution of Warren, Susquehannock State Forest District, Historic Brookville, Inc., Mike's Super Market of Brookville and to the Clearfield County Career and Technology Center by Senator Scarnati.

Congratulations of the Senate were extended to Dr. Susan Phillips Speece and to The Historical Society of Berks County's staff, members, and volunteers by Senator Schwank.

Congratulations of the Senate were extended to Donna Marie Kaylor by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Robert McGavitt, Dr. Brian Day, Jeremy Hunter, Terry Faust, Jeff Connors, John Columbo, Derek Bochna, Fred Stuvek, Jr., Ronald Rothka, Jeff Paxton, Michael Marcishak, Jamie LeMon, Randy Jackson, Anna B. Novak, Edward J. Keller, William M. George, Alberta Mercer, Emily Powell-Hyjurick, Vivian Osowski, Vivian Milhollan, Marcy Lanch, Mildred Parkinson Prince, Marta McClintock-Comeaux, Canonsburg Middle School, Mon Valley Regional Chamber of Commerce and to the 1966 Waynesburg College Football Team by Senator Solobay.

Congratulations of the Senate were extended to Julianne Blank by Senator Stack.

Congratulations of the Senate were extended to Kevin Courtland Null, Jr., by Senator Tartaglione.

Congratulations of the Senate were extended to Gladys Banks, Thomas William Brown, Linconia Tabernacle Christian Center of Trevoise, Wood River Village Retirement Community of Bensalem and to the American Transplant Congress of Mt. Laurel by Senator Tomlinson.

Congratulations of the Senate were extended to Thomas C. Scully and to Pine Grove Furnace State Park of Gardners by Senator Vance.

Congratulations of the Senate were extended to Ralph Boyd, Comcast, and to the Beaver Area Jaycees by Senator Vogel.

Congratulations of the Senate were extended to Patrick Bauer, Richard Trout, John Pandolph, Robert Altman, Robin Ross, Frank Romagnoli, Roy Mowear, John Mangini, Regis Kaufman, Harry Hosack, Tom Bell and to William Eicher by Senator Ward.

Congratulations of the Senate were extended to Abigail Tabachini, Michael Marroquin, Glen Wallick, Jr., Paul Grubbs, Gary Dietz, Cindy Dietz, Lawrence Taylor and to Diane Keith by Senator Waugh.

Congratulations of the Senate were extended to Nico Megaludis and to Marc Robert Lucci by Senator D. White.

Congratulations of the Senate were extended to Cecil L. Beatty, Kathleen Paul, Cole Stoughton, Della Kurtzhals, David Fowler, Gregory Pacelli and to the Butler Kids Day America by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Ross, Mr. and Mrs. John Whatmore and to Charles C. Rine, Jr., by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Arwood Parrish, Mr. and Mrs. Wayne Rider, Mr. and Mrs. Robert Fetzer, Mr. and Mrs. Robert W. Bosler, Dr. Alice M. Davis, Tierney Pfirman, Cody Wheeler, Jerry S. Walls and to Marvin G. Meteer by Senator Yaw.

Congratulations of the Senate were extended to Mikel J. Cammisa and to the Jewish Family Service of Greater Wilkes-Barre by Senator Yudichak.

### 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 David Wendell Gelatt, Sr., by Senator Baker.

Condolences of the Senate were extended to the family of the late Fred Collier McCutcheon, Jr., by Senator Orie.

Condolences of the Senate were extended to the family of the late William J. Mathews by Senator Schwank.

Condolences of the Senate were extended to the family of the late Joyce Corretta DeGraffenreid-Alston by Senator Williams.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Jim Gum was extended to the family by Senator Boscola.

Posthumous citations honoring the late Sergeant Nathan Kennedy, the late Harry W. Bails, the late William Franklin Cree, the late Thomas Simon and the late Robert J. O'Connell were extended to the families by Senator Solobay.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 158, SB 318, SB 320, SB 405, SB 564 and SB 704.**

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 Allegheny, Senator Costa.

Senator COSTA. Mr. President, I rise this morning to talk a little bit about one of the principal reasons why we are sent here to Harrisburg, and that is our State budget. As you know, we all know, and the public knows, we concluded several weeks of budget conversations with hearings by the Committee on Appropriations. Senate Democrats have been working, looking through this budget and taking into consideration the information that was laid out at the hearings of the Committee on Appropriations to develop a strategy, as we move forward, within the confines of the budget as expressed by the Governor.

Mr. President, we recognize that we have a ways to go to address some of the concerns that were raised and try to bridge the gap as it relates to some of the issues that were raised, as I said. In order to do that, we have done research and had a



number of conversations with folks for several weeks about the issues. Mr. President, what I want to do today is share with my colleagues on the Senate floor some of the ideas that Senate Democrats have developed vis-a-vis this budget so that we have an understanding about how we are going to move forward. We are also going to begin to roll out this conversation over the course of the next several weeks so the public and the folks across this Commonwealth know what some of the priorities of the Senate Democrats are.

Mr. President, I would like to start with just one of those priorities that we have identified as part of the program that we call PA Works. My friend and colleague from Philadelphia County, Senator Farnese, has stood at this podium for the past 2 days and talked about some of the elements of the PA Works program we have developed that we want to incorporate into the work that we do as part of this budget. As was outlined by Senator Farnese, we believe these are ideas and concepts that can very easily be incorporated into our budget process to allow us to generate savings in the Commonwealth and, at the same time, with an eye and a focus on job creation, job development and retention, workforce training, and job training, all those aspects of what is important to the people of Pennsylvania today. Along those lines, Mr. President, we also want to continue to talk about consolidating State training programs within a single agency and reducing and refocusing the Workforce Investment Act to streamline administration and redirect more than \$40 million for direct, on-the-job, and Shared Work programs.

We also believe, Mr. President, as has been talked about by some of our colleagues, in the area of corrections, that we should have a serious conversation and adopt legislation that would merge the Board of Probation and Parole together with the Department of Corrections. Those two agencies work very closely together in many respects, and it makes a lot of sense to draw upon the efficiencies of those two programs and those two entities to allow for the opportunity to have additional savings and, more importantly, streamline the process as it relates to parole and probation and corrections in this Commonwealth.

Likewise, Mr. President, I stood with my friend and colleague, Senator Greenleaf, chairman of the Committee on Judiciary, to continue to talk about some of the sentencing reform measures that have been introduced by him and others in this Chamber that will generate savings. Things like expanding the number of specialty courts that we have in this Commonwealth and federalizing inmate healthcare programs are just a couple of things that we think we can do in the area of corrections to help drive down costs and create capacity within the budget that we have described.

Mr. President, we also believe that expanding the Managed Care program statewide would generate significant savings across this Commonwealth. The MCOs have already saved this Commonwealth, over the course of the past 5 years, \$2.7 billion. Mr. President, 1 million of the 2.2 million individuals who are Medical Assistance recipients are not served by Managed Care. We believe instituting a statewide Managed Care program in this Commonwealth is a way in which we can save in excess of \$100 million in this Commonwealth and, again, apply those resources to programs that would be beneficial to this Commonwealth.

Mr. President, consolidating pharmaceutical purchasing programs—we have talked about this for a number of years as part of our FAIRx proposal that Senate Democrats put on the floor here a number of years ago, which makes sense, and we will continue to work toward its adoption. Currently, the Commonwealth dispenses drugs through 17 different programs administered by 9 different State agencies. We believe that by using economies of scale and our buying power, we will be able to trim the costs with respect to the annual expenditures along those lines. Seventeen different programs, nine different State agencies. There is no reason why we cannot pool those resources together and, again, save resources.

There are two other areas, Mr. President, that I think are important for us to talk about. One is in the Governor's budget proposal, where he talks about taking the tobacco settlement proceeds from outside the budget, where they have been for the last 10 years -- back in 2001, whenever we put together the tobacco settlement program, we very clearly outlined for the people of Pennsylvania how we were going to expend those resources. We made it very clear to them that we were going to keep them separate and apart from the budget, and allow them to be able to be part of the budget outside of our budget, and we made a covenant with the people of Pennsylvania that we would put them in health-related areas.

Specifically, at that time, we talked about the health empowerment account. We talked about the prescription drug program through the PACENET program. The wonderful PACENET program we have in this Commonwealth was directly related to the tobacco settlement money. We addressed uncompensated care, smoking cessation and prevention, home- and community-based services and the universal research aspect of all that, the CURE program. We have talked about adultBasic, which I will return to in a moment, and we have also, over the last several years, dealt with the issue of Life Sciences Greenhouses and also long-term care.

Mr. President, it was a covenant that we made with the people of Pennsylvania, that we felt we needed to guard that money to make certain that we would have programs that would not be part of the regular budget process. The Governor, in taking that money from outside the budget, putting it back into the budget, allowing it to be part of this conversation year in and year out, running the risk of it being part of the fluidity and volatility of a budget process, is not the direction Senate Democrats think we should be going. We should take that \$340-plus million back out of the budget and put it where it has always been for the past 10 years and allow it to function in that manner and continue the way we have been doing it, not subject it to the year-in-and-year-out conversations about a budget process and revenues we have available along those lines.

Mr. President, as part of this budget, all those things I enumerated, when the Governor transferred the money into the budget, has not accounted for each and every aspect of what we talked about. And this budget, our budget analysts tell us that about \$180 million is going to be used for the purpose of funding a one-time funding source for programs in the Commonwealth of Pennsylvania, again, something that helped get us in this predicament. As we all know, this budget shortfall of \$4-plus billion is largely made up of ARRA money, but about \$1 billion of it is one-time spending. What we are doing, by

taking \$180 million out of the tobacco settlement money, putting it in the General Fund and using it for purposes unrelated to what was enumerated in 2001 when we made the covenant, is not the direction we need to go.

Finally, Mr. President, we believe that there may be some additional revenue surpluses for this current year. Currently, we sit at about \$232 million. The Governor projects \$78 million. At the end of the day, Senate Democrats believe our estimate is about a \$300 million budget surplus. We believe that we should be utilizing the capacity that is growing, the difference between the \$78 million and \$300 million, a piece of that, to fund an adultBasic program consistent with what we said when we adopted the tobacco settlement money. We have the ability to do that, there is revenue that should be there.

At a minimum, we should not be driving the \$188 million that I just referred to into other programs, but rather, we should make a conscious decision in this General Assembly to apply it to the reinstitution of the adultBasic program, because what we have today, as a result of the termination of that program--as I learned yesterday from the Insurance Commissioner when he met with our Members--is that 30,000 people are uninsured today who did have coverage under adultBasic. We have only been able to get about 10,000 of those folks transferred from adultBasic over to some other program. That is unconscionable. We have added 30,000 people to the rolls of the uninsured. We need to find a way to capture those folks, allow them to participate in a plan where they also have skin in the game so that we are able to provide healthcare coverage for those individuals working with us.

Mr. President, that is a summary of some of the things that Senate Democrats will be talking about as we go forward over the course of the next couple of weeks, that we will be putting out to the public, and I ask all of our colleagues to adopt all of these ideas, but as we go over the course of the next several weeks, if there are aspects of what Senate Democrats are talking about, we welcome the opportunity to work with our colleagues on the other side of the aisle, as well as the administration, to be able to bring some of these things into our budget when we conclude our budget process in the next several months.

Thank you very much, Mr. President.

#### **ANNOUNCEMENT BY THE MINORITY LEADER**

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

Senator COSTA. Mr. President, Senate Democrats will be caucusing at the conclusion of today's scheduled Session in the rear of the Chamber.

#### **RECESS**

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Tuesday, April 26, 2011, 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 11:51 a.m., Eastern Daylight Saving Time.