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SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 26

SENATE

WEDNESDAY, April 27, 2011

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

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

PRAYER

The Chaplain, Reverend CHUCK LOCKARD, of Church of the Nazarene, Homer City, offered the following prayer:

Let us pray.

Eternal God, You are the omnipotent, omniscient, omnipresent one who watches over every integral aspect of the entire universe. In doing so, You are keenly aware of us gathered for the Senate meeting this morning here in Harrisburg, Pennsylvania. Therefore, I ask You, Almighty God, to bless every detail of business that transpires throughout this day.

May all that is accomplished in this Chamber by these elected officials be pleasing to You. Grant them wisdom, understanding, guidance, and love as they lead our Commonwealth to serious and significant achievements. Strengthen Governor Corbett and Lieutenant Governor Cawley as they direct Pennsylvania during these challenging days in our global community. And Lord God, please give holy watch care over these Senators' families and colleagues back home, plus, provide for their needs as these women and men carry out their mission in making Pennsylvania the best place in America to live. Thank You for hearing and answering our prayer. Amen.

The PRESIDENT. The Chair thanks Reverend Lockard, who is the guest today of Senator Don White.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator McIlhinney and Senator Piccola.

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

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

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator McIlhinney and Senator Piccola.

Senator Costa requests legislative leaves for Senator Tartaglione and Senator Williams, and a temporary Capitol leave for Senator Hughes.

Without objection, the leaves will be granted.

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of April 5, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of April 5, 2011.

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

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

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

YEA-50

Alloway	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 Journal is approved.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, I am here today to introduce several guests from the 20th Senatorial District who are here to celebrate summer camps in Pennsylvania. Today, we are going to be doing a resolution recognizing "Summer Camps Day" in Pennsylvania, and there are so many, including those in the 20th Senatorial District. Here in the gallery among the camp visitors are Bruce Lipton from Camp Ramah, Mike Wagenberg from Camp Tioga, Esther Katz from the New York Y Camp, Trip Owen from Camp Island Lake, Matt Brown from Camp Wayne for Girls, Mark Zides from Camp Towanda, and Michael Chauveau and Nathan Brant from the YMCA affiliates. I ask my colleagues to offer a warm welcome to those operators of the wonderful summer camps that are part of Pennsylvania.

Thank you, Mr. President.

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

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators BAKER, ALLOWAY, BREWSTER, COSTA, DINNIMAN, EARLL, ERICKSON, FERLO, FONTANA, GREENLEAF, HUGHES, KASUNIC, PIPPY, RAFFERTY, SOLOBAY, STACK, TARTAGLIONE, WASHINGTON, D. WHITE and FARNESE, by unanimous consent, offered **Senate Resolution No. 95**, entitled:

A Resolution recognizing April 27, 2011, as "Summer Camps Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, I am pleased to offer this resolution honoring summer camps in the Commonwealth, especially those in the 20th Senatorial District, where summer camps have been a vital part of our local landscape for decades. Summer residential camps operating in Pennsylvania provide a strong economic impact to our local communities, from goods and services purchased, to property taxes paid, to contributions made to civic, social, and educational entities. These summer camps for boys and girls give them new experiences in the great outdoors, and many of these are located in northeastern Pennsylvania in the Pocono and Endless Mountains. So I ask you to join me in support of summer camps.

Thank you, Mr. President.

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator McIlhinney has returned, and his temporary Capitol leave is cancelled.

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately.

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

Senator COSTA. Mr. President, Senate Democrats also request a caucus in the rear of this Chamber, which I anticipate to be about a half an hour to 40 minutes or so.

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

AFTER RECESS

The PRESIDENT pro tempore (Senator Joseph B. Scarnati III) in the Chair.

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

LEGISLATIVE LEAVES

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

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Hughes has returned, and his temporary Capitol leave is cancelled.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLREREFERRED

SB 1 (Pr. No. 1031) -- 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 opportunity scholarships; establishing the Excess Scholarship Fund; providing for educational improvement tax credit; and repealing provisions of the Tax Reform Code of 1971 relating to educational improvement tax credit.

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

BILL OVER IN ORDER

SB 58 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 260 (Pr. No. 237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for legislative intent, for consent to HIV-related tests and for counseling.

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
Earll	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.

BILLS OVER IN ORDER

SB 274, SB 328 and SB 343 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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
Earll	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.

BILL OVER IN ORDER

SB 907 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 109 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 5, SB 27, HB 38, SB 104, SB 118, SB 158 and SB 202 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 224 (Pr. No. 193) -- 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 background checks of prospective employees and for conviction of employees of certain offenses.

Considered the second time and agreed to,

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

BILLS REREFERRED

SB 225 (Pr. No. 990) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, removing references to certain boards of trustees.

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

SB 227 (Pr. No. 991) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for application for registration certificate, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure.

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 263, SB 318, SB 320 and SB 329 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL RECOMMITTED

SB 344 (Pr. No. 438) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

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

BILLS REREFERRED

SB 366 (Pr. No. 351) -- 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, for licensure and for State Board of Vehicle Manufacturers, Dealers and Salespersons.

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

SB 375 (Pr. No. 1039) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipalities, further providing for money.

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 386 and SB 405 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 419 (Pr. No. 405) -- 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 grounds for disciplinary proceedings; and making a related repeal.

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

BILLS OVER IN ORDER

SB 564, SB 566, SB 626, SB 631, SB 637, SB 704, SB 717, SB 725, SB 726, SB 747, SB 815, SB 816, SB 817, SB 818, SB 828, SB 829, SB 830, SB 831, SB 832, SB 834, SB 844, SB 850 and SB 932 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators GREENLEAF, RAFFERTY, FERLO, ERICKSON, DINNIMAN, FONTANA, BAKER, TARTAGLIONE, KASUNIC, PIPPY, STACK, BOSCOLA, FARNESE, SOLOBAY, KITCHEN, PILEGGI, M. WHITE, EARLL, WAUGH, ARGALL, ALLOWAY, HUGHES, BRUBAKER, BREWSTER and D. WHITE, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution designating the month of May 2011 as "Lyme Disease Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, the resolution I offer designates May 2011 as "Lyme Disease Awareness Month" in Pennsylvania. Lyme disease is a bacterial infection transmitted primarily by ticks. Lyme disease and other tick-borne diseases and disorders pose a serious threat to the quality of life of many Pennsylvanians, with the frequency of diagnosed and reported Lyme disease cases increasing dramatically over the past several years.

In the United States from 2004 to 2009, there was a 94-percent increase in total reported cases of Lyme disease. Pennsylvania posted a 50-percent increase in reported cases in 2009 over the previous year. During 2009, Pennsylvania ranked first in the nation, with 5,722 confirmed cases of Lyme disease, with an additional increase to 6,277 in 2010.

The most common way to acquire Lyme disease is to be bitten by a tick that carries the disease. Lyme disease can cause early symptoms such as a rash or flu-like symptoms, fever, muscle aches, headaches, and fatigue that can easily be misdiagnosed. If not caught early, Lyme disease can lead to chronic, debilitating illness that is very difficult to eradicate. The prevention of Lyme

disease and other tick-borne disorders is difficult, but if proper precaution is taken while engaging in outdoor activities from early spring through late fall, frequent tick checks are made, and the ticks are removed and disposed of promptly and properly, the people of the Commonwealth of Pennsylvania can greatly reduce their chances of obtaining the disease. I ask for the adoption of this resolution.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I want to join Senator Greenleaf. Lyme disease, you know, is one of the major health issues here in Pennsylvania. In the southeast, we have one of the highest incidences of Lyme disease in the nation. I want to thank Senator Greenleaf for his leadership on this issue, and I think we all have to work together in terms of resolving this very serious health problem, Mr. President. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GREENLEAF, RAFFERTY, FERLO, ERICKSON, DINNIMAN, FONTANA, TARTAGLIONE, KASUNIC, PIPPY, STACK, ORIE, FARNESE, SOLOBAY, KITCHEN, BOSCOLA, PILEGGI, EARLL, ALLOWAY, HUGHES, BREWSTER and D. WHITE, by unanimous consent, offered **Senate Resolution No. 97**, entitled:

A Resolution designating the month of May 2011 as "Crohn's Disease and Ulcerative Colitis Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, I rise again to offer this resolution designating May 2011 as "Crohn's Disease and Ulcerative Colitis Awareness Month" in Pennsylvania. Both Crohn's and colitis are chronic diseases that cause inflammation of the digestive and gastrointestinal tract. It is important for us to be aware of these diseases and to be supportive of them. They are not curable, but you can keep it under control by proper medical care and actions of the persons afflicted with these diseases. I ask that the Senate adopt the 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 BREWSTER, by unanimous consent, offered **Senate Resolution No. 98**, entitled:

A Resolution recognizing April 29, 2011, as the 68th anniversary of the torpedoing of the S.S. McKeesport.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Brewster.

Senator BREWSTER. Mr. President, this resolution recognizes April 29 as the 68th anniversary of the sinking of the S.S. McKeesport, which was hit by U-boat torpedoes. This resolution honors her memory, the city of McKeesport, and its people. When honoring the S.S. McKeesport, we are acknowledging the memory of all those who walked her decks, the bravery of her crew, and the cause she served.

Today, as we remember the S.S. McKeesport and her role in history, let us not forget about the city of McKeesport and what it has done for our nation. McKeesport produced the steel that built our cities, our railroads, our bridges, and the military equipment that has protected our freedom for generations. It has also produced hardworking people, people who have contributed greatly to our history and heritage.

Mr. President, I ask for unanimous approval today 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. 99**, entitled:

A Resolution recognizing the month of May 2011 as "American Stroke Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Daniel R. Ryntz by Senator Alloway.

Congratulations of the Senate were extended to Mr. and Mrs. Richard E. Gdovin, Sr., Shawn Reed Hillard, Michael Scott Rehrig, citizens of the Borough of Waymart and to the Department of Pennsylvania Veterans of Foreign Wars and its Ladies Auxiliary by Senator Baker.

Congratulations of the Senate were extended to Matthew W. Santiago, Kevin Menter, Moravian Book Shop, Inc., of Bethlehem, EZ Micro Solutions of Whitehall and to the American Association of University Women Easton Branch by Senator Boscola.

Congratulations of the Senate were extended to the SS McKeesport by Senator Brewster.

Congratulations of the Senate were extended to Joseph William Treichler and to Lorin Allen Treichler by Senator Browne.

Congratulations of the Senate were extended to Eileen Wescoe, Traci Ceschin, Will Morris, Heather Sincavage, Wally Ely, Brad Fatzinger, Joseph Medl, Freddy Awards program, Lehigh Valley Health Network, Lafayette Ambassador Bank of Easton, Allentown Housing Authority and to The Philip and Muriel Berman Foundation by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Podlesny, Mr. and Mrs. Donald Showalter, Mr. and Mrs. Samuel Stoltzfus, Anna Reehl and to Nora M. Myer by Senator Brubaker.

Congratulations of the Senate were extended to Brian French by Senators Brubaker and Smucker.

Congratulations of the Senate were extended to Colin Taylor Sutherland and to Janice L. Manbeck by Senator Corman.

Congratulations of the Senate were extended to Saint Monica School of Berwyn by Senators Dinniman and Erickson.

Congratulations of the Senate were extended to Christopher D. Pasky, Robert Laufenberg and to Brandon Lee Confer by Senator Earll.

Congratulations of the Senate were extended to Casey Alexander Zaleski, Brian R. Kominsky and to Kyle M. Wills by Senator Folmer.

Congratulations of the Senate were extended to Nicholas Capuano by Senator Fontana.

Congratulations of the Senate were extended to Dmitro Jaroslau Martynowych by Senator Gordner.

Congratulations of the Senate were extended to Adam W. Gambone, Matthew J. Fink and to Virginia Powell by Senator Greenleaf.

Congratulations of the Senate were extended to Carol A. Miller, Leon A. Hayes and to the Progressive Center for Dance of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Torruiso and to Caitlyn Bessy Hamelinck by Senator Kasunic.

Congratulations of the Senate were extended to Reverend William B. Moore by Senator Kitchen.

Congratulations of the Senate were extended to Lee Albert, Kelly Isett and to Liam P. McGuigan by Senator Leach.

Congratulations of the Senate were extended to Girls on the Run of Montgomery County by Senator Leach and others.

Congratulations of the Senate were extended to Sergeant John A. Gerhart, Kyle Beck, John Robert Shoffler, Carla Stinnette, Margie McKevitt, Constance L. White, Carol A. Romano, Michele Rice, Abby Powell and to Frances Orlando by Senator McIlhinney.

Congratulations of the Senate were extended to Judith C. Lieberman by Senator Mensch.

Congratulations of the Senate were extended to David O. Berneburg, Geno Thorpe, George Yokitis, Val McQuade, John Bray, Gabby Baldasare and to Brandon Andrew Littell by Senator Orie.

Congratulations of the Senate were extended to Ernest U. Gingrich by Senator Piccola.

Congratulations of the Senate were extended to Jean Policicchio, Audrey Teitel, June Placke, Mary Ellen Falcioni, Karen Eberz, June Conroy, Kathy Bradley and to Evan Ryan Finkelstein by Senator Pippy.

Congratulations of the Senate were extended to David S. DiPasquale by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Duane Rishel, Mr. and Mrs. James E. North and to Ryan Quinn by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Walter R. Levdansky, Dr. Eugene F. Paluso and to W. Bryan Pizzi II by Senator Solobay.

Congratulations of the Senate were extended to Captain John A. Severino and to William Killian by Senator Stack.

Congratulations of the Senate were extended to Carolyn Kivenias by Senator Tartaglione.

Congratulations of the Senate were extended to Dorothy Pauline Gilbeaux, Gerald McHugh, Joseph H. Lukens, James Hewins, Robert Wallick, Jr., Bruce Iacobucci, Samuel Ian Sheckman, Brett Karnik Wiley, Gail Haney, Pennel Fire Company No. 1 and to the Bucks County Children and Youth Social Services Agency by Senator Tomlinson.

Congratulations of the Senate were extended to David A. Castro by Senator Vance.

Congratulations of the Senate were extended to Michael Thomas Reynolds by Senators Vance and Piccola.

Congratulations of the Senate were extended to Barbara H. Nakles, Shawn Markiewicz, Allan Maccyko, James McElfresh, Richard Kujawa, Robert Stanek, David Wawrzyniak and to Mark Kraisinger by Senator Ward.

Congratulations of the Senate were extended to Reverend Cookie Frances Lee Brace, Tina Viletto, Napoleon Nelson and to Meg Makransky Sheketoff by Senator Washington.

Congratulations of the Senate were extended to Morgan Renee Miller, Travis E. Searle and to Barry Myers by Senator Waugh.

Congratulations of the Senate were extended to Robin Spencer and to Susan Locke by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Arlo D. Heller, Leviticus Mark Reynolds, Michael W. Crone and to Jeremy Speicher by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Jack S. Orndorf by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. Peter W. Thomas, Sr., Mr. and Mrs. Larue Sones, Mr. and Mrs. Dalton R. Rook, Sr., Steven P. Johnson and to the Friends of Mt. Pisgah State Park of Troy by Senator Yaw.

Congratulations of the Senate were extended to Yvette Johnston and to Bob Silver 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 Charles E. Barrett, Jr., by Senator McIlhinney.

Congratulations of the Senate were extended to John G. Kuller, Jr., by Senator Yudichak.

PETITIONS AND REMONSTRANCES

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

Senator ARGALL. Mr. President, this week marks the actual implementation date of a piece of legislation that many of us in this Chamber worked together on in a bicameral and bipartisan fashion, that being our anti-blight effort that was first begun several years ago by my predecessor, Senator Rhoades. I want to take this opportunity to do the same thing I have been doing across the length of my district in Schuylkill, Berks, Northampton, Lehigh, Carbon, and Monroe Counties, to encourage local governments to take full advantage of the many tools that are now available to them in fighting blight in their communities, large and small.

Mr. President, we have learned the hard way that the best way to fight blight in Pennsylvania is to really attack it at its sources. This Chamber, along with the House of Representatives and the

Governor, have given our local government officials many new tools in terms of asset attachment, in terms of being able to extradite problem landowners from out of State, and allowing the courts to become more directly involved by setting up, on a countywide basis, special housing courts to fight blight.

So, I want to thank everyone, certainly the staff, certainly Senator Yaw, and the Members of the Senate Committee on Housing and Urban Affairs, as they were incredibly important to us. But I encourage all Members of this Chamber to be working with their local elected officials. We gave an extra 6 months' notice in passing the law in October that it would not become law until April. Well, that enactment date, that official date has now taken place, and I encourage all of us to work with our local officials to be sure that we take full advantage of this new opportunity in fighting blight all across Pennsylvania.

We have seen it in small communities. We have seen it in large communities. We have seen it in rural communities. We have seen it in our largest cities, in Philadelphia and Pittsburgh. It is an incredibly difficult problem, but I do believe, as a result of the actions of the people of this Chamber, we have now given some new, important tools, and we are very hopeful that they are put to use in the spirit that was intended.

Thank you, Mr. President.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Piccola has returned, and his temporary Capitol leave is cancelled.

PETITIONS AND REMONSTRANCES (Continued)

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, as we work toward a final budget agreement, we must do more to carefully target both our cuts and our spending. While I agree with the Governor's shared sacrifice premise, I argue that his budget proposal lacks the notion of sharing, or fairness, for that matter. In truth, while this budget has plenty of pain and sacrifice to go around, the sharing part leaves a lot to be desired. While working families face devastating program and service cuts, the State's sacred funding cows seem to be fattening up.

Mr. President, the State's spending plan in many ways underscores our priorities, and the priorities of this administration seem terribly skewed. You tell me how we can slash over \$1 billion in funding to higher education and our schools, in the same budget where we merely shrug and dole out yet more huge funding for our burgeoning prison system. The budget of the Department of Corrections has grown beyond \$2 billion annually, and that does not even count the millions we spend to build new prisons year after year. This year, when we were calling on working families to share \$4 billion in funding cuts, I find it very offensive that we are handing our prison system \$186 million more.

These are desperate times for thousands and thousands of people, good people who are struggling to raise their families and make ends meet. Giving prisoners idle pay, free stamps, weight

equipment, three meals a day, fine, but what about our schools? Some schools cannot even afford books for our students. Building air conditioned, spacious new prisons while hospitals close their doors is offensive.

Mr. President, we have to take a serious look at cutting our prison costs. Whether that comes in the form of sentencing reform, alternative incarceration strategies, or simply making offenders also share some of the budget pain, its time has come. I do not know, maybe the prisoners could go with two meals a day. I know some families that only have one meal a day. And they surely do not need 10 stamps a month to communicate, especially in a prison system where if they do not use their stamps, they are bargaining for cigarettes and so forth.

Mr. President, tough decisions need to be made this year. Instead of just saying everything is on the table, everything actually has to be on the table, and that includes our prison system. Instead of just a line in some speech about shared sacrifice, we actually need everyone to share in this sacrifice, and that includes our prisoners.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, there are 2 months left until the June 30 budget deadline. We are faced with the enormous task of filling a \$4 billion deficit. We must really take a look at the numbers and find creative ways to reduce the deficit. I truly believe we do not have to eliminate the Human Services Development Fund, which helped counties fill gaps in their social service spending. We do not have to reduce pharmacy and dental services to Medical Assistance patients, and we do not have to make cuts to AIDS programs, diabetes programs, hemophilia funding, and other important health programs.

But if we want to help programs like social services, we must work together. We may all have differences in opinion, but out of opinion comes solid ideas. For instance, our Caucus is looking at ways to reduce the deficit and boost job growth through our PA Works program. Some Members believe an extraction tax on the Marcellus Shale drillers would bring in revenue. Other Members think privatizing the State's liquor stores could bring us a windfall.

There are 2 months left until June 30, but we still have time to explore strategies for reducing the deficit. The Senate has worked under pressure before, and we know we can do it again. We talk about the sense of urgency for filling the budget hole, so let us put those words into action and give everyone here a say. This is a time when we need to work together - Democrats and Republicans, leadership and rank-and-file Members - to balance this budget fairly.

We are 50 Members, but 1 legislative body. I am sure we all have ideas for reducing the deficit and moving this State forward. Everyone's ideas and opinions matter, especially during this historic deficit. So, I implore everyone here to come together, because our role here is to represent the people of Pennsylvania, and the people demand a balanced budget with as little pain as possible.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, I have the pleasure and opportunity to announce an important public hearing being hosted

tomorrow by the Senate Democratic Policy Committee. Regardless of the fact that the hearing is being conducted by the Democratic Caucus of the Senate, this is an open public hearing, regardless of politics or partisan persuasion, on the issue of the Marcellus Shale and all of the complicated issues that it brings to light. We welcome broad-based participation in this hearing and encourage folks to participate.

That event is tomorrow in the city of Pittsburgh, in Oakland, right down the street from the University of Pittsburgh Cathedral of Learning, at the Oakland Holiday Inn. The hearing will begin promptly at 3 p.m., and will hopefully conclude by 6 p.m. Unlike most Senate hearings, in addition to the scheduled panelists we will have, there will be an opportunity for citizens to address the elected Senators as well. I hope, and I have a sense, that a lot of people want to come out to this public hearing and speak about the Marcellus Shale industry, how it has developed over the last 2 years, and what this industry bodes for the future.

There are a lot of complicated issues here. Certainly, there has been some contentious discussion already with the advent of the new administration, the least of which is the taxing issue involving the possibility of either an impact or a statewide severance tax. There are a lot of very complicated and important issues involving the environmental assessment and concerns about the manner in which the industry is drilling and problems associated with the advent of this new industry.

There will be a series of panelists who have been invited to speak tomorrow. I am pleased that we made the first offer to the Marcellus Shale Coalition, the industry representatives themselves, to appear in the first panel. I was pleased to hear their response. I think it is to their credit that they are willing to come out and face some tough questioning about the industry and its practices.

We have Chesapeake Energy speaking tomorrow; UGI, which is a major utility company in the State; as well as a firm that is working in the Marcellus Shale industry that is an energy and engineering firm. We will, obviously, likewise invite folks from the environmental, public health, academic, and scientific community, with PennFuture and PennEnvironment and others from the academic community that have raised significant questions about the fracking process and the fluids that do not, unfortunately, always remain contained within the drilling area.

We have seen a number of horrific incidents around the State, the least of which being this past week in Bradford County involving a wellhead that spewed thousands and thousands of gallons of frack fluid. I am not clear yet what the chemical makeup is of that fluid. It was clear that some of that fluid being spewed around the well pad, as well as nearby land and property owners, did go into a nearby creek and stream which feeds into the Chesapeake.

So there are a lot of obvious issues. No one in this Senate Chamber is naive to both the anger and the angst that is out there among Commonwealth residents, as well as many whom we represent that harken and welcome the opportunity of this industry as it develops, an industry that has created not only jobs but has created wealth for businesses both large and small. But there are a lot of serious issues.

So we welcome folks' participation at this hearing tomorrow at 3 p.m. at the Oakland Holiday Inn, right down the street from the University of Pittsburgh. I think it will be a productive hearing. I do want to thank the emergency operation folks who will

be available to speak and answer questions, including our State Fire Commissioner, obviously a gentleman who has decades-long experience, especially in the area of emergency situations to public safety, as well our local Acting Chief of Emergency Services, Chief Alvin Henderson, who replaced Bob Full.

I do credit Governor Corbett with his appointment of Glenn Cannon as well as Bob Full, two gentlemen who hail from Allegheny County who are highly respected, not only in our local area, but obviously across the State. They are top-of-the-line professionals when it comes to public safety incidents and crises, and I have no doubt and I have great faith in them that politics is not an issue for them when it comes to public safety, whether it is Marcellus Shale corporate interests or anybody else. So I am very pleased to see their appointments, and I know across this room today they have broad-based support. So their expertise will also be present at this meeting tomorrow. In addition, as I noted, a number of citizens have signed up to speak as well.

My colleagues and, I think, most people know that I have some very clear concerns about this industry and how it has developed. We know that several thousand wells have already been dug and drilled and that a large number also are in the permit stage, having either already been approved or are likely to be approved. So there is a lot of activity going on in probably 45 of the 67 counties across the Commonwealth.

I could point to any number of terrible incidents that have arisen in the last couple of years in particular involving environmental hazards and incidents that also involve the death of workers at various sites. This is certainly a controversial industry, and I think it is important that we provide the highest level of regulatory oversight.

I have submitted legislation calling for a 1-year moratorium, Senate Bill No. 906. I know it is obviously not popularly supported in this Chamber, but the fact of the matter is, I believe that we moved too quickly in this gold rush mentality of developing this industry, without taking a step back and seriously looking at not only the moral and legal imperative that we have as elected officials to preserve and protect the enumerated declaration of rights in our State Constitution, when it talks about the people having the right to clean air, water, and the aesthetic qualities, basically the Mother Nature gift that we are proud to be the trustees of here in our Commonwealth.

The 1-year moratorium was in the spirit of recognizing that many local communities that do have the legal authority and power under the State Planning Act should be given time to regroup, plan, and give thought to what their local zoning ordinance needs to be, that they have legal powers to decide the manner in which this industry will operate within their respective communities. I think we have run roughshod, to some extent, over that prerogative. At least in my three-county area, some communities moved more quickly, some communities were larger and had the ability to hire attorneys and consultants to help them rewrite their zoning code. That has not been the case, typically, across the Commonwealth. It was in that spirit that a moratorium was offered.

As well, federally, as you know, the EPA has been in the process of holding hearings around the country on this complicated issue of the fracking fluid and the somewhat dubious distinction of this fluid possessing upwards of 200 known chemicals and carcinogens. Initially, the company that patented the fracking process, good old Halliburton, which needs no introduction, if

you remember good old Dick Cheney and company and their activities as a military industrial complex company. They hid behind the powers they thought they had regarding proprietary rights. They argued for at least a couple of years that their fracking fluid chemicals were legally guaranteed proprietary rights and they did not have to disclose that information.

Through a lot of citizen advocacy and action and regulatory oversight at the Federal level, we at least now know what some of those fracking fluids and carcinogens contain, but each frack fluid and each company operates differently. The concern is that as we move forward, that we move forward to better understand what the environmental hazards are. At least, in my opinion--and it is expressed in another Senate Bill, Senate Bill No. 680--we need stronger regulatory oversight and powers to amend the Oil and Gas Act in light of this new phenomenon known as the drilling of the Marcellus Shale, or futuristically, the Utica Shale. That is much different than the well drilling that has taken place over the last 100 years as a result of industrial capitalism in our Commonwealth. This is a much different phenomenon and a much more threatening phenomenon as it relates to health, well-being, and the environment, as well as the safeguard of our rivers and water in this great State that we represent.

So, the second bill not only deals with strengthening the regulatory oversight but it strongly suggests--unlike the Corbett administration and some in the Senate who want to limit this to a minor impact fee only in certain areas, this proposal expressed in Senate Bill No. 680 strengthens the regulatory oversight and the obligations of the industry and suggests a statewide, more uniform collection of a severance tax, 24 cents, in particular, per thousand volume out of the gas well. Specifically, that revenue, which could be projected to be roughly \$200 million a year, would go back to three different sources.

First and foremost, a third of that revenue would go back to local communities that are specifically dealing with detrimental impact as it relates to the advent of the industry within their respective community. Also, a third of the revenue would go to the Hazardous Sites CleanUp Fund, and a third of the revenue would go into the Environmental Stewardship Fund. So, unlike the notion of the minimal impact fee that would be debated and decided at a local parochial level--which is usually not the case with most legislation that we pass, we try to do things uniformly across the State--the proposal expressed in Senate Bill No. 680 would have a uniform statewide severance tax. The money would not go to the General Fund, but it would go to those three targeted efforts, first and foremost, going back to local host communities dealing with detrimental impact.

So, again, I want to call attention to the public hearing tomorrow by the Senate Democratic Policy Committee at 3 p.m. in Oakland at the Holiday Inn. If you want more information, you can contact my State Senate district office at 412-621-3006. I think we will have a lively, informative, and productive Senate policy committee hearing. I want to thank my colleagues from our Caucus who have launched a series of these Senate Democratic Policy Committee hearings across the State. Some happen to deal with Marcellus Shale, but they also have importantly dealt with other budget matters that we are debating now in the House and Senate.

I certainly applaud the collective effort that our Caucus has made to promote a jobs, small business, and wealth building initiative that is expressed in our jobs platform. That was enu-

merated at a couple of hearings already. It has well-received, broad-based support among the public. We will continue to reach out across the Commonwealth in these public policy hearings, and I want to thank you, Mr. President, for the time this afternoon. Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I want to echo some of the comments of my distinguished colleagues, Senator Kitchen, as well as Senator Boscola, regarding the 2011-12 budget. The Governor presented his budget on March 8. In 3 weeks of hearings with the Committee on Appropriations, we heard from his cabinet about the spending plan that he has put forward for the State, and now we are starting to hear from thousands of Pennsylvanians about this plan, Mr. President. I think we have an obligation, as Members of this body, to listen closely to the voices of those thousands of Pennsylvanians.

My colleagues and I have continued to stress, over the past few months, the importance of clawing out of this recession by keeping the focus on job creation and job retention as our number-one priority. Governor Corbett's budget proposal spoke of shared sacrifice, but we think, on this side, it does not reflect that shared sacrifice. We do think that some of the cuts here are balancing the budget on the middle class, some of the hardworking Pennsylvanians whose voices we are starting to hear at this Capitol.

The already high cost of higher education and tuition could rise even further, and maybe even become unaffordable to some, if the budget were to be passed in its current form as proposed by the Governor. A college education, as we know in this Chamber, is a prerequisite for most employment opportunities. The skilled workforce that we talk about, the highly educated workforce that we herald here in the State, is critically important. So, what kind of message are we sending when we cut higher education by 50 percent or cut K-12 education by such a deep amount, a depth of cut that is unprecedented?

If the cuts for K-12 are maintained, it will inevitably force our local districts, who are already making plans for reducing their workforce and dealing with, probably, increasing class sizes, which is not something we like to see, and also, the prospect of raising property taxes--there could be a cost shift if this budget were to go as it is. I understand and respect the Governor's no-tax pledge, but the depth of the budget cuts to proven, successful education programs could, in fact, result in a tax-shifting, a cost-shifting to the people in the Commonwealth of Pennsylvania who can least afford it.

Another cut of great concern to me is the elimination of funding for the State's newest medical college, the Commonwealth Medical College, in my district, the 22nd Senatorial District, in downtown Scranton. This medical college has only now opened its doors, Mr. President. It was supported by a \$35 million commitment of State Redevelopment Assistance Capital Program funding, matched by a similar amount from Blue Cross and Blue Shield in a \$40 million bond issue. Their ability to support the construction of the facility is not in question. Their capital commitment is sound. In fact, they are under budget, and they have produced an extraordinary facility in downtown Scranton, but they are a start-up, and their operating revenues have not yet had a chance to find their footing, especially in this recession.

The \$3.8 million cut to the medical college in Scranton represents 20 percent of its operating revenue. It is very, very damaging to the fiscal health of this institution and, in fact, brings into question their ability to guarantee accreditation. All the medical colleges across the State have been cut in this budget - University of Pennsylvania, Penn State, Drexel, and Thomas Jefferson University - eliminated by over \$50 million; not a good signal, in my estimation, to the medical community and the "eds and meds" that we talk about so proudly in this Chamber.

The other thing that is very distressing to me, Mr. President, are the cuts to our hospitals. Over \$300 million in cuts will have the adverse impact of reducing our ability to capture Federal matching funds to guarantee quality healthcare in this Commonwealth. Over \$4 million in cuts to the hospitals in my district. The job impacts—I started my comments about jobs—Moses Taylor Hospital, over \$700,000 in cuts, estimated job losses, 15; Mid-Valley Hospital, nearly \$300,000 in cuts, 6 jobs; Moses Taylor and Mid-Valley combined, over \$1 million in cuts, 21 jobs; Community Medical Center in Scranton, over \$1 million, 21 jobs. If jobs were the priority of this budget, we are certainly not making that clear in the budget as proposed by the Governor to our "eds and meds."

Education, whether it be pre-K, high school, or college, is the driving force of our future, and we cannot jeopardize the quality or affordability of education to our citizens. We need to find a more fair and responsible spending plan, and I look forward to working with my colleagues and with the leadership of this Caucus to make sure we find that fair and balanced spending plan.

Thank you, Mr. President.

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

Senator STACK. Mr. President, Senator Rafferty, good to see you back up there at the helm. I have not seen you there for a while.

I have enjoyed some of the very important insight that I have heard here in the discussions in Petitions and Remonstrances. The thing that I still find amazing--and I say this with all due respect to those who have addressed the issue--but the thing that I find most amazing is that folks continue to refer to the issue surrounding the Marcellus Shale and natural gas drilling as a growing industry. It is not a growing industry, Mr. President. This is not new technology. There is no new concept involved here in Pennsylvania. These are Pennsylvania's natural resources that have been discovered in the Marcellus Shale. There is an even larger amount of natural gas located below the Marcellus Shale in the Utica Shale, which has yet to be fully tapped.

The concepts that are now being utilized to extract this natural gas from the ground have been used in countless other locations in this country, in surrounding States, and around the world. So it is not a new technology or a new industry that we are talking about. We are not talking about how we have to leave this particular industry alone so that they can create more jobs, so that we can get that economic shot in the arm that is going to push Pennsylvania into the next millennium. All that is going on here is that our natural resources are being taken from the State, and the question is going to be: How will this State be compensated? How will the folks who are leasing their land be compensated? How will the taxpayers across this State be compensated? Just like every other State, like West Virginia.

So, who are we talking about who are drilling? We are talking about big natural gas energy corporations, corporations such as Exxon. Now, folks may have heard the interesting story about Exxon recently, that last year, because of some creative accounting practices and because of the insanity of much of our tax policy, Exxon made hundreds of billions of dollars in profits and paid zero taxes. Zero taxes, Mr. President. In fact, I believe with credits and other areas of exclusions and exceptions, Exxon may very well get a large return on their tax dollars. Now, we cannot call that anything other than insanity, Mr. President.

We have our priorities out of whack, particularly when we look at the issue of people trying to make ends meet and trying to be able to afford things like health insurance. We had a great program here in Pennsylvania called the adultBasic coverage program, which was started by Governor Ridge, continued by Governor Schweiker, increased even more by Governor Rendell. What this program did is, basically, it said to working Pennsylvanians, we believe in you working. We know that you are going to have healthcare issues. We know that health insurance is a big obstacle for a lot of folks, so we want to find a way--using tobacco settlement money from all the health issues related to tobacco, some State money, and some help through the public service mission of private insurance companies, like Independence Blue Cross and Blue Shield--we want to help you to be able to afford that insurance.

So, we had a great program here in Pennsylvania, and it was not a complete government giveaway. Folks would pay a copay, a certain amount of money to be on adultBasic coverage. We had 42,000 folks covered under that program, and you know what else we had, a half-million people on the waiting list to get in. That waiting list alone illustrates what kind of a problem we have had here in Pennsylvania with the availability of health insurance.

So, I mentioned the previous three governors had supported the program and increased it. As you know, Mr. President, I waited with bated breath to hear what Governor Corbett would do on this issue and what he would say during his Budget Address, and he said nothing. That program lapsed, and folks are struggling. This is a fact. This happened February 28, so we are a couple of months away from when folks first started learning that they were not going to be covered under the adultBasic program. I had in my office today representatives of Nazareth Hospital, which is part of the Mercy Catholic Health System, and we were talking about the issue of what a thin line with which our hospitals are working. With the way the budget is compiled today, they are forecasting huge problems with being able to maintain their emergency services and keep the hospitals running.

I know you, Mr. President, are very familiar with the Mercy Catholic Health System, which does a great job, and we talked about the issue of adultBasic. Now, I said it specifically, adultBasic. I said, have you noticed that more folks are coming in through the emergency room doors without insurance at Nazareth Hospital, specifically, in northeast Philadelphia? I was told that that number has doubled.

Now, another distressing thing that I have also heard is that, much to the credit of IBC, the Blues, they have offered a program called Special Care. The problem is, it is about five times the cost of what the adultBasic coverage plan was. So, a lot of folks are not going to be able to afford it for the long-term.

The Corbett administration has been telling folks that if you got knocked off of ABC and you cannot get Special Care, that you are eligible for Medicare. Well, what we are doing is, essentially, we are taking people who were paying a certain amount of money toward their healthcare through the ABC program, knocking them off of insurance, then sending them back in the direction of health insurance which is going to cost State taxpayers even more money, and the hospitals say they do not get their reimbursement. So, what we are really doing is punishing people who are working by knocking them off of healthcare and then spreading that around and making sure that taxpayers have to pay more for healthcare-related issues. That is another area where our priorities are just completely out of whack, Mr. President.

I think we have to be thoughtful and deliberate, because we are dealing with people's lives. This is not just politics or government or saying, let us spread the pain around, because as I have looked at this budget, the more I think about it and the more I analyze it, when we talk about sharing the pain, we are really just talking about the working poor and the middle class. It looks like the big corporate interests are getting a walk here. I do not think that is fair. I do not think that is America. I do not think that is what the taxpayers, who are struggling, now more than ever, paying more taxes than ever before, I do not think that is what their priority is. So, that is why I am here. I want to shed light on that issue.

Mr. President, the other thing is, why do we have to make huge cuts in education, once again, giving a body shot to the middle class? Why are we decimating public education when we may not necessarily have to do that if we run government more efficiently? Mr. President, I commend you on cosponsoring a bill that I am sponsoring, which is basically--and I have said it in a couple of different ways--"pay your fines and costs or do not get your license" legislation, which you and I know, working with Justice McCaffery, that if people who have been through our court systems here in Pennsylvania would pay what they owe, we may be able to collect as much as \$1.6 billion, and that is just in our Pennsylvania court system. I am sure there are other areas of government that if we really looked closely, we could squeeze some more revenue out of there before, once again, we are slapping the middle class and the working poor right across the face.

The numbers that we laid out when we had the press conference this week, Mr. President, the way the bill works is, if you do not pay your fines and costs and you have been through the court system and you go to try and get your car registration renewed, our friends at PennDOT will tell you that you are not getting your car registration until the fines and costs are paid. Anyone who has dealt with PennDOT knows that there is no way around it. There are no special connections at PennDOT. You pay your fines and costs or you are not going to get your paperwork.

So, this is a great way that we in State government can say that people are going to have to be accountable, we are going to watch after every nickel and dime, and we are going to make sure we collect the money owed to the State before we go back and start trying to, quote, "share the pain," when perhaps that pain may not even be necessary. So I am going to keep working. Mr. President, to find every nickel and dime still owed, to run government more efficiently before we sock it to the middle class.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will not be very long. I first want to commend the speakers on this side of the aisle for raising very, very important issues about this upcoming budget conversation that has already begun with the Governor's announcement of his Budget Address, has taken place through the process of hearings of the Committee on Appropriations and visits with people in our respective districts, also here in Harrisburg, and the discussion that is taking place along those lines and, most importantly, the concerns raised about various aspects of this particular issue.

My colleague from Philadelphia, Senator Stack, really captured a lot of the positions that Senate Democrats have taken as it relates to a variety of the issues that he has spoken about so articulately, and I just want to focus on one that I think was mentioned yesterday by another colleague, Senator Farnese, as it relates to the tobacco master settlement agreement for the Tobacco Settlement Fund and the program we put in place along those lines.

Mr. President, 10 years ago, I stood in this Chamber with many of the folks who are still here today, not as many, of course, as I would like, but over time, things change. But at the end of the day, Mr. President, we enacted legislation back in 2001 that very clearly established what it is that we should do with the money from the national tobacco settlement agreement, the master settlement agreement, the share that Pennsylvania is to receive. We made it very, very clear that we wanted all those resources to be spent in healthcare, delivering healthcare services to Pennsylvania residents. For the longest time, we went through that process, and we were able to achieve that goal. And we did it, Mr. President, most importantly, outside the confines of the General Fund budget that we are debating now.

We always had tobacco settlement money received from the agreement placed into a fund where we were able to drive it out to very specifically enumerated programs. We talked about research, for example, the CURE program. We talked about smoking cessation and prevention programs. We talked about areas where we put into a trust fund so that we would have funds beyond the 25-year period life of the program. We talked about a variety of other things like PACENET. We established the PACENET program for prescription drugs in Pennsylvania. All of those things were part--and most importantly, part of that conversation at that time, and for a number of years subsequent to that, was the adultBasic program that Senator Stack just spoke so fondly about. It was a great program that we had here in Pennsylvania. It has its origin in the tobacco settlement money, when it was outside the General Fund budget.

Now, Mr. President, as we move forward and into this year's budget conversation, the Governor has recommended in his budget proposal that we essentially do away with the tobacco settlement program the way we know it, in terms of the programs that we support outside of the General Fund budget, and move part of that money into the General Fund and then make distributions out of that fund. What specifically I am talking about are, for example, items that we funded, again, previously outside the General Fund as part of the settlement agreement, things like the Life Sciences Greenhouse situation at \$3 million. In the Department of Health, we are now funding out of that line item, in the Department of Health in the General Fund budget, almost

\$60 million for health research and about \$14 million for tobacco use prevention and cessation. Then, finally, under DPW, we are doing about \$152 million in long-term care, \$31 million in uncompensated care, and about \$64 million in Medical Assistance for workers with disabilities.

Now, Mr. President, that represents about \$325 million of this year's allocation. We believe we have recently received about \$330 million. So we are taking this year's money that we are receiving, plugging it into the budget, and we are driving it out for some of those purposes. But, Mr. President, what is not talked about and what we have to be clear about so that people understand is that we are taking an additional \$220 million out of that reserve that sits today in the Tobacco Settlement Fund, along with \$180 million that is being driven into the General Fund for what we believe to be matters unrelated to healthcare.

With respect to the amount of money that I am talking about, as I understand it, the way the program works is that we receive last April's money, we hold on to it for a year and accrue the interest. We have that money, and then we drive it out, and then we receive the second payment around April of this year, which, as I understand, we received about \$330 million. So we have close to \$800 million in this fund.

I have just laid out for you where \$325 million of it has gone. The remaining part, as I mentioned, is being driven out, \$220 million into the Liberty Loan Fund, and also roughly \$180 million into the General Fund for unspecified purposes. As it relates to the \$220 million, as I understand it, it is in non-liquid assets that are not able to be distributed as we speak today and maybe over the course of the next several months. However, at some point in time, those non-liquid assets will have the ability to become liquid assets, to be able to be used to drive out to the Liberty Loan Fund, which will promote economic development. While we recognize that is important, we also have to go back to the fact that now we have changed the purpose of the use of those resources.

The second part is the approximately \$180 million that is driven out into the General Fund in an unspecified way. Now, Mr. President, I know what we have done in years past. I am not -- I am cognizant of how we balanced budgets in years past, but I will draw a distinction in terms of what we have done in the past and what we are doing now. In the past, we have taken chunks of money from the tobacco settlement money and used it for the purpose of balancing our budget, but we did it in a very defined way. At the same time, we made a conscious choice back then to maintain programs that we had in place as part of the tobacco settlement agreement, specifically the adultBasic program.

This year, we made a different decision. We are saying that we are going to take almost \$400 million out of the tobacco settlement money pot that is now there based on last year's allocation and this year's allocation. We are taking \$220 million, putting it into a loan fund inconsistent with healthcare, and we are also taking \$180 million and just plowing it into the General Fund for unspecified purposes. But most importantly, even as it relates to the \$180 million of one-time funding into the General Fund, an issue that this administration has said it would not do going forward and has been critical of previous administrations for doing one-time transfers, we are doing the exact same thing as it relates to the unspecified \$180 million into the General Fund. And at the very same time, we are closing down a very

effective, very important program referred to as the adultBasic program.

The decision should have been made, in our opinion, if we are going to get on that path, if we are going to use those resources, that at a minimum, we use them for the intended purpose, the purpose that very clearly was articulated by Members of this Senate back in 2001 who said that every penny should be used for healthcare. We think it is an unconscionable decision to take money, throw it into the General Fund, and at the same time, not continue to honor the commitment, the covenant we made with the people of Pennsylvania that we would use these resources for healthcare, and not apply them, at a minimum, to the adultBasic program. It is something that needs to be addressed.

The second part of this equation, in our mind, is that we need to take the adultBasic program, do the best we can to try to resurrect it, but most importantly, as it relates to the tobacco settlement funds, we should not be driving them through the budget process, through the General Fund. We should work to keep them outside of the General Fund, where they have been for the past 10 years, where the people of Pennsylvania expect them to be, again, not to be in a position where they are going to be subjected to the budget crisis that may take place in future years. We made a commitment to the people of Pennsylvania that we would use these dollars in healthcare, that we would use them for Life Sciences Greenhouses, for health research, for tobacco prevention and cessation research, and uncompensated care and Medical Assistance for folks with disabilities.

We do not know what the future is going to hold as we go forward, and as the budget crisis continues to develop over the course of the next several years--and all estimates are, that may be the case--these lines become subject to that crisis at that point in time, those funding crises, those budget issues that need to be addressed. That is not what we said we were going to do in 2001. We were going to put this money in a special category, put it over here, drive it out for these enumerated purposes, and that is what we should do. That is what we said we were going to do. We need to honor the covenant that we made with the people of Pennsylvania and make certain that we use those resources in the manner intended by the men and women who stood in this Chamber and voted for that plan that took place in 2001.

What the other part of that equation does, Mr. President, is it frees up additional capacity for us to be able to make some of the restorations that my colleagues talked about here today on the Senate floor - education, and other safety net programs that have been significantly reduced and will be reduced by the time we finish this process. We need to make restorations along those lines, in early learning through the Accountability Block Grant Program, in tutoring programs, in reimbursements to charter schools, in higher education costs. All those things need to be restored in this budget process to some level, clearly not the level that the Governor has recommended.

At some level, we need to make those restorations. But when you have this artificial cap that the Governor has placed on our spending, at \$27.3 billion, the only way we can do that is create capacity within the number, and that is what this would do, by transferring these resources out of the budget, keeping the level at \$27.3 billion or so, and then backfilling with other revenue which we have identified. In our process and in our Senate Democratic priorities, as well as in our PA Works plan, we have iden-

tified ways to close that gap. We think that is where we should be going along the lines of trying to address this particular issue.

So I thank you very much for your patience, and I implore my colleagues to join us in making sure that we keep the tobacco settlement outside the scope of the budget, and honor the commitment we made to the people of Pennsylvania by recommending and making certain that we drive every single penny to healthcare in this budget process.

Thank you very much for your patience, Mr. President.

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, May 2, 2011, at 1 p.m., Eastern Daylight Savings Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 1:13 p.m., Eastern Daylight Saving Time.