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TUESDAY, JANUARY 5, 2016

SESSION OF 2016 200TH OF THE GENERAL ASSEMBLY

No. 1

SENATE

TUESDAY, January 5, 2016

The Senate met at 12 m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

The PRESIDENT. This being the day and hour fixed by the Constitution for the convening of the 200th Regular Session of the General Assembly, the Senate will come to order.

PRAYER

The Chaplain, Monsignor CHARLES A. KAZA, of St. Tobias Catholic Church, Brockway, offered the following prayer:

Shall we pray.

Almighty and eternal God, as the Members of the Senate reconvene in the early moments of this new year of grace that You have given us, and well aware of the full challenging agenda that is before them, we pause first to pray with them and to pray for them. We humbly ask that You assist each of them with Your gifts of wisdom, understanding, counsel, and courage. May they continue to grow in mutual respect for one another so that in a genuine spirit of cooperation, they may evermore effectively promote the good of all our citizens. Inspire them once again in dedicating themselves to the hopes and the promises that first encouraged them to offer themselves here in service to the people of our Commonwealth. May their spirit of unselfish service serve as an example for all of our citizens so that together we may each do our part in furthering the common good.

In the midst of our complex and hurried lives, help each of us, elected officials and citizens alike, to always honor those who have gone before us and whose labors have enabled us to enjoy progress in so many areas throughout our State. May we never lose sight of the dignity of every human life and our mutual responsibility to do all that was in our power to protect and nurture that gift wherever it is threatened in any way.

Assured of Your powerful hand of blessing, O God, and Your ever-faithful promise of support, may these men and women begin their work today so that the gifts of peace, justice, equality, and religious freedom will be preserved for many generations to come. For these prayers spoken and for all that remain in the quiet of each of our hearts, we pray to You, O Lord our God, now and forever. Amen.

The PRESIDENT. The Chair thanks Monsignor Kaza for a tremendous prayer. He is the guest today of Senator Scarnati.

PLEDGE OF ALLEGIANCE

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

ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDENT. The next order of business will be the election of a President pro tempore, as required by Article II, Section 9, of the Constitution of the Commonwealth of Pennsylvania, which states, in part, that the Senate shall, at the beginning and end of each Regular Session, elect one of its Members President pro tempore.

Before taking up nominations for the office of President pro tempore, the Chair would like to again suggest, if there is no objection, in the event that there is only one candidate for the office, the Chair will dispense with the calling of the roll and ask for a voice vote on the motion. The Chair hears no objection.

The Chair will now accept nominations for the office of President pro tempore.

The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, today we begin a new year in the 200th Session of the General Assembly. Today we still face very difficult challenges ahead of us, from resolving our work on the State budget to implementing pension reform and other issues that are not a quick or easy fix, but must be completed. Challenging times require determination, division, but most of all leadership. One of our nation's outstanding leaders, General Colin Powell, put it best when he said, "Great leaders are almost always great simplifiers, who can cut through argument, debate and doubt to offer a solution everybody can understand."

I cannot think of a better description of a man whom I am proud to nominate today to serve again as President pro tempore of the State Senate. Senator Joe Scarnati has set the example for all of us by building consensus, encouraging stability, and bringing common sense and integrity to this Chamber. Joe is a good listener. He is thoughtful and professional and, most importantly, he is a proven and effective leader, something that is vitally important as we begin this new Session with so many challenges facing us.

It has been said that the challenge of leadership is to be strong but not rude; be kind but not weak; bold but not a bully; and proud but not arrogant. In his years as President pro tempore of the Senate, Joe Scarnati has met that challenge every step of the way, and I know he will continue to do so.

I am proud to nominate Joe Scarnati to serve as President pro tempore of the State Senate.

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

Senator COSTA. Mr. President, I rise today to second the nomination of Joe Scarnati for President pro tempore of the Senate. I support Senator Scarnati for this position because he has demonstrated the kind of leadership ability needed to help the Senate through these very trying times. It is no secret that Senate Democrats have had many objections to policy proposals that have been on the floor of the Senate. We have engaged in spirited debate. We tried to change views. We tried to massage proposals and work within the system to represent our collective constituencies. In our deliberations there has been one constant, fair and honorable treatment by the Senate's presiding officer, President pro tempore Joe Scarnati.

Mr. President, as we know, there is no question that we are bogged down. We are gripped in a political gridlock that is the byproduct of a divided government. We face issues that are divisive and very frustrating. We have individuals in Harrisburg who believe that inaction is preferable to action. That bluster is an effective tool to intimidate and blunt progress. The only thing that is predictable here is that everything is unpredictable. What we have before us is a system that is in desperate need of leaders, and that is why we in the Senate are fortunate to have as our Leader Senator Joe Scarnati.

The budget negotiations have been grueling, and while we are all frustrated that we still do not have a final resolution of this process, the Senate has held up its end of the bargain and has managed to come together on a negotiated budget and pass other key proposals as well. The Senate cleared rhetorical hurdles, fiscal obstacles, and policy choices and worked on a negotiated plan. While it is unfortunate that plan did not work its way to the finish line, the Senate proved that even when they are grappling with political problems, reasonable Leaders can get together and marshal support for a greater good. Under Senator Scarnati's leadership, Sessions are balanced, and while we have had substantive disagreements based on policy, those arguments were never personal. This Chamber moved forward. Conversely, as we have seen in other governing bodies, when there is a lack of leadership, there is dysfunction. Compromise, conciliation, reconciliation, and reason are all lost. When that happens, politics takes over and little is accomplished.

Nearly 1 year ago, I seconded Senator Scarnati's nomination. I indicated then, and continue to believe it now, that the citizens of Pennsylvania do not want government at the margins. They care little for why things cannot be accomplished, they simply want results. They want a firm hand leading the Senate and responsible and reasonable lawmakers who stand on principles, and legislators who give voice to their views and engage in a fair and equitable process. The position of President pro tempore of the Senate is more than ceremonial. The individual who serves in this important job must be conscious of the body. He or she must represent all Members of all parties, and small issues must be addressed. Above all, the President pro tempore must keep the institution foremost in his or her thoughts and actions.

The Senate has met as a body since 1790. The presiding officer, then called the Speaker, was Richard Peters of Philadelphia

and Delaware Counties. Over the years, Senators from counties stretching from Allegheny to Tioga have been elected to lead this body by their peers. From Speaker Peters to President pro tempore Scarnati, the Senate has had its fair share of crisis and controversies, but through it all the Senate has persevered as a place where our citizens turned to in how they want their government to be changed. They expect nothing less no matter who is leading our Chamber. This body has tackled key issues and provided leadership. We have to grow jobs, properly fund education, preserve human service programs, protect our most vulnerable, and assure our taxpayers that their tax dollars are being spent wisely. The bottom line is that we have to work together and get the job done and not stop until it is finished. Senator Joe Scarnati knows this and has proven that he is the kind of Leader that can bring all of us together and move this Senate Chamber forward.

It is my privilege, Mr. President, to second the nomination of my friend and our colleague, Senator Joe Scarnati, for the Senate President pro tempore.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes my friend, the gentleman from Delaware, Senator McGarrigle.

Senator McGARRIGLE. Mr. President, I rise today to not only second the nomination of Senator Joe Scarnati for President pro tempore of this body, but also the praise offered by my colleagues. Mr. President, I am part of a group of Senators just starting our second year in office. Our first year happened to take place in one of the more tumultuous periods in Pennsylvania government history. As a freshman legislator, I appreciate Senator Scarnati's fairness and integrity. Having experience in other levels of government, and as a small businessman, I valued Senator Scarnati's strong leadership during these trying times. Pennsylvania government today finds itself in uncharted waters. We can be grateful for the steady hand at the helm of this Chamber as we look ahead, hopefully, for a productive 2016.

Mr. President, it is my distinct honor and privilege to second the nomination of Senator Joe Scarnati.

NOMINATIONS CLOSED

The PRESIDENT. Are there any other Senators who wish to also second the nomination? Are there any other nominations?

The Chair hears none and declares the nominations closed. The candidate for the office of President pro tempore is the Honorable Joseph B. Scarnati III of Jefferson County.

The Chair adds that I could not agree more with the kind things said about him and I appreciate his friendship and his leadership to me personally as a Member of this body previously, and in my present capacity.

All those in favor of Senator Scarnati for the office of President pro tempore will please say "aye"; those opposed, "no."

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

The PRESIDENT. The Chair declares that Senator Scarnati is unanimously elected President pro tempore of the Senate of Pennsylvania.

(Applause.)

COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT TO THE ROSTRUM

The PRESIDENT. At this time, the Chair appoints as a committee to escort the President pro tempore-elect, Senator Joe Scarnati, to the rostrum: the gentleman from Monroe, Senator Scavello; the gentlewoman from Washington, Senator Bartolotta; and the gentleman from Philadelphia, who represents a great part of the Philadelphia area, northeast Philadelphia, Senator Sabatina. The committee will proceed to escort Senator Scarnati to the rostrum.

(Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.)

ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT

The PRESIDENT. We are honored to have with us today the Honorable John H. Foradora, President Judge, Court of Common Pleas of Jefferson County, to administer the oath of office.

Members and all guests will please rise.

Judge FORADORA. Thank you, Lieutenant Governor, and thank you, Senator Scarnati, for this honor, and thank you to all of you for having me to this amazing body.

It seems like just yesterday I was a young attorney sitting in the restaurant watching Joe bus tables and get ice. From the time he was a young man, he was always working in his family restaurant. He comes from good working stock. I just happened to think, since I knew of this honor, as I was going into St. Tobias for Epiphany Mass on Sunday morning, what his great-grandparents and my great-grandparents might have been talking about in Italian 100 years ago when they were both going into Epiphany Mass, and I wonder if they had ever thought that we would be together in this body.

Would you place your left hand on the Bible and raise your right hand and repeat after me:

I, Joseph B. Scarnati III, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

The PRESIDENT. The Chair wishes to thank President Judge Foradora for taking the time from his very busy schedule to administer the oath of office to our President pro tempore.

Ladies and gentlemen, it is now my extreme privilege and honor to present the President pro tempore of this great body, my friend, Joe Scarnati.

(Whereupon, the gavel was presented to the President pro tempore.)

(Applause.)

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

REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Thank you all. Thank you, Judge Foradora, for taking time today to come from Brockway

to swear me in. I wish some days I was back busing tables and getting ice at the restaurant, but certainly you have been a life-long friend of not only mine but my family. He is the President Judge of my home county, Jefferson County, and a Brockway resident. Most recently, he was a candidate for the Supreme Court, and I certainly hope to see you back in the political arena again. Just as a note, this is a bipartisan swearing-in. John is a Democrat from Jefferson County. Senator Costa, you like that? Another Brockway resident here today is the pastor of St. Tobias Parish, which is my home parish, Monsignor Charles Kaza. He is certainly one of Brockway's most respected individuals and a friend of mine and my family, and I thank him for taking time to join us today.

It is interesting to note that I had a bit of fear when I realized that both the priest and the judge were coming down and possibly riding together, and I just could not imagine the conversation when my name came up. My prayers were answered: they did not ride together. Also today, from my family, and certainly from my hometown, is my father, Joseph Scarnati, Jr., who is here with me, and my lovely wife, Amy, joining me. I thank you both for taking time to be with me here today.

(Applause.)

Special thank yous go to Senator Corman, Senator Costa, and Senator McGarrigle for your kind words. I greatly appreciate it. And we have a birthday to note here today in the Senate. We almost share the same birthday. John Gordner is just 3 days--he is the best staffer in here--3 days younger than I am, but John's 54th birthday is today. Happy birthday, Senator Gordner.

(Applause.)

Certainly, to the escort committee of--listen to this--Bartolotta, Scavello, and Sabatina: Grazie ai miei Senati Italiani paesani. Vi auguro un anno nuovo benedetto. Grazie. [Thanks to my Senate Italian friends. I wish you a blessed new year. Thanks.] How is that, Judge?

Today marks my 10th year as President pro tempore of the Senate, and it is humbling. It is an honor to serve in this capacity with a group of men and women who make me proud to be part of this institution, and I thank each one of you for your support and confidence in me.

So, how will history record the Senate and our actions in 2015? I am sure of one thing, and even after everyone in this Chamber puts their own little spin on that answer, a large part of 2015 legislative history will certainly deal with what has become known as a budget impasse. It has been a year with a lot of catchwords that have surrounded negotiations, a lot of those negotiations in public and some in private rooms. But we heard about pension reform, we have heard about recurring revenue, liquor privatization, framework, snapbacks, and collars. Now, here we are in a new year and I think that some of these catchwords will certainly remain, and some will get put into another catchword, the parking lot, which is the code word for places where issues go when there really is no consensus on them.

Both Democrats and Republicans brought priorities to the budget negotiations; however, we all fell short. No blame, no criticism or finger-pointing necessary, and no one party is going to get 100 percent of what they want. Not everybody is right and not everybody is wrong, but you cannot have higher spending on education without raising taxes, you cannot expect the tax to be

happy without addressing the cost drivers of the budget, such as pensions, and you cannot make pension changes without legislators being part of a new plan. Now, after 6 months, I was able to boil it down to one sentence. Yes, we do have divided government here in Pennsylvania. Pennsylvanians elected a Democratic Governor and they also elected a strong Republican Majority in the House and Senate, but within those votes that they cast, they voted for one Commonwealth, and they deserve results from all parties involved. Tomorrow can be a better day, and it should be, but that is up to us. Thomas Jefferson said, "I like the dreams of the future better than the history of the past." Somehow, I think he must have served in the legislature this past year. Thanks for listening, and God bless.

(Applause.)

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

CALENDAR OVER IN ORDER

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that all of the bills and resolutions on today's Calendar go over in their order without prejudice as to day.

The motion was agreed to by voice vote.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Gerber, Dr. Robert L. Urzillo, Adolph Slovik and to Robert J. Kirwan by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Kelsey O. Smith, Mr. and Mrs. Amos Weaver, Mr. and Mrs. Joseph Lee Hinkle, William Sheaffer, Reba McConaghay, Joyce M. McCarty, Joan Burk, Paul W. Wenger, Kenneth A. Gainer, Anne Stutzman, Lillian L. Person, Bennetta M. Shelly and to Elias Brouse by Senator Aument.

Congratulations of the Senate were extended to the Reverend Ralph E. Christianson, Dave Williams, Paul F. Williams and to Helen M. Ellis by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Mawhinney and to Corporal Neil A. Miller by Senator Bartolotta.

Congratulations of the Senate were extended to George H. Treisner, Jr., Jason Michael Hoch, Edward Sebring and to Joseph Pasco, Jr., by Senator Boscola.

Congratulations of the Senate were extended to Dr. Robert Sallash, Jr., Dr. Theodore J. Kowalyszyn, Dr. Carlos M. Velas, Dr. Robert C. Hunsicker, Dr. Samuel R. Giamber, Dr. Pricha Boonswang, Dr. Joseph B. Doto and to Dr. Jerald N. Friedman by Senators Boscola, Browne, and Scavello.

Congratulations of the Senate were extended to Mr. and Mrs. Ron Faull, the Honorable William D. Chisholm, Shirley Mae Faull and to Conneaut Valley Church of the Nazarene by Senator Brooks.

Congratulations of the Senate were extended to Edward Francis Kenna, Jr., and to Dale W. Daubert by Senator Browne.

Congratulations of the Senate were extended to Meals On Wheels of Lehigh County, Inc., by Senators Browne and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Patrick A. Kyler and to the members of the Reedsville Horseshoe Club by Senator Corman.

Congratulations of the Senate were extended to Mary Paull and to William R. Semethy by Senator Costa.

Congratulations of the Senate were extended to Brandon Bishop, Downingtown High School West Marching Band, United Way of Chester County, 3D Auto Body and Collision Center and to Western Chester County Chamber of Commerce by Senator Dinniman.

Congratulations of the Senate were extended to Surrey Services by Senators Dinniman and McGarrigle.

Congratulations of the Senate were extended to Donald Birts by Senators Farnese and Haywood.

Congratulations of the Senate were extended to Mary H. Krause, Robert J. Longo and to Lynn Kaley by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth E. Carey and to Steve A. Dietz by Senator Gordner.

Congratulations of the Senate were extended to Sister Bohdonna Podney, Lieutenant Joseph Gruver, Kevin A. O'Brien, Collin P. Henry, Lieutenant Joseph Gruver, Bret Harris, Sam Rucket and to the members and coaches of the Imhotep Institute Charter High School Football Team by Senator Haywood.

Congratulations of the Senate were extended to Christopher Gallagher and to Hattie B. McKellar by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Morrison, Mr. and Mrs. Donald Wolbert, Mr. and Mrs. Larry Ritts, Mr. and Mrs. Robert G. Miller, Mr. and Mrs. Pete Burch, Mr. and Mrs. George Cuprinka, Alice S. Farnsworth, Russel Paul Seigworth and to the United States Army Corps of Engineers of Tionesta by Senator Hutchinson.

Congratulations of the Senate were extended to Mr. and Mrs. Seymour Rosenthal by Senator Kitchen.

Congratulations of the Senate were extended to Alex Menezes, Colin Gillespie and to Noah Pallmeyer by Senator McGarrigle.

Congratulations of the Senate were extended to Travis J. Hunsberger and to Upper Perkiomen Valley Library by Senator Mensch.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Giles and to Chief Kent Shuebrook by Senator Rafferty.

Congratulations of the Senate were extended to Gregory M. Cary by Senators Rafferty and Dinniman.

Congratulations of the Senate were extended to Braverman Dentistry by Senators Rafferty, Dinniman, and McGarrigle.

Congratulations of the Senate were extended to Trooper First Class John A. Marks III, Trooper Philip R. Harris, Trevor Dobbins and to Mihir Gite by Senator Resenthaler.

Congratulations of the Senate were extended to Mr. and Mrs. Dominic O'Rourke, Mr. and Mrs. Chuck Dillon, Max Dush, Mary Elizabeth Devlin, Walter Leo Pinchock, Andrew Rosenswie and to Mansfield Lions Club by Senator Scarnati.

Congratulations of the Senate were extended to Andrew Michael Caiazzo, Shane Facciponti, Corey Ryan Hahn, William Hering, Kevin Courtright, Sharon S. Laverdure, Paul Warnick and to Richard Hicks by Senator Scavello.

Congratulations of the Senate were extended to Dr. Beverly A. Martin, Leopoldo Sanchez, Chris Blum and to Berks County Community Foundation by Senator Schwank.

Congratulations of the Senate were extended to Twin Valley Area High School Field Hockey Team by Senators Schwank and Rafferty.

Congratulations of the Senate were extended to Stephen Shaulis by Senator Stefano.

Congratulations of the Senate were extended to Patricia A. Bradley and to Einstein Healthcare Network of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Stephen Burkholder, Corwin Adler and to Central Pennsylvania Coalition United to Fight Cancer by Senator Teplitz.

Congratulations of the Senate were extended to Dr. Raymond Grandon by Senators Teplitz and Vance.

Congratulations of the Senate were extended to Kevan E. Williams, Sandra L. Coffey and to Langhorne Rod and Gun Club by Senator Tomlinson.

Congratulations of the Senate were extended to Cole David Lazarus by Senator Vance.

Congratulations of the Senate were extended to the Reverend Bernard E. Tench, Jr., Reverend Avril Vreen, Dr. Donna Nugent, Ruth Margaret Whittington Harris, Doris A. George, John Willie Randolph Hosey, Sabrina J. Tench, Stephanie Pennington, Tried Stone Baptist Church Floral Ministry, Beaver Valley Service Club and to Beaver-Lawrence Central Labor Council, AFL-CIO by Senator Vogel.

Congratulations of the Senate were extended to Doyle Family Tree Farm and to Dante Scrivani by Senator Wagner.

Congratulations of the Senate were extended to Anna Rae Jones, Brandon Jones, Cecil Cook and to Stephen Morse by Senator Ward.

Congratulations of the Senate were extended to DuWayne Amsler by Senator White.

Congratulations of the Senate were extended to Chief Robert Tinsley by Senator Williams.

Congratulations of the Senate were extended to Dice Family Farm, Gary E. Boyer, Linda Bowersox, John R. Nobles and to Congregation Beth Ha-Sholom by Senator Yaw.

Congratulations of the Senate were extended to Chief John McNeil, John Anthony, Suzanne Petrosky, James Oliver Rodda, Nancy Kibler, Seth M. Demkovitz, Josephine Klemeck, Knights of Lithuania, Council No. 143 and to Holy Rosary Church of Hazleton 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 Jane M. Morris by Senator Baker.

Condolences of the Senate were extended to the family of the late William Polak, to the family of the late Dolores E. Kiak and to the family of the late Louis J. Yob by Senator Boscola.

Condolences of the Senate were extended to the family of the late Alan F. Clark by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Staff Sergeant Peter W. Taub and to the family of the late Ronald E. Silberstein by Senator Haywood.

Condolences of the Senate were extended to the family of the late Ruth Anne Carlen Welsh, to the family of the late Debra Hopkins Hertlein Phillips, to the family of the late Leslie M. Hayes and to the family of the late Oliver A. Groman, Sr., by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late David L. Mummert by Senator Teplitz.

Condolences of the Senate were extended to the family of the late Joseph P. Carr by Senator Wagner.

Condolences of the Senate were extended to the family of the late Seth Francis Fassett, Sr., by Senator Williams.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Robert D. Lukens was extended to the family by Senator Dinniman.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I move that the Senate do now recess until Tuesday, January 19, 2016, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:37 p.m., Eastern Standard Time.