

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, FEBRUARY 1, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 6

SENATE

MONDAY, February 1, 2010

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend DAVID BISER, of Crosspoint United Methodist Church, Harrisburg, offered the following prayer:

This is one of those glorious days when we come before the Lord Jesus Christ. We come before our God in all faiths, in all orders, and we bring our lives together before a divine call. So let us join together in a word of prayer.

Our kind and gracious God, Father of all, Lord of everyone, Creator of heaven and earth, we come here today, knowing, Lord, that we are part of that creation and that You have given us tasks and responsibilities in this place, in this room, as leaders. And so, Lord, today, we ask for Your vision and Your word in our lives. We ask for Your move, Your insight, Your wisdom, Your knowledge, and so much more. Lord, be a blessing in this place and in our lives, that we might, in turn, be a blessing not only to the citizens of this great Commonwealth but to those around the world. For people who are struggling and suffering, even today, Lord, may we be a part of the answer, a part of the solution.

Help us, Lord, in our endeavors today. In our words, may we speak, Lord, clearly and directly for You. Lord, help us in our decisionmaking. May we see what needs to be accomplished, what needs to be done, what path to walk. Encourage each one of us. Be with our families while we are away from them. Be with those who are far away from us, yet serving and giving their lives every single day for our safety, our security, our peace. Lord, thank You for those who serve in our military. We lift them before You. We thank You, Lord, for our Governor. We thank You for the work of this State that happens in this room, across the hall, and in every way.

Lord, make us a great nation. So therefore, we pray for those who are in charge, from the President on down. We lift up everyone, Lord, that we may be a lighthouse and a beacon to the world. Make it so, Lord, in this place, in our lives, and in our hearts.

We offer to You this prayer on behalf of all faiths, of all religions here celebrated in our great State, and in the name of Jesus Christ, our Lord and Savior. And all of God's people said, amen.

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

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

JOINT SESSION

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

December 28, 2009

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I would like to address the Members in a Joint Session for the annual budget address on Tuesday, February 9, 2010, at a time convenient to the General Assembly.

Sincerely,

EDWARD G. RENDELL
Governor

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

TREASURER, MONTGOMERY COUNTY

January 27, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Jay Ellis, Esquire, 8332 High School Road, Elkins Park 19027, Montgomery County, Fourth Senatorial District, for appointment as Treasurer, in and for the County of Montgomery, to serve until the first Monday of January 2012, vice The Honorable Garrett D. Page, elected to Court of Common Pleas.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

January 28, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Howard K. Graves, 3479 Beechwood Boulevard, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS**

January 28, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Seth D. Levy, 1313 Laurel Point Circle, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS**

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendell J. Douglas, 5504 Belmur Terrace, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Evan M. Semoff, Jr., Camp Hill, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara Jollie, PO Box 413, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, for

appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Lt. Col. John J. McGeehan, Bethlehem, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John A. Westrum, 1545 North Trooper Road, Norristown 19034, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD OF
BARBER EXAMINERS**

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 23, 2009, for the appointment of Wendell J. Douglas, 5504 Belmur Terrace, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Evan M. Semoff, Jr., Camp Hill, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THE DANVILLE STATE HOSPITAL**

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 2009, for the appointment of Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of the

Danville State Hospital, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice Leonard P. Majikas, ACSW, Ph.D., Bloomsburg, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 2009, for the appointment of Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Delaware County, to serve until the first Monday of January 2012, vice The Honorable Kenneth A. Clouse, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 2009, for the appointment of Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge, Court of Common Pleas, Delaware County, to serve until the first Monday of January 2012, vice The Honorable Robert C. Wright, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 21, 2009, for the appointment of Barbara Jollie, PO Box 413, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Lt. Col. John J. McGeehan, Bethlehem, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 15, 2009, for the appointment of Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Osteopathic Medicine, to serve until June 26, 2010, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dr. Charles P. Fasano, Mifflinburg, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 21, 2009, for the reappointment of John A. Westrum, 1545 North Trooper Road, Norristown 19034, Montgomery County, Seventeenth Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

CORRECTION TO NOMINATION
REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST
STROUDSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

February 1, 2010

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

Please note the nomination dated November 4, 2009, for the appointment of Dr. Vincent De Franco, 35 Club Court, Stroudsburg 18360, Monroe County, Eighteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Darrell Covington, M.D., East Stroudsburg, whose term expired, should be corrected to read:

Dr. Vincent De Franco, 35 Club Court, Stroudsburg 18360, Monroe

County, Eighteenth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Darell Covington, M.D., East Stroudsburg, resigned.

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

February 1, 2010

HB 2070 -- Committee on Transportation.

BILLS INTRODUCED AND REFERRED

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

February 1, 2010

Senators VANCE, MENSCH, LEACH, BAKER, WARD, ALLOWAY, BOSCOLA, BROWNE, EARLL, FOLMER, FONTANA, LOGAN, MUSTO, O'PAKE and ORIE presented to the Chair **SB 1190**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the definition of "child abuse."

Which was committed to the Committee on AGING AND YOUTH, February 1, 2010.

Senators VANCE, MENSCH, LEACH, BAKER, WARD, ALLOWAY, BOSCOLA, BROWNE, EARLL, FOLMER, FONTANA, LOGAN, MUSTO, O'PAKE and ORIE presented to the Chair **SB 1191**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further defining "dependent child."

Which was committed to the Committee on JUDICIARY, February 1, 2010.

Senators PICCOLA, DINNIMAN, BROWNE, EARLL, RAFFERTY, WASHINGTON, WILLIAMS, BOSCOLA and ALLOWAY presented to the Chair **SB 1192**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions; and providing for empowering the Department of Education, school districts, schools and parents of school children to undertake measures necessary to improve the academic performance of students.

Which was committed to the Committee on EDUCATION, February 1, 2010.

Senators LEACH, HUGHES, WARD, STOUT, ERICKSON, O'PAKE, WAUGH, WASHINGTON, TARTAGLIONE, WILLIAMS and MUSTO presented to the Chair **SB 1195**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for relatives' liability and procedure.

Which was committed to the Committee on JUDICIARY, February 1, 2010.

Senators McILHINNEY, GREENLEAF, ALLOWAY, WAUGH, BROWNE, TARTAGLIONE, WARD, M. WHITE, BRUBAKER and TOMLINSON presented to the Chair **SB 1205**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for shared work program.

Which was committed to the Committee on LABOR AND INDUSTRY, February 1, 2010.

Senators BOSCOLA, RAFFERTY, FONTANA, TARTAGLIONE, O'PAKE, ALLOWAY, ERICKSON and WASHINGTON presented to the Chair **SB 1206**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in offenses in general, further providing for snow or ice dislodged or falling from moving vehicle.

Which was committed to the Committee on TRANSPORTATION, February 1, 2010.

Senators BOSCOLA, FONTANA, TARTAGLIONE, LEACH, RAFFERTY, LOGAN, MUSTO and WILLIAMS presented to the Chair **SB 1207**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for insurance coverage for infertility treatment services.

Which was committed to the Committee on BANKING AND INSURANCE, February 1, 2010.

Senators WILLIAMS, TARTAGLIONE, COSTA and LEACH presented to the Chair **SB 1208**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

Which was committed to the Committee on JUDICIARY, February 1, 2010.

Senators WILLIAMS, FERLO, MUSTO, TARTAGLIONE, ERICKSON, WASHINGTON, O'PAKE, FONTANA, STOUT, LOGAN, WARD, BOSCOLA, EARLL, D. WHITE, RAFFERTY, WOZNIAC, PILEGGI, LEACH, COSTA and STACK presented to the Chair **SB 1209**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further defining "unfair methods of competition" and "unfair or deceptive acts or practices"; and further providing for unlawful acts or practices and exclusions.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 1, 2010.

Senators WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1210**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for definitions.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators FONTANA, WASHINGTON, HUGHES, KITCHEN, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1211**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for Statewide bonding program; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WILLIAMS, WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1212**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for mentor-protégé program.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1213**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for reciprocity of certifications.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1214**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for small business reserve.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WILLIAMS, WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1215**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for oversight and responsibility.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators TARTAGLIONE, WASHINGTON, FONTANA, HUGHES, KITCHEN, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1216**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for prime contractors' performance.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators KITCHEN, WASHINGTON, FONTANA, HUGHES, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1217**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for contractors' and subcontractors' payment obligations.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1218**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for definitions and for Statewide bonding program; providing for mentor-protégé program, for small business reserve, for reciprocity of certifications, for oversight and responsibility and for prime contractors' performance; further providing for contractors' and subcontractors' payment obligations; and making appropriations.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WASHINGTON, FONTANA, HUGHES, KITCHEN, TARTAGLIONE, WILLIAMS, FERLO, LOGAN and O'PAKE presented to the Chair **SB 1219**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Minority and Women Business Development; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, February 1, 2010.

Senators WILLIAMS, TARTAGLIONE, WASHINGTON, FONTANA, KITCHEN and BOSCOLA presented to the Chair **SB 1220**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's license, for learners' permits, for suspension of operating privilege and for restraint systems.

Which was committed to the Committee on TRANSPORTATION, February 1, 2010.

Senators WARD, ERICKSON, ROBBINS, VOGEL, McILHINNEY, ARGALL, LEACH, O'PAKE, WAUGH, WASHINGTON, ALLOWAY, FARNESE and MELLOW presented to the Chair **SB 1222**, entitled:

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

Which was committed to the Committee on BANKING AND INSURANCE, February 1, 2010.

Senators MELLOW, COSTA and WOZNIAK presented to the Chair **SB 1223**, entitled:

An Act amending the act of July 3, 1947 (P.L.1242, No.507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for credit for military service.

Which was committed to the Committee on FINANCE, February 1, 2010.

Senators MELLOW, COSTA and WOZNIAK presented to the Chair **SB 1224**, entitled:

An Act amending the act of September 23, 1959 (P.L.970, No.400), referred to as the Second Class A City Employee Pension Law, further providing for credit for military service.

Which was committed to the Committee on FINANCE, February 1, 2010.

RESOLUTION INTRODUCED AND REFERRED

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

February 1, 2010

Senators FARNESE, BOSCOLA, STOUT, FONTANA, O'PAKE, FERLO, MELLOW, TARTAGLIONE, ERICKSON, LEACH, BROWNE, WASHINGTON, STACK, COSTA, LOGAN and KITCHEN presented to the Chair **SR 229**, entitled:

A Resolution memorializing the President of the United States and members of the Congress of the United States to maintain funding for mammograms for women beginning at 40 years of age.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 1, 2010.

GENERAL COMMUNICATION**2008-09 ANNUAL REPORT OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

January 25, 2010

Mr. Mark R. Corrigan
Secretary of the Senate
Senate Post Office Box 203053
Harrisburg, PA 17120-3053

Dear Mr. Corrigan:

On behalf of the Department of Environmental Protection (DEP), I have enclosed the Annual Report of the Pennsylvania Energy Development Authority (PEDA) for fiscal year 2008-2009. In this time period, PEDA granted over \$15 million to 29 clean energy projects, including nearly \$3.8 million to five "shovel-ready" alternative energy and energy efficiency projects through the American Recovery and Reinvestment Act (ARRA). In this time period, staff of the Pa. Department of Environmental Protection also developed the 2009 PEDA funding solicitation to award an additional \$21 million in funding for energy projects, which included another \$10 million in ARRA funds. Those grants were awarded to 25 projects just after the reporting period, on August 10, 2009.

The PEDA program continues to provide funding for energy efficiency and alternative energy projects that promote clean energy and supports the manufacturing and installation of clean energy products here in the Commonwealth. These projects help reduce our reliance on fossil fuels and conventional energy sources, increasing grid reliability and helping organizations of every type to reduce their energy consumption, and ultimately their expenses.

If you should have any questions, please do not hesitate to contact Jon Price, Director of Legislative Affairs, by email at jonatprice@state.pa.us or by telephone at 717-783-8303.

Sincerely,

JOHN HANGER
Secretary

The PRESIDENT. This report will be filed in the Library.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider Senate Bills No. 53, 213, 432 and 642.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Mary Jo White, and legislative leaves for Senator McIlhinney and Senator Tomlinson.

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Mary Jo White, and legislative leaves for Senator McIlhinney and Senator Tomlinson.

Senator O'Pake requests a legislative leave for Senator Washington.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION**JOINT SESSION**

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, February 1, 2010

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session on Tuesday, February 9, 2010, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Edward G. Rendell; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

YEA-49

Alloway	Folmer	O'Pake	Vance
Argall	Fontana	Orie	Vogel
Baker	Gordner	Piccola	Ward
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Rafferty	White, Donald
Corman	Kitchen	Robbins	White, Mary Jo
Costa	Leach	Scarnati	Williams

Dinniman	Logan	Smucker	Wozniak
Earll	McIlhinney	Stack	Yaw
Eichelberger	Mellow	Stout	
Erickson	Mensch	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE**

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

Senator STACK. Mr. President, I would like to take this opportunity to introduce everyone in this Chamber to a very special young man who displayed exceptional bravery and commitment to helping another citizen in need.

On the floor today, with his family, is Michael Kogan. He is joined in the Senate by his mother, Ida Kogan, and family friends Lara Narita and Nugzar Manashvili. Michael lives in Bensalem, which is located in Bucks County, Senator Tomlinson's district. I have gotten a chance to meet Michael through many functions in my district in northeast Philadelphia.

The reason Michael is so special is that he displayed incredible courage and selflessness last April while driving along Route 1 in Bucks County. He noticed that there was a woman stranded by the side of the highway. He knew that it was a very hazardous situation, so he pulled over. He tried to help Reyna Castro, who had a flat tire. While he was retrieving items in his trunk to help her, a motorist slammed into the back of Reyna's car at 70 miles per hour. Reyna, who was standing at the back of her own car waiting for Michael, was killed instantly. The motorist hit Reyna's car with such force that her car slammed into the back of Michael's while Michael was standing at his trunk trying to get items to fix a flat tire.

Well, Michael was very lucky to survive, but he lost both legs. And those of us from Philadelphia or southeastern Pennsylvania know how hazardous that area of the road is to even think about pulling over. And Michael paid a heavy price for trying to be a good Samaritan and a courageous person.

But let me tell you about this young man. He is the most selfless person you will ever meet. If you get a chance to see him--and I hope you do get a chance to see him today--he has nothing but a smile on his face and the most pleasant disposition that you will ever see. I think he represents what we all try to talk about, courage and selflessness in our young people here in Pennsylvania. I am particularly glad to see that we have some young people in our gallery today so that they get a chance to be inspired by this young man's courage. So we are very thankful to have him here, along with his mother and his friends.

Michael was here to visit us previously, and we ended up, with the crazy schedule that we have had in the past year, we ended up not having Session, so Michael did not get a chance to come and meet our colleagues here. But he was in the process of his rehabilitation, and while in my office, in the hallways of this

Senate, he took his first steps without using any assistance - no wheelchair, no canes. Michael has told us that he believes the Senate of Pennsylvania is a good luck charm. It is a very special place. Maybe it has some kind of spiritual power.

So we are very pleased to have him here, and, Mr. President, I would like to ask that we give him a warm welcome. We have already awarded him a Senate citation, and we are so happy to have him here.

Thank you, Mr. President.

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

(Applause.)

**GUESTS OF SENATOR GENE YAW
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Locoming, Senator Yaw.

Senator YAW. Mr. President, it gives me great pleasure today to have, as guests here in the Capitol, the Loyalsock Township High School girls' PIAA Class AA State championship soccer team. This is especially rewarding for me because three out of the last four PIAA Class AA championship soccer teams have come from my district. This is even more special for me because Loyalsock Township is where I actually live, and it is where my son went to school and where my daughter goes to school. I have known most of these girls since they started to play soccer, so the fact that they won a State championship is really quite rewarding.

I think it is more important to recognize these individuals rather than for me to talk. So I would like to mention the names of the players on this team: Beth Braunegg, Angela Cipolla, Gina DiFrancesco, Kim Donovan, Erin Good, Keely Henninger, Marlee Hibbs, Paige Klingerman, Heidi Stetts, Meredith Waters, Sarah Heilenman, Lindsay Hepburn, Stephanie Loeh, Alyssa Nix, Lexi Nix, Katherine Spagnuolo, Hannah Scheibeler, Marissa Tomasella, Colleen Winton, Mackenzie Yaw, Danielle Bailey, Emily Dincher, Samantha Klingerman, Lindsay Myers, Cassandra Soars, Kayla VanFleet, Madeline Waters, Katy Burdett, Morgan Chambers, Megan Coffman, Amanda Daneker, Taylor Daskivich, Allie Hamilton, Rebekah Heilenman, Sarah Miller, Sammy Pagana, Asia Ungard, and Emily Wood. Also, a special thanks goes to the coach, Kyle Bidelspacher, and his assistant coach, Mr. Ben Comfort. They are all here today.

Mr. President, I ask that the Senate please give a warm welcome to this championship soccer team.

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

(Applause.)

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes, first, of a Republican caucus to be held in the Majority Caucus Room immediately, to be followed by a meeting of the Committee on Appropriations to be held in the Rules room.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, to be followed by a meeting of the Committee on Appropriations in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Tomlinson, Senator McIlhinney, and Senator Mary Jo White have returned, and their respective leaves are cancelled.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 973 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 298 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER

HB 602 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 828 (Pr. No. 1621) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, further providing for definitions; and providing for applicability.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, this piece of legislation will allow community nonprofit organizations such as volunteer fire departments, churches, and school booster groups to sell baked

goods which are prepared at home--especially pies--in order to raise a little money for their fundraisers. I believe this bill will help restore common sense to our food safety laws and clear up some gray areas in the law as well. Mr. President, at this time, I ask for an affirmative vote on Senate Bill No. 828. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, this is a classic example of government gone bonkers. Somebody in the Health Department, somewhere, somehow decided that by the letter of the law, homemade baked pies at a church bazaar are illegal, wrong, and forbidden by the Commonwealth of Pennsylvania. This is the type of thing that befuddles the general public.

And I just want to bring one other issue up. I might bring it up later on, because it is now in the Department of Education. Since tomorrow is Mike O'Pake's birthday and also Groundhog Day -- a number of years ago, I had a schoolteacher in one of my school districts, and every year, he baked groundhog cookies for his children. But the Department of Education, based upon the nutrition that I guess somehow we passed, said it is forbidden for elementary school kids to have a groundhog cookie or a cupcake or something else because it is going to lead to obesity and all kinds of craziness in our school system.

So shortly down the line -- I approve of baking pies at home, and I also think little kids should be able to have a little birthday party in the classroom with a cupcake or a groundhog cookie once in a while. It is not the intention of the Commonwealth of Pennsylvania to be Big Brother for groundhog cookies, grandma's baked pies, or anything along those lines. So if there is anybody out there who is an enforcer who is listening to this, lighten up a little bit.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, I thank my colleague for his defense of groundhogs and cookies.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILLS LAID ON THE TABLE

HB 1300 (Pr. No. 2702) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the interchange at Exit 32-B of Interstate 70 in Washington County as the Nathan Burnfield Memorial Interchange; and designating the Gay Street Bridge on State Route 113, which crosses French Creek in the Borough of Phoenixville, Chester County, as the Veterans Memorial Gay Street Bridge.

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

HB 1768 (Pr. No. 2725) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for definitions and for recycling fee for municipal waste landfills and resource recovery facilities; providing for used tire pile remediation; and further providing for information provided to host municipalities, for joint inspections with host municipalities, for claims resulting from pollution occurrences, for independent evaluation of permit applications and for host municipality benefit fee.

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

HB 1768 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 1768, Printer's No. 2725, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

SECOND CONSIDERATION CALENDAR

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

SB 825, SB 908, SB 909, SB 910, SB 911, SB 912 and SB 913 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL OVER IN ORDER

HB 67 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 104 (Pr. No. 1623) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for State-owned vehicle use.

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

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

SB 109 (Pr. No. 180) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain notification in certain advertising.

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

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

BILLS OVER IN ORDER

HB 181 and SB 225 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 260 (Pr. No. 1548) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, further providing for the offense of sexual abuse of children.

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

BILL ON SECOND CONSIDERATION

SB 435 (Pr. No. 1562) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing the abolition of jury commissioners in certain counties of the second class A.

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

BILLS OVER IN ORDER

HB 692, HB 727 and SB 747 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 766 (Pr. No. 1617) -- 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, establishing the Science Technology Partnership Program; and providing for State grants.

Considered the second time and agreed to,

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

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

SB 884 (Pr. No. 1622) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, providing for proceeds from sales by the Department of Agriculture and for grants for agricultural land conservation assistance; and making a related repeal.

Considered the second time and agreed to,

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

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

BILLS OVER IN ORDER

SB 895, HB 975, SB 1011, SB 1026, HB 1030, HB 1041, SB 1044, SB 1057, SB 1073 and SB 1074 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

SB 1077 (Pr. No. 1546) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, adding provisions relating to buildings with log walls.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GORDNER offered the following amendment No. A5564:

Amend Bill, page 1, line 5, by inserting after "repeals,"":
further providing for manufactured housing;

Amend Bill, page 1, line 5, by inserting after "to":
residential

Amend Bill, page 1, line 6, by inserting after "walls":

; and providing for a report by the Legislative Budget and Finance Committee

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Section 901(a) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended and the section is amended by adding a subsection to read:

Amend Bill, page 1, by inserting between lines 18 and 19:

(a) Manufactured housing.--This act shall not apply to manufactured housing which bears a label, as required by and referred to in the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, which certifies that it conforms to Federal construction and safety stan-

dards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633), nor shall it apply to industrialized housing, as defined in the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, with the exception that any model code enacted pursuant to the Industrialized Housing Act shall also have been adopted pursuant to this act and that any model code enacted pursuant to the Industrialized Housing Act shall not include code provisions specifically omitted from adoption pursuant to this act.

Amend Bill, page 2, line 1, by inserting after "(f)":

Residential buildings with

Amend Bill, page 2, line 19; page 3, line 1, by striking out all of said lines on said pages and inserting:

(E) For water-to-air geothermal heat pumps:

(I) Closed loop water-to-air, an energy efficiency rating of 14.1 and coefficient of performance of 3.3.

(II) Open loop water-to-air, an energy efficiency rating of 16.2 and coefficient of performance of 3.6.

(F) For water-to-water geothermal heat pumps:

(I) Closed loop water-to-water, an energy efficiency rating of 15.1 and coefficient of performance of 3.0.

(II) Open loop water-to-water, an energy efficiency rating of 19.1 and coefficient of performance of 3.4.

(G) For direct geothermal exchange, an energy efficiency rating of 15.0 and coefficient of performance of 3.5;

or

Amend Bill, page 3, by inserting between lines 9 and 10:

Section 2. The Legislative Budget and Finance Committee shall undertake a comprehensive review of this act and submit a report on its findings to the Labor and Industry Committee of the Senate and the Labor Relations Committee of the House of Representatives and the Local Government Committee of the Senate and the Local Government Committee of the House of Representatives before November 30, 2010. The review shall include:

(1) The process by which the International Code Council adopts changes to its codes and subcodes.

(2) Costs and benefits of triennial adoption of the Uniform Construction Code.

(3) The composition of the Uniform Construction Code Review and Advisory Council and the process by which it reviews and recommends changes to this act.

(4) The process of administration and enforcement of the Uniform Construction Code.

(5) The fee structure of the Uniform Construction Code.

(6) The process, including time frames, by which the Department of Labor and Industry adopts the Uniform Construction Code.

Amend Bill, page 3, line 10, by striking out "2" and inserting:

3

Amend Bill, page 3, line 11, by striking out "December 31, 2012" and inserting:

June 30, 2011

Amend Bill, page 3, line 12, by striking out "3" and inserting:

4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 1086, SB 1115, SB 1117 and SB 1135 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

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

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

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

BILLS OVER IN ORDER

HB 1145 and **SB 1155** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1161 (Pr. No. 1538) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

SB 1167 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1169 (Pr. No. 1620) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing generally and for collection of restitution, reparation, fees, costs, fines and penalties.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1193, SB 1200, HB 1332, HB 1523, HB 1533, HB 1551 and **HB 1609** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

HB 1779 (Pr. No. 2403) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in Clarks Summit, Lackawanna County, as the John E. Fitzgerald Memorial Bridge.

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

BILLS OVER IN ORDER

HB 1783, HB 1799 and **HB 1859** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Appropriations, reported the following bills:

SB 53 (Pr. No. 1663) (Amended) (Rereported)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in intestate succession, further providing for forfeiture; in wills, further providing for modification of wills; in grant of letters, further providing for advertisement of grant of letters; in administration and personal representatives, further providing for duty of personal representative; in apportionment of death taxes, further providing for enforcement of contribution or exoneration of Federal estate tax; in powers of attorney, further providing for implementation of power of attorney; in estates, further providing for applicability of rule against perpetuities and for modification of conveyance by divorce and for effect of divorce on designation of beneficiaries; in trusts, further providing for notice of representation, for creditor's claim against settlor, for actions contesting validity of revocable trusts, for claims and distribution after settlor's death, for removal of trustee, for trustee's duty to inform and report, for illustrative powers of trustee and for limitation of action against trustee; in principal and income, further providing for power to convert to unitrust and for retirement benefits, individual retirement accounts, deferred compensation, annuities and similar payments; and making conforming amendments to Title 15.

SB 213 (Pr. No. 1664) (Amended) (Rereported)

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form and enforcement of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact administrator; and establishing the State Council on Interstate Educational Opportunity for Military Children.

SB 432 (Pr. No. 433) (Rereported)

An Act providing for the protection of victims of sexual violence, for duties of law enforcement agencies, for procedure and for penalties.

SB 642 (Pr. No. 697) (Rereported)

An Act amending the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterator State Registration Act, further providing for definitions, for responsibilities of Office for the Deaf and Hard of Hearing and for State registration required; providing for provisional registration; and further providing for change of personal information, for registration violations and for suspension, denial, nonrenewal or revocation of State registration.

SENATE RESOLUTIONS ADOPTED

Senators KITCHEN, WILLIAMS, FONTANA, STACK, MENSCH, BOSCOLA, HUGHES, PIPPY, TARTAGLIONE, MUSTO, WASHINGTON, MELLOW, M. WHITE, ORIE, RAFFERTY, FARNESE, GREENLEAF, ERICKSON, O'PAKE, BRUBAKER, ALLOWAY, FERLO, COSTA, LEACH, EARLL, PILEGGI, WAUGH, LOGAN and DINNIMAN, by unanimous consent, offered **Senate Resolution No. 239**, entitled:

A Resolution designating the month of February 2010 as "Black History Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator KITCHEN. Mr. President, Black History Month is an annual event in which we commemorate the struggles and victories of African Americans in our history and their contributions to society. Carter Godwin Woodson, an African American historian, created Negro History Week on February 7, 1926. The name was changed to Black History Week in the 1960s during the American Civil Rights movement. The event was expanded to Black History Month in 1976.

This is a special time, Mr. President, for all of us to highlight the many accomplishments of African Americans in our nation's history, many of whom are from Pennsylvania. There were trailblazers like Pennsylvania's first black congressman, Robert N.C. Nix, Sr., and his son, Robert N.C. Nix, Jr., who was the first African American Chief Justice to sit on a State Supreme Court. Juanita Kidd Stout was the first African American woman to be elected judge in the United States and the first African American woman to serve on any State Supreme Court.

We cannot forget former Senator Hardy Williams, whom we lost in January. Hardy Williams was a community activist who served as a Representative and then as a Senator for 30 years. He was the first African American candidate for mayor in Philadelphia to garner widespread public support, showing that an African American could, and did, win as mayor. His efforts led to the election of other independent Democrats throughout the city, from committeepersons to the mayor's office, including the first African American mayor of Philadelphia, W. Wilson Goode.

Through our resolution, we as Senators can set aside the entire month of February to recognize the many contributions of the African American community to Pennsylvania and our nation.

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.

Senators TARTAGLIONE, WASHINGTON, STACK, FERLO, BOSCOLA, STOUT, KASUNIC, ALLOWAY, FONTANA, RAFFERTY, ORIE, EARLL, KITCHEN, O'PAKE, MENSCH, MELLOW, ROBBINS, D. WHITE, MUSTO, BAKER, ERICKSON, COSTA, HUGHES, M. WHITE, DINNIMAN, PIPPY, VOGEL, FARNESE, WOZNIAK, GREENLEAF, TOMLINSON, BRUBAKER, PILEGGI, VANCE, LOGAN and WILLIAMS, by unanimous consent, offered **Senate Resolution No. 240**, entitled:

A Resolution designating February 5, 2010, as "National Wear Red Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, as our State and our nation debate the best options for reforming healthcare, it is important to remember that the most inexpensive and most effective way to accomplish our goals is through individual understanding. Every citizen can enact his or her own healthcare reform. That is why I am honored to join my colleagues today in supporting the goals of National Wear Red Day in Pennsylvania.

In many cases, the pen is mightier than the scalpel. Information about prevention is as effective to achieving our healthcare goals as legislation. For many years, heart disease was seen as a men's disease. As recently as 5 years ago, only a small fraction of women knew that it is also a leading killer of women in America. Slowly, through the efforts of the American Heart Association and the Go Red for Women campaign, women in all walks of life have begun to realize that their risk is as great as that of men. While women have responded tremendously to the campaign educating them on the risks of breast cancer, heart disease continues to kill more women than all cancers combined.

I am proud to take part in the introduction of a resolution, today, intended to continue the momentum toward making women understand all of their health risks while giving them the knowledge they need to reduce those risks. By taking steps to improve their health, women can not only save our healthcare system hundreds of billions of dollars, but they also can save their mothers, daughters, sisters, and friends.

Mr. President, I ask my colleagues to support the resolution and to reach out for information that can lead to a happier future for all of us.

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.

Senators DINNIMAN, O'PAKE, BOSCOLA, ARGALL, STACK, MELLOW, COSTA, FERLO, ORIE, FONTANA, LOGAN, ERICKSON, GREENLEAF, FOLMER, PILEGGI, RAFFERTY, BRUBAKER, ALLOWAY, TARTAGLIONE, PIPPY, WARD, LEACH and EARLL by unanimous consent, offered **Senate Resolution No. 241**, entitled:

A Resolution expressing sadness on the passing of Miep Gies and honoring her memory.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, today, I rise to ask the Senate for an expression of sadness on the death of Miep Gies. Miep Gies was the protector of Anne Frank. This particular hero passed away a few weeks ago at 100 years of age.

The reason for this resolution is twofold. First, over the years, thousands of children in Pennsylvania have read "Anne Frank: The Diary of a Young Girl." Well, it seems to me that we should also recognize and honor the person who protected Anne Frank.

That diary would not have been written if Miep Gies and her husband, Jan, had not valiantly protected Anne Frank in the attic of their home.

Throughout history, there are those special heroes who risk their own lives to save others. In Israel, for everyone who saved a Jew during the Holocaust, a tree was planted in their honor. It is called the Forest of the Righteous. If one looks at the history that we as a people have had century after century, who are these special people who risk their lives to save others? You know, they are very hard to identify or classify.

You would think they might be the academics who, out of knowledge, would step forward. Sometimes they are. More often, they are not.

You would think they would be the religious leaders of the community. Sometimes, religious leaders have stood up, such as Saint Maximilian Kolbe. A parish in his honor is in my district. Saint Maximilian Kolbe gave his life for that of another person in one of the concentration camps.

You might think they are government officials who would stand up to risk all to save others. Sometimes, they have been. More often, they have not.

It turns out that if you look and really try to identify those throughout history, you will find that they are ordinary people. They are farmers. They are merchants. They are people who work in factories. Today, as we honor in this resolution Miep Gies--who, as I said, just passed away 2 weeks ago, and who, at her own risk, and at the risk of her family, saved not only Anne Frank but three other members of the Jewish faith in Amsterdam during the war--let us also honor all who, in human history, have risked all to save other people.

When we do that honor, and in this resolution today, we remind ourselves that the human spirit can still overcome the hatred and the genocide that has so often taken place in this globe's history. Also, today, in paying tribute to Miep Gies, we celebrate ordinary people who do extraordinary acts, and for that, we are all grateful, and we praise them.

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.

Senators HUGHES, WASHINGTON, KITCHEN, STOUT, DINNIMAN, FONTANA, FARNESE, PILEGGI, WOZNIAK, O'PAKE, BRUBAKER, ALLOWAY, FERLO, STACK, PIPPY, ORIE, LOGAN, ERICKSON, COSTA, BROWNE and GREEN-LEAF, by unanimous consent, offered **Senate Resolution No. 242**, entitled:

A Resolution supporting "National Black HIV/AIDS Awareness Day" on February 7, 2010, in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator HUGHES. Mr. President, this resolution asks that the Senate recognize February 7, 2010, as "National Black HIV/

AIDS Awareness Day" in Pennsylvania. We have spoken on this floor on numerous occasions with respect to the scourge of this particular disease. Given the history of our work on this particular issue and, unfortunately, given the length of history of the existence of this disease, which is nearly 30 years, I rise again on the floor of the Senate of the Commonwealth of Pennsylvania to ask for unanimous support in recognizing February 7, 2010, as "National Black HIV/AIDS Awareness Day" in Pennsylvania.

Unfortunately, this disease has been in existence for 30 years. It is a disease that is completely avoidable. It is a disease that is completely preventable. It is a disease that, in fact, Mr. President, just does not have to be. I have spoken about the alarming statistics on this floor on several occasions, but I will repeat them.

Thirteen percent. Despite the fact that 13 percent of the population of this nation is African American, 55 percent of all HIV/AIDS deaths exist in the African American community. One other alarming statistic, Mr. President, is that HIV is the leading cause of death for African American women aged 25 to 34 years. I will repeat that again, Mr. President. HIV is the leading cause of death for African American women between the ages of 25 and 34.

This is a disease that is, as I have said before on this floor, completely preventable. It does not have to be. We are encouraging support for this resolution to continue to try to wage the war on this very devastating disease that has, over the last 30 years, found a way to isolate itself into communities that unfortunately remain, in so many ways, defenseless, largely because they do not have the resources to deal with the struggle of HIV and the ancillary issues that surround it.

We have spent time talking about this issue in Pennsylvania and, of course, in my home city of Philadelphia. We have spent time around the nation, and in fact, we have had the opportunity and the responsibility to spend some time fighting this disease around the world. But we know that Pennsylvania must stand up again and again and again, in every community and in every environment and in every place possible, to lift up our voice and to do whatever we can to fight the fight against this disease known as HIV/AIDS. Even in an environment where the resources seem to be dwindling, we must continue to raise awareness and raise consciousness.

So, Mr. President, we are asking for unanimous support from all of the Members of this body. We ask that the resolution remain open at the desk for additional cosponsors. We have numerous already, but we hope that more will sign on. We will hopefully see that our work on this disease extends beyond the recognition of February 7, 2010, as "National Black HIV/AIDS Awareness Day," and that it finds itself embodied in the legislation and the budgetary priorities that are necessary to wage a successful struggle.

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.

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 Alexander Shovlin by Senator Baker.

Congratulations of the Senate were extended to Connection Training Services of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Henry, Peter Frieder, Jr., Mary Rozelle and to the Singing Boys of Pennsylvania Choir by Senator Mellow.

Congratulations of the Senate were extended to Mt. Lebanon High School Boys' Soccer Team and to the Mt. Lebanon High School Girls' Volleyball Team by Senator Pippy.

Congratulations of the Senate were extended to Dr. Robert N. Dampman, Sam Simon, Sr., Andrew Silcox, Chris Reeves, Rebecca Lucas, David Kaiser, Terry Jones, Craig Hitchen, Bill Donlin, Bryan Distler, John Delp, Gary Wiley, Joseph Taylor, Kevin Stanford, Donald Anderson, William McCloskey, Donald Pasqualone, Joseph Ruggiero, Sr., Stephen Leonardo, Mike Mattoi and to Anthony Pasqualone by Senator Tomlinson.

Congratulations of the Senate were extended to Noah William Alter by Senator Ward.

Congratulations of the Senate were extended to Mr. and Mrs. William Broman and to Brian Scott Vought by Senator D. White.

Congratulations of the Senate were extended to Thelma C. Poole by Senator Williams.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, FEBRUARY 1, 2010

Off the Floor APPROPRIATIONS (to consider Senate Bills No. 53, 213, 432 and 642) Rules Cmte. Conf. Rm.

TUESDAY, FEBRUARY 2, 2010

9:00 A.M. COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (joint hearing with the House Gaming Oversight Committee to explore and clarify relevant provisions of the Lobbying Disclosure Law of PA; and to elicit testimony concerning the make-up, mission and activities of the PA Casino Association and how such might invoke the provisions related to the Lobbying Disclosure Law and the federal filing requirements related to Form 990) Hrg. Rm. 1 North Off.

10:00 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 916, 1019, 1020, 1021, 1022, 1023, 1024, 1059, 1060, 1061, 1062 and 1063; and House Bills No. 1515, 1516, 1517, 1518, 1519 and 1520) Room 8E-A East Wing

11:00 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 87, 960 and 1076; and House Bill No. 933) Room 8E-B East Wing

12:00 P.M. BANKING AND INSURANCE (to consider Senate Bills No. 1112 and 1181; and House Bill No. 526) Room 461 Main Capitol

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 125; Senate Resolution No. 230; and certain executive nominations) Rules Cmte. Conf. Rm.

WEDNESDAY, FEBRUARY 3, 2010

9:00 A.M. FINANCE (joint public hearing of the Senate and House Finance Committees regarding the Independent Fiscal Office) Room G-50 Irvis Off. Bldg.

9:30 A.M. PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 1124 and the LIHEAP program) Hrg. Rm. 1 North Off.

1:00 P.M. RULES AND EXECUTIVE NOMINATIONS (public hearing on Senate Resolution No. 228) Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 4, 2010

10:00 A.M. LAW AND JUSTICE (public hearing on Senate Bill No. 984) Courtyard Marriott, 700 Power Line Dr. Greensburg, PA

3:00 P.M. GAME AND FISHERIES (public hearing regarding the Steelhead Fishery and the economic impact on the Erie region - other topics include the financial status of the PA Fish and Boat Commission and Lake Erie Management and Operations) Tom Ridge Envir. Ctr. Erie, PA

WEDNESDAY, FEBRUARY 10, 2010

9:30 A.M. MAJORITY POLICY COMMITTEE (public hearing on the impact of the Governor's Mid-Year Budget Reductions) Hrg. Rm. 1 North Off.

10:00 A.M. COMMUNICATIONS AND TECHNOLOGY (public hearing and committee meeting to consider Senate Bills No. 964 and 1147) Room 8E-B East Wing

12:00 P.M. EDUCATION (public hearing on Mandate Waivers) Hrg. Rm. 1 North Off.

TUESDAY, FEBRUARY 16, 2010

10:00 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Revenue/ Governor's Budget Office) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Dept. of General Services) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Dept. of State) Hrg. Rm. 1 North Off.

WEDNESDAY, FEBRUARY 17, 2010

10:00 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Agriculture) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Office of Attorney General) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Insurance Department) Hrg. Rm. 1 North Off.

THURSDAY, FEBRUARY 18, 2010

10:00 A.M. APPROPRIATIONS (Budget Hearing - SERS/PSERS) Hrg. Rm. 1 North Off.

1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor & Industry)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Judicial Department)	Hrg. Rm. 1 North Off.
<u>MONDAY, FEBRUARY 22, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community & Economic Development/PA Housing Finance Agency)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Executive Offices and Office of the Governor)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 23, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation & Natural Resources)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Office of Auditor General)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 24, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - PA State Police)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - PEMA/Homeland Security)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - PA State System of Higher Education)	Hrg. Rm. 1 North Off.
<u>THURSDAY, FEBRUARY 25, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Treasury Dept.)	Hrg. Rm. 1 North Off.
<u>MONDAY, MARCH 1, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military & Veterans Affairs)	Hrg. Rm. 1 North Off.
<u>TUESDAY, MARCH 2, 2010</u>		
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections/Probation & Parole)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Hrg. Rm. 1 North Off.

WEDNESDAY, MARCH 3, 2010

10:00 A.M.	APPROPRIATIONS (Budget Hearing - State-Related Universities)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare)	Hrg. Rm. 1 North Off.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Tuesday, February 2, 2010, 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 4:30 p.m., Eastern Standard Time.