

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, MAY 6, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 28

**SENATE**

TUESDAY, May 6, 2008

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

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

**PRAYER**

The Chaplain, the Very Reverend WILLIAM C. FORREY, of Saint Patrick's Catholic Church, Carlisle, offered the following prayer:

Let us pray.

All-merciful and loving God, we gather here before You this day and pray that You will continue to pour out upon this legislative body Your blessings and graces. We offer to You praise and thanksgiving, for we know that all gifts flow to us from Your divine providence. Help us to build a community, united in harmony, of love and service. We thank You, Lord, for everything which widens our knowledge and equips us more fully for the task of life and living. Teach us to know our own strengths, that we may use to the fullest the gifts and talents which You have given to us. Help us to share a loving concern for one another at all times, especially for those who are the most vulnerable among us, that the deliberations of this esteemed body do everything to Your honor and glory. Mighty God, we ask all these things in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend William Forrey, who is the guest today of Senator Vance.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 1017**, with the information the House has passed the same without amendments.

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the presence of the Senate signed the following bill:

**SB 1017.**

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I request temporary Capitol leaves for Senator Pileggi and Senator Earll.

The PRESIDENT. Senator Orie requests temporary Capitol leaves for Senator Pileggi and Senator Earll.

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

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

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

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of April 7, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of April 7, 2008.

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

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

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

The PRESIDENT. The Journal is approved.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Earl has returned, and her temporary Capitol leave is cancelled.

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR SEAN F. LOGAN PRESENTED TO THE SENATE

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

Senator LOGAN. Madam President, today I want to recognize some folks who are in the gallery with us, the Serra Catholic High School Boys' Basketball Team. Madam President, you know Serra Catholic all too well. They won the PIAA Class A Boys' Basketball Championship, which was held on March 14, 2008. The score was 67 to 66, and the game was at Penn State's Bryce Jordan Center against Freire Charter School of the Philadelphia Public League.

Madam President, this victory was the Serra boys' first PIAA title in any sport. The girls have won a couple, I think, but this was the boys' first one. The principal at Serra is Michael Luft, the head coach is Bob Rozanski, and the players are with us. Madam President, if the Senate could give them a warm welcome, I would appreciate it.

The PRESIDENT. Will the Serra Catholic Boys' Basketball Team and their coaches, teachers, and parents all please rise so we can welcome you.

(Applause.)

### GUESTS OF SENATOR MICHAEL L. WAUGH PRESENTED TO THE SENATE

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

Senator WAUGH. Madam President, I have some guests today who visited my office earlier. They have been touring the Capitol. I think they spent a little time with the Lieutenant Governor, and they are here in the gallery today watching the opening of our Session. This group is from the Red Lion Christian School in southern York County. We have 12 seniors here from Red Lion Christian School from their history and government class. Their teacher is Miss Amy Myers, and they have joined us in the gallery. I would like to ask them to stand and give us a wave, and be welcomed by the entire Senate. Thank you.

The PRESIDENT. Would the Red Lion Christian School and Amy Myers and the other teachers and parents please rise so we can welcome you. Thank you.

(Applause.)

### GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, I have four groups to introduce from Berks County here today, and we are very proud of all of them and welcome them. The first group is a group of mayors who are here from Berks County. They represent boroughs in Berks County, and they are Robert Myers of Birdsboro, Donald Raifsnider of Laureldale, Richard Trostle of Mohnton, Robert Gibilisco of Mohnton, John Kahn of Laureldale, Frederick Feltenberger of Laureldale, and Clarence Noecker of Sinking Spring. I ask the Senate to extend its usual warm welcome to these distinguished public officials from Berks County.

The PRESIDENT. Would the mayors from Berks County please rise so we can welcome you.

(Applause.)

### GUESTS OF SENATOR MICHAEL A. O'PAKE AND SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator O'PAKE. Also in the gallery, Madam President, for their annual visit to the State Capitol, are outstanding students, mostly from the Daniel Boone Area School District. Senator Rafferty and I are proud to represent that district. They are here as guests from the Optimist Club of Daniel Boone for Youth Appreciation Week, where they are singling out outstanding students in that school district. They are here with the chairman of the Daniel Boone Optimist Club's Youth Appreciation Week project, Thomas Kirchner, who has been here for years and years and years, and also the president of the Daniel Boone Optimist Club, Tracey Robb, and the vice president, Bill Anderson.

I think Senator Rafferty also would like to be recognized in that regard.

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

Senator RAFFERTY. Madam President, I join with my friend and colleague, Senator O'Pake. It is always a pleasure to welcome the Daniel Boone Area School District students here, along with the Optimist Club, to show them the Capitol of Harrisburg and have them witness firsthand the legislature in action. I had the opportunity to meet with the State Senators from the area. It is a salute to them, to the Daniel Boone Area School District, and to the Optimist Club, to Tom and his efforts on their behalf, to have the students here to have this firsthand experience and opportunity.

I join with Senator O'Pake in welcoming them, and I ask, Madam President, that my friends and colleagues extend to the students and to the members of the Optimist Club the traditional warm welcome of the Senate of Pennsylvania.

Thank you, Madam President.

The PRESIDENT. On behalf of Senator O'Pake and Senator Rafferty, we welcome the Daniel Boone Area School District's Optimist Club. Will Tom Kirchner, Tracey Robb, and Bill Anderson all please rise so we can welcome you.

(Applause.)

### GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, also in the gallery is a group of students from the Antietam School District. They are from Antietam Middle-Senior High School in Mt. Penn. They are here with Jim Gingrich, their faculty teacher and advisor. This is also an annual visit. They are here to learn how State government works. Students from the Antietam School District, Madam President.

The PRESIDENT. Will the students from the Antietam School District and their teachers please rise.

(Applause.)

Senator O'PAKE. And finally, Madam President, we have in the gallery a very special person. She was honored as one of Pennsylvania's 2008 Outstanding Adult Students by the Department of Education's Bureau of Adult Basic and Literacy Education. She is from Reading. Her name is Jennifer M. Velez. She is here with her proud daughter, a third grade student, Yahaira Had-dock, and Victoria Lichty, an instructor from Reading Area Community College, as well as Susan Reeve and Paula Smith from the Department of Education's Bureau of Adult Basic and Literacy Education. They are all in the gallery. We are very proud of Jennifer, and we expect great things from her in the future.

The PRESIDENT. Will the Pennsylvania 2008 Outstanding Adult Student, Jennifer Velez, her daughter, and her teachers all please rise so we can welcome you.

(Applause.)

### GUEST OF SENATOR MICHAEL W. BRUBAKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Madam President, it is a privilege of mine to introduce Matthew Kreiser. He is from Columbia, a small town in my Senate district. He is an expert football and basketball player. He won the vote in his high school to become a Senator for the day, so he is here to spend the day with me and to observe how this great body does its business.

The PRESIDENT. Will Matthew Kreiser, our Senator for the day, please rise so we can welcome you to the Pennsylvania State Senate.

(Applause.)

### RECESS

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orié.

Senator ORIE. Madam President, I request the Senate do now recess for the purpose of a Republican caucus to begin at 1:30 p.m.

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

Senator O'PAKE. Madam President, I request that the Democrats report to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin at 1:30 p.m., without objection, the Senate stands in recess.

### AFTER RECESS

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

### LEGISLATIVE LEAVE CANCELLED

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

### LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Punt, Senator Madigan, and Senator Tomlinson.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Punt, Senator Tomlinson, and Senator Madigan. Without objection, the leaves will be granted.

### LEAVE OF ABSENCE

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**HB 239** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL AMENDED

**HB 500 (Pr. No. 3216)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for perfusionist licensing, qualifications, supervision and scope of practice, regulations and exemptions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WONDERLING offered the following amendment No. A6940:

Amend Sec. 2, page 2, lines 26 and 27, by striking out all of said lines and inserting:

Section 2. Section 3(a) and (b) of the act, amended July 2, 1993 (P.L.424, No.60) and December 10, 2001 (P.L.859, No.92), are amended to read:

Amend Sec. 2 (Sec. 3), page 3, by inserting between lines 12 and 13:

(b) Terms of office.—The term of each professional and public member of the board shall be four years or until his or her successor has been appointed and qualified, but not longer than six months beyond the

four-year period. In the event that any of said members shall die or resign or otherwise become disqualified during his or her term, a successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term. No member shall be eligible for appointment to serve more than two consecutive terms. The Governor shall assure that nurse midwives, physician assistants, certified registered nurse practitioners, perfusionists and respiratory care practitioners are appointed to four-year terms on a rotating basis so that, of every four appointments to a four-year term, one is a nurse midwife, one is a physician assistant, one is a certified registered nurse practitioner and one is a respiratory care practitioner.

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 ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 501 (Pr. No. 3638)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions; and providing for perfusionist licensing, qualifications, supervision and scope of practice, regulations and exemptions.

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

On the question,  
Shall the bill pass finally?

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

YEA-45

Armstrong	Fumo	Orie	Tartaglione
Baker	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Washington
Browne	Kasunic	Pippy	Waugh
Brubaker	Kitchen	Punt	White, Donald
Corman	LaValle	Rafferty	Williams, Anthony H.
Costa	Logan	Regola	Williams, Constance
Dinniman	Madigan	Rhoades	Wonderling
Earll	McIlhinney	Robbins	Wozniak
Erickson	Mellow	Scarnati	
Ferlo	Musto	Stack	
Fontana	O'Pake	Stout	

NAY-4

Eichelberger	Folmer	Vance	White, Mary Jo
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SB 684 (Pr. No. 2009)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for child death review.

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 gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I rise to ask support today for Senate Bill No. 684, which establishes uniform legislative authority for child death review teams in Pennsylvania. Our Commonwealth is one of only four States without a legislative statute. South Dakota, Rhode Island, and Idaho are the others. This bill creates the powers and duties of a State child death review program and the formal establishment of a State team under the direction of the Secretary of Health, who will serve as chair. It codifies existing child death review processes, which are administered today under the Academy of Pediatrics.

The State team currently works in conjunction with 62 local teams that review and analyze data, develop prevention and education training, and recommend legislative and public policy changes. Unfortunately, not every one of the teams has operated in the same manner across the State. The Department of Health and the Department of Public Welfare will not incur any additional cost to implement this program, since it is currently funded under grants from the Federal government through the Maternal and Child Health Bureau.

For the past year, my office has worked directly with Dr. Erich Batra, who is the director for AAP and the child review program. I want to thank him for his dedication and commitment to this effort. This is an important step forward, and it will help to promote the safety and well-being of children across the Commonwealth and reduce preventable child fatalities.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Fumo	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earll	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-0

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

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

#### BILLS OVER IN ORDER

**SB 731 and SB 1028** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL LAID ON THE TABLE

**SB 1250 (Pr. No. 1776)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for marriage between one man and one woman.

On the question,  
Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Madam President, our Caucus has been informed by the Speaker of the House that if Senate Bill No. 1250 is sent to the House of Representatives, it will be referred to the Committee on State Government. It is our belief, based on this information that we have just recently received from the House, that the chairman of the Committee on State Government will not allow Senate Bill No. 1250 to be considered by the committee in a timely manner. If we obtain an agreement from the House leadership that Senate Bill No. 1250 would be considered, I have been assured by our leadership that the Senate will consider this legislation promptly. However, it has become apparent that, as the issue stands today, Senate Bill No. 1250 will not move in the House.

Given all of these facts, Madam President, I reluctantly move that Senate Bill No. 1250 be laid on the table.

The PRESIDENT. Senator Brubaker moves that Senate Bill No. 1250 be laid on the table.

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

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, I support my colleague from Lancaster, Senator Brubaker, on this motion to table. He has worked very, very hard on this issue, but the best course of action right now for the hopeful passage of this bill will be tabling it, and I support the motion to table and ask for a positive vote. Thank you very much.

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

Senator WAUGH. Madam President, I rise this afternoon to support the prime sponsor of this bill on his motion to table the bill. Frankly, under the circumstances as described, I think it is the most prudent action under those circumstances, but I would

like to just finish my statement by recognizing the fact that Senator Brubaker has worked extremely hard, diligently, in fact, over the last number of months on this very difficult issue, and he has brought it along. It is one of those that seems to evolve and go along, oftentimes many years, and he certainly contributed to that progress. But today, I rise to support his motion and ask other Members to do the same. Thank you.

And the question recurring,  
Will the Senate agree to the motion?

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

#### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 615, HB 1044, HB 1281, SB 1283 and SB 1285** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### SENATE RESOLUTION No. 295, ADOPTED

Senator PILEGGI, without objection, called up from page 3 of the Calendar, **Senate Resolution No. 295**, entitled:

A Resolution designating the week of May 18, 2008, as "MRSA Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

#### UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

Senator RHOADES, from the Committee on Education, reported the following bills:

#### **SB 395 (Pr. No. 2020)** (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for abuse identification training.

#### **SB 1277 (Pr. No.1767)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in disruptive student programs, further defining "applicant."

#### **SB 1281 (Pr. No. 2021)** (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for residence and right to free school privileges.

#### **HB 503 (Pr. No. 3700)** (Amended)

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 eligibility and incompatible offices for school directors.

