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Legislative Journal

WEDNESDAY, MAY 14, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 33

SENATE

WEDNESDAY, May 14, 2008

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

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

PRAYER

The Chaplain, Reverend RON SCHMIDT, of Davisville Church, Southampton, offered the following prayer:

Would you bow with me in prayer.

Almighty God, for another day of life, we are most grateful. You have been generous to each and every person in this room, and once again, we thank You for Your blessing upon our country and the State in which we reside. Your good hand has been upon us. Father, I want to personally thank You for these Senators, these men and women who serve this great State, and their task at times is staggering. Their efforts at times are unnoticed and unappreciated, but while they serve their constituency, may they never fail to realize they really serve You.

Your word tells us that all authority is from You, and there is no authority except that which You have established. Your word tells us that we should pray for those in authority, that we may live peaceable and quiet lives in all godliness and holiness. So with that in mind, give each one in this room a sense that You are here today and every day and that what they do is significant. May we approach our work today with freshness and vitality, and as we do, may we be humble leaders before You and those we serve, knowing that You resist the proud, but You give grace to the humble. Would You give us those resources of Your grace that are needed for this day.

And Almighty God, I want to thank You for each family represented here this morning. You establish the family to be a blessing and to be the foundation and fabric of society, and so may we treasure our family members as gifts that You have given to us. Would You strengthen each marriage in this room. Would You strengthen relationships with spouses and children so that these leaders can give themselves fully to the task before them and do so with sound minds and free hearts.

Father, You are our refuge in strength and ever-present help in times of trouble. So would You be with our troops today in Afghanistan and Iraq. I pray for a righteous resolve. Would You be with the victims of the earthquakes in China and be with the ongoing rescue operations. Would you be with those in Myanmar and the continued relief that needs to come to those who have

been rendered homeless. But we acknowledge at times that life can be difficult, and so I ask for wisdom and strength that only You can give.

Would You help us to live life with Your ability to make wise decisions that please You. Give us the ability to deal with difficult people and issues with a sense of ease. Give us the balance to listen to those we represent but also to listen to Your voice with keenness and to do the right thing when called upon to do so.

Father, we invoke Your presence here today. We acknowledge our dependence upon You, and we ask for Your continued blessing upon us, upon this Senate Chamber, and upon each Senator. Protect us from those who would do us harm. I ask this all in the name of Jesus Christ, my Lord and Savior. Amen.

The PRESIDENT. The Chair thanks Reverend Ron Schmidt, who is the guest today of Senator Greenleaf.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE 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:

**MEMBER OF THE STATE
REAL ESTATE COMMISSION**

May 13, 2008

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, Gaetano P. Piccirilli (Public Member), 1947 Ritner Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frances Mansberger, York Haven, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WERNERSVILLE STATE HOSPITAL

May 13, 2008

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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of Wernersville Hospital, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Kristin Keech, York, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE

May 13, 2008

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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2010, and until his successor is appointed and qualified, vice Deborah Ann Bartells Neff, Jim Thorpe, removed.

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 STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

May 13, 2008

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

Please note the nomination dated May 12, 2008, for the appointment *[data missing]* Edward J. Little, 115 Bella Vista Drive, P.O. Box 414, Murrysville 15668, Westmoreland County, Forty-first *[sic]* Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, should be corrected to read:

Edward J. Little, 115 Bella Vista Drive, P.O. Box 414, Murrysville 15668, Westmoreland County, Forty-first Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1065**, 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 1065.

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:

May 14, 2008

Senators WOZNIAK, MUSTO, MELLOW, STOUT, WONDERLING, O'PAKE, FONTANA, KASUNIC, BOSCOLA, ERICKSON, KITCHEN, LAVALLE, FUMO, A. WILLIAMS, RHOADES and C. WILLIAMS presented to the Chair **SB 1408**, entitled:

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for purpose of act; adding definitions; further providing for plans, for proceedings, for powers and duties of the Department of Environmental Protection, for eminent domain, for flood control works and for financing; and making editorial changes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 14, 2008.

Senators WOZNIAK, MUSTO, MELLOW, STOUT, WONDERLING, O'PAKE, FONTANA, KASUNIC, BOSCOLA, ERICKSON, KITCHEN, LAVALLE, FUMO, A. WILLIAMS, RHOADES, STACK, WASHINGTON and C.WILLIAMS presented to the Chair **SB 1409**, entitled:

An Act amending the act of June 5, 1947 (P.L.422, No.195), entitled, "An act authorizing the Department of Forests and Waters to provide for stream clearance and stream channel rectifications; to construct and maintain dams, reservoirs, lakes and other works and improvements for impounding flood waters, and conserving the water supply of the Commonwealth; and for creating additional recreational areas; to acquire by purchase, condemnation or otherwise, certain lands for such purposes; to construct and maintain flood forecasting and warning systems," further providing for the purposes of the act and for the authority of the Department of Environmental Protection; and making editorial changes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 14, 2008.

Senators A. WILLIAMS, FERLO, MUSTO, STOUT, FONTANA, STACK and C. WILLIAMS presented to the Chair **SB 1410**, 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 State reimbursements for charter and cyber charter schools.

Which was committed to the Committee on EDUCATION, May 14, 2008.

Senators PIPPY, A. WILLIAMS, PUNT, PILEGGI, O'PAKE, HUGHES, RAFFERTY, KITCHEN, GORDNER, ORIE, COSTA, D. WHITE, ERICKSON, ROBBINS, C. WILLIAMS and REGOLA presented to the Chair **SB 1412**, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, defining "unoccupied parcel"; providing for extensions for unoccupied parcels, for additional keystone opportunity expansion zones and for substitution of parcels outside a subzone; and further providing for sales and use tax and for corporate net income tax.

Which was committed to the Committee on FINANCE, May 14, 2008.

Senators STOUT, WASHINGTON, MUSTO, FONTANA, BOSCOLA, O'PAKE, LOGAN, ERICKSON, PUNT, RAFFERTY, C. WILLIAMS, LAVALLE, COSTA, WOZNAK, RHOADES, DINNIMAN, MADIGAN, PIPPY, KASUNIC, FOLMER, WONDERLING, EICHELBERGER, MELLOW, TARTAGLIONE, BRUBAKER, STACK and ARMSTRONG presented to the Chair **SB 1413**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license, for driving while operating privilege is suspended or revoked, for permitting violation of title, for homicide by vehicle and for habitual offenders.

Which was committed to the Committee on TRANSPORTATION, May 14, 2008.

BILLS REPORTED FROM COMMITTEES

Senator ARMSTRONG, from the Committee on Appropriations, reported the following bill:

SB 1286 (Pr. No. 2055) (Amended) (Rereported)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Gaming Economic Development and Tourism Fund.

Senator REGOLA, from the Committee on Local Government, reported the following bills:

SB 1363 (Pr. No. 1948)

An Act amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period and for physical examinations.

SB 1364 (Pr. No. 1949)

An Act amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period and for physical examinations.

SB 1365 (Pr. No. 1950)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, as to civil service for police and firemen, further providing for general provisions relating to examinations, rejection of applicant and hearing, manner of filling appointments, probationary period and physical examination.

SB 1366 (Pr. No. 2054) (Amended)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probation period and for physical examinations.

SB 1367 (Pr. No. 1952)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, in civil service, further providing for rules and regulations and examinations and for selection of appointee from a certified list of applicants.

SB 1368 (Pr. No. 1953)

An Act amending the act of May 31, 1933, (P.L.1108, No.272), entitled, as amended "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employees of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for civil service examinations and eligibility lists.

SB 1369 (Pr. No. 1954)

An Act amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," increasing the membership of the committee.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Rhoades and Senator Baker.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Rhoades and Senator Baker.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Washington, and a temporary Capitol leave for Senator Dinniman.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Washington, and a temporary Capitol leave for Senator Dinniman.

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of April 9, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of April 9, 2008.

Senator PILEGGI. 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 PILEGGI 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.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR STEWART GREENLEAF
PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Madam President, I rise to introduce a guest whom we obviously just had as our Chaplain for the day, Reverend Ronald Schmidt, and his wife, Jo, is here with us today. He is senior Pastor of the Davisville Church in my district in Southampton, Pennsylvania. It is a wonderful church. It is a

well attended church, I have been to his services, and it is a real blessing. I am blessed to have him here today.

Thank you very much.

The PRESIDENT. Would Pastor Schmidt and his wife please rise so we can welcome you.

(Applause.)

**GUESTS OF SENATOR SHIRLEY M. KITCHEN
PRESENTED TO THE SENATE**

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

Senator KITCHEN. Madam President, we have visiting with us today students from the Khepara Charter School on Carpenter Lane in Philadelphia. They are accompanied by Carole Parkinson-Hall. Thank you.

The PRESIDENT. Would the students from the Khepara Charter School in Philadelphia and Carole Parkinson-Hall please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

**GUESTS OF SENATOR MICHAEL A. O'PAKE
AND SENATOR MICHAEL J. FOLMER
PRESENTED TO THE SENATE**

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

Senator O'PAKE. Madam President, on behalf of Senator Folmer and myself, I would like to introduce to the Senate the powerhouse of high school swimming teams, the Wilson High School men's and women's swimming teams of West Lawn, Pennsylvania. The men's team just won their fourth PIAA Class AAA State championship in the last 7 years, four out of seven. They also won their 12th District III championship out of the last 13 years. The women's team, who are also here, placed fourth in the State tournament after capturing their seventh consecutive District III PIAA championship.

So Madam President, we are very proud of these fine student athletes from Berks County. They are here with head coach Roy Snyder, who is a living legend in Berks County aquatics, as well as coaches Bob Bright, Kathy Good, and Tom Houck. We are very proud of these young men and women, and of course we expect it every year, but I would like the Chair to recognize and extend its usual warm welcome to--and also to recognize Senator Folmer--the Wilson High School men's and women's championship swimming teams.

The PRESIDENT. On behalf of Senator Folmer and Senator O'Pake, I ask the Wilson High School PIAA Class AAA men's and women's teams to please rise, and also Roy Snyder, Bob Bright, Kathy Good, and Tom Houck. Welcome.

(Applause.)

**GUESTS OF SENATOR MICHAEL 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 some veterans from my district. Here today is John Getz. He is with Post 3376, and he is the State Commander

of the Veterans of Foreign Wars. In addition, John Brenner is here. He is a VFW member, and he served in the Army from 1965 through 1967, and he is a member of VFW Post 2493. Richard Getz was in the military, and he is also in VFW Post 1463. Jack Wettig is from Ronks, Pennsylvania. He is from Post 7418 in Gap, Pennsylvania. Al Gerhardt, from Honey Brook, is with the American Legion Post 442. Glenn Peifer, of Lancaster, Pennsylvania, is from VFW Post 3376, and Richard Adams is here from Columbia, and he is with VFW Post 2435.

The PRESIDENT. Would John Getz, John Brenner, Richard Getz, Jack Wettig, Al Gerhardt, Glenn Peifer, and Richard Adams all please rise. Thank you, and welcome to the Pennsylvania Senate.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
REREPORTED FROM COMMITTEE
AS AMENDED ON FINAL PASSAGE**

SB 1093 (Pr. No. 2038) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), entitled, as amended, "An act providing for the establishment of police pension funds or pension annuities in certain boroughs, towns and townships; authorizing the establishment of police pension funds or pension annuities by regional police departments; providing for the regulation and maintenance of police pension funds or pension annuities; providing for an actuary; continuance of existing funds or transfer thereof to funds herein established; prescribing rights of beneficiaries; contributions by members; providing for expenses of administration; continuation of existing authority to provide annuity contracts; credit for military service; refunds; exempting allowances from judicial process; and repealing certain acts," further providing for applicability of certain benefit provisions for certain beneficiaries; and making a related repeal.

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-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 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 1389 and HB 239 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 615 (Pr. No. 2051) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating bail bond enforcement agents; requiring licensure and registration; and providing for penalties.

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-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 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.

HB 775 (Pr. No. 3081) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1935 (P.L.326, No.149), entitled "An act relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records," further providing for flags, markers and headstones.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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 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 without amendments.

HB 776 (Pr. No. 3082) -- 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, further providing for flags and grave markers of certain deceased service persons.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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 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 without amendments.

HB 777 (Pr. No. 3083) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for markers on graves and for flags to decorate graves.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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 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 without amendments.

BILLS OVER IN ORDER

SB 1028 and HB 1044 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1281 (Pr. No. 3767) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1978 (P.L.87, No.41), known as the Pennsylvania Appalachian Trail Act, further providing for actions by municipalities and their powers and duties; and making editorial changes.

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 Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I would like to ask the chairman of the Committee on Environmental Resources and Energy if she would stand for brief interrogation.

Senator M.J. WHITE. I will, Madam President.

The PRESIDENT. She indicates she will. The gentleman may proceed.

Senator MADIGAN. Madam President, House Bill No. 1281 gives authority to municipalities in dealing with the Appalachian Trail Act and includes a reference to the zoning ordinances appropriate to preserving the intent of the Trail Act. Do you believe that there are any negative impacts to the preemptions included in the Right to Farm Law, the Agricultural Area Security Law, and the Nutrient Management Act, or other statutes that protect farmers' rights to practice agriculture?

Senator M.J. WHITE. Madam President, House Bill No. 1281 simply requires those municipalities through which the trail passes that have not adopted a zoning ordinance to do so. My understanding is that of the 55 municipalities through which the trail winds, only about 8 are affected by this act. The zoning ordinances which are adopted only have to relate to the portion of the trail, not to the entire municipality, and must be designed to protect the uses of the trail. It is my understanding that those ordinances, once adopted, would still be subjected to the limitations contained in the Right to Farm Law and in the other legislation referenced by the gentleman.

Senator MADIGAN. Thank you, Madam President. I urge an affirmative vote on House Bill No. 1281.

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-48

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

NAY-2

Eichelberger	Folmer
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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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**JUDGE, COMMONWEALTH COURT
OF PENNSYLVANIA**

February 14, 2008

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, Kenneth G. Gormley, Esquire, 228 Glasgow Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Commonwealth Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable James Gardner Colins, resigned.

EDWARD G. RENDELL
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

February 14, 2008

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, The Honorable Robert C. Daniels, 625 Creighton Place, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable Seamus McCaffery, elected to the Supreme Court.

EDWARD G. RENDELL
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

February 14, 2008

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, The Honorable James J. Fitzgerald III, 201 Rex Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable Debra Todd, elected to the Supreme Court.

EDWARD G. RENDELL
Governor

JUSTICE, SUPREME COURT OF PENNSYLVANIA

February 13, 2008

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, The Honorable James Gardner Colins, 7 N. Columbus Boulevard, Unit 133, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable Ralph J. Cappy, resigned.

EDWARD G. RENDELL
Governor

On the question,
Will the Senate advise and consent to the nominations?

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

Senator PILEGGI. Madam President, I rise to ask for a negative vote on this package of judicial nominations. I make this request not based on the individual qualifications of the four men whom Governor Rendell has nominated. Rather, I request a negative vote because the Governor has chosen to ignore the constitutional directive that he make judicial nominations with the advice and consent of the Senate, and, in doing so, has missed a historic opportunity to provide diversity on our appellate courts.

These four vacancies were all known more than 6 months ago, after the election of November 6, 2007, when two Superior Court judges were elected to the Supreme Court. In February, Governor Rendell unilaterally nominated the four men we are considering today. The Governor has stated that his role in this process is to appoint and that the role of the Senate is to consent. In the Governor's view, the Senate should simply determine whether his nominees meet the constitutional qualifications.

Article V, Section 12, of the Pennsylvania Constitution, requires just three things. Justices and judges must be citizens of the Commonwealth, be members of the bar of the Supreme Court, and reside in the Commonwealth for 1 year preceding their appointment and continue to do so while in office.

If you accept the Governor's position, the job of the Senate is purely ministerial - reviewing the constitutional qualifications and then rubber-stamping his nominations if they meet those qualifications. Such a view is inconsistent with the plain language of our Constitution and past practice in filling judicial vacancies.

The Pennsylvania Constitution, in Article V, Section 13, states, quote, "A vacancy in the office of justice, judge or justice of the peace shall be filled by appointment by the Governor. The appointment shall be with the advice and consent of two-thirds of the members elected to the Senate, except in the case of justices of the peace which shall be by a majority," end quote. From the Governor's perspective, the word "advice" is meaningless in that section of our Constitution.

However, the authors of the Constitution clearly intended "advice" to mean something, because the phrase "advice and consent" is different than the language used in Article IV, Section 8. In that section, the Constitution states that nonjudicial

gubernatorial appointments, quote, "shall be subject to the consent of two-thirds or a majority of the members elected to the Senate as is specified by law," end quote. The word "advice" is notably missing.

The meaning is crystal clear. The Senate is to have an advisory role when it comes to appointing judicial officers. This makes good sense because the judiciary is an independent branch of government. The process of filling a judicial vacancy shall be different than, for example, filling a spot on the Governor's cabinet. This view is consistent with the historical practice since the Constitution was amended in 1968.

Governor Tom Ridge, a Republican serving with a Republican Majority in the Senate, had the same issue three times during his first term in office. Governor Ridge made three nominations for three separate vacancies in the Supreme Court, and each of his first nominations were withdrawn because they lacked sufficient support in the Senate. On April 17 of this year, Senator Scarnati and I wrote to Governor Rendell to outline these concerns and to ask that he withdraw the nominations so that this process could begin with a fresh start.

We also expressed our view that the concurrent confirmation of four appellate court jurists gives us a tremendous opportunity to diversify our higher courts in Pennsylvania. Currently, the entire membership of the Supreme Court comes from only three of our 67 counties. Only one woman sits on the Supreme Court, and only two African Americans sit on all of our appellate courts combined. There are no Hispanic or Asian appellate jurists in Pennsylvania. Only 1 of the 27 currently serving appellate judges hails from northwestern Pennsylvania, northeastern Pennsylvania, or the many counties in between. We have a chance to diversify the membership of these courts to more accurately reflect the face of Pennsylvania. We should not miss this opportunity.

Madam President, for these reasons, I ask for a negative vote on this package of judicial nominations.

Thank you, Madam President.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Dinniman and Senator Baker have returned, and their temporary Capitol leaves are cancelled.

And the question recurring,
Will the Senate advise and consent to the nominations?

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

Senator O'PAKE. Madam President, I rise to urge an affirmative vote, and I ask my colleagues to do the right thing today and to confirm these four judicial nominees, two Democrats and two Republicans. Let us heed the urging and advice of our own Chief Justice, a Republican, who recently wrote to the Majority leaders, and I quote, "Initially, I would point out that every day that this impasse continues directly, and negatively, affects our State's judicial system. Litigants and advocates face increasing delay. Individual Justices and Judges face heavier workloads further delaying dispensing justice. The Supreme Court in particular faces the possibility that every appealed matter may result in a split (3-3) decision or even a less than majority opinion, which

in turn provides little guidance to the bench, the bar or the citizens," end quote.

Madam President, we have wasted too much time already. Three of these men, Judge Colins, Judge Fitzgerald, and Judge Daniels, are known, proven, experienced jurists of undoubted integrity and the highest caliber. Professor Gormley's regard in the courts and in the community at large can be judged easily from the numerous positions of trust and responsibility he has held, including serving currently as the widely respected head of the Allegheny County Bar Association and previously as the director of the State Reapportionment Commission. I am confident that I can say there is no dispute about the qualifications of these nominees, so voting them down today would be just another example of the usual from Harrisburg, which is not what the people want or expect from us. This would disrespect the nominees and fail the needs of the people of Pennsylvania.

With regard to the argument that the Governor failed to comply with the intent of the nominating provisions of Article V of our Constitution, with all due respect, I believe that argument is a historic misrepresentation of both the language and the intent of the provisions. Article V limits the Governor's power to fill judicial vacancies by appointment by requiring the advice and consent of the Senate, but the intent of the appointment provision clearly is not to handcuff the Governor or the courts, subjecting them to the arbitrary will of a Senate majority. Article V provides that the Governor is to seek the advice of the Senate. It does not provide that he must follow it.

If that were the case, our Constitution presumably would have given the nomination process to the Senate rather than to the Governor. And if that were the belief of the Majority leaders, they should propose a clarifying amendment to the Constitution, rather than try to create a de facto procedural change through the sheer power of their numbers. But that is not the case, and I do not believe that is the understanding of my respected colleagues. The purpose, the sole legitimate purpose, of these provisions is to make sure that judges are nominated by the Governor and then vetted by the Senate to make sure they are competent and qualified. It is not to bend appointments to political purposes or to substitute the judgment of a majority in the Senate for that of Governor or to provide a framework for unneeded power struggles between the two branches.

So I ask all the Members, heed the recommendation of Chief Justice Castille, who was previously the Republican district attorney of Philadelphia and who, more than 2 months ago, and again recently, urged approval of these well-qualified nominations because of the urgent need to fill vacancies on our appellate courts. Justice delayed is justice denied. Let us not allow this to happen on our appellate courts.

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a temporary Capitol leave for Senator Punt.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Punt. Without objection, the leave will be granted.

And the question recurring,
Will the Senate advise and consent to the nominations?

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

YEA-24

Boscola	Fumo	Logan	Stout
Costa	Greenleaf	Mellow	Tartaglione
Dinniman	Hughes	Musto	Washington
Eichelberger	Kasunic	O'Pake	Williams, Anthony H.
Ferlo	Kitchen	Piccola	Williams, Constance
Fontana	LaValle	Stack	Wozniak

NAY-26

Armstrong	Folmer	Punt	Vance
Baker	Gordner	Rafferty	Waugh
Browne	Madigan	Regola	White, Donald
Brubaker	McIlhinney	Rhoades	White, Mary Jo
Corman	Orie	Robbins	Wonderling
Earl	Pileggi	Scarnati	
Erickson	Pippy	Tomlinson	

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 2 (Pr. No. 2046) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard dam projects.

Considered the second time and agreed to,
Ordered, To be printed 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 4, HB 5, HB 6, HB 7, SB 584 and HB 958 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION ADOPTED**

Senators ROBBINS, ARMSTRONG, BAKER, BOSCOLA, COSTA, DINNIMAN, EARLL, ERICKSON, FERLO, FOLMER, FONTANA, FUMO, GREENLEAF, KASUNIC, LAVALLE, LOGAN, MADIGAN, MUSTO, O'PAKE, ORIE, PIPPY, PUNT, RAFFERTY, RHOADES, STOUT, TARTAGLIONE, TOMLINSON, D. WHITE, WONDERLING and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 336**, entitled:

A Resolution honoring the life of Bradley Paul Holmes and extending condolences on the loss of his life while responding to a fire as a member of the crew of Pine Township's Engine Company No. 85.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, today I somberly offer this resolution honoring a true hero. On February 29, Bradley Holmes and his fellow members of the Pine Township Volunteer Engine Company No. 85 responded to a report of a fire at a duplex in Grove City. Disregarding their own personal safety, Bradley and another firefighter, Scott King, went into the burning structure to search for Patricia Andrews-Smith. Mrs. Andrews-Smith had initially escaped the fire but went back into her home. Tragically, Mrs. Andrews-Smith died in the fire, and both Bradley and Scott were horribly burned and had to be carried out of the duplex by a rapid intervention team. Fortunately, Scott was treated at Mercy Hospital and later released. However, Bradley passed away a few days later, becoming the first Mercer County firefighter to die of injuries directly sustained while fighting a fire.

Brad Holmes upheld the highest standards of Pennsylvania's volunteer firefighters. He was dedicated to duty and to those in distress. He joined the Pine Township Engine Company as a junior member in May 2004. A year later, he became a full-time member of the company and subsequently received about a dozen certificates of training from FEMA, Butler County Community College, and the Pennsylvania State Fire Academy.

Bradley was a 2004 graduate of Grove City High School and was a junior at Slippery Rock University, where he was taking computer science courses. Today, Madam President, would have been Bradley's birthday, and it is truly fitting and appropriate that we honor the memory of this young hero who made the ultimate sacrifice in the service of his community to save others.

Now, Madam President, I urge my colleagues to support this resolution as a small but lasting way to show our appreciation and gratitude to Bradley Holmes, his family, and his fellow firefighters. Thank you.

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

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

**CONSIDERATION OF CALENDAR RESUMED
SECOND CONSIDERATION CALENDAR RESUMED**

BILL REREFERRED

SB 1124 (Pr. No. 2047) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for mandatory determination and reporting of citizenship and immigration status.

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

BILLS OVER IN ORDER

SB 1203, SB 1283 and SB 1285 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1297 (Pr. No. 2023) -- 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, further providing for the expiration of provisions relating to prudent investments; providing for audit of securities deposited with State Treasurer; and making a related repeal.

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

SB 1373 (Pr. No. 1965) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for an annual allocation of funds to county mental health and mental retardation programs.

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

BILLS REREFERRED

SB 1390 (Pr. No. 2014) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for blind veterans' pensions and for paralyzed veterans' pensions.

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

SB 1391 (Pr. No. 2015) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational gratuity payments.

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

SB 1400 (Pr. No. 2040) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program.

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

SB 1401 (Pr. No. 2041) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, establishing a foreclosure prevention program; and making an appropriation.

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

SB 1402 (Pr. No. 2042) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, making an appropriation.

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

BILL OVER IN ORDER

HB 1511 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 321, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 321**, entitled:

A Resolution memorializing the President and the Congress of the United States to enact bill S.70 of 2007, restoring the traditional day of observance of Memorial Day.

On the question,
Will the Senate adopt the resolution?

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

Senator BRUBAKER. Madam President, Memorial Day is a day designed to remind Americans to remember, honor, and reflect on the sacrifices made by those who have died in our nation's service. However, although Memorial Day was first observed on May 30, 1861, Congress established Memorial Day as the last day in May in 1971 to ensure a 3-day weekend.

Over the years, more and more Americans began using that 3-day weekend as a means of celebrating the beginning of summer rather than remembering the true meaning of Memorial Day. In the year 2000, to help re-educate and remind people of that meaning, the United States designated 3 p.m., local time, as the National Moment of Remembrance to encourage citizens to pause and remember our fallen soldiers.

To fully return to the solemn spirit of Memorial Day, Senate Resolution No. 321 encourages the enactment of Federal legislation which would designate the legal Federal holiday of Memorial Day to be on May 30, regardless of which day of the week it falls on. United States Senate Bill No. 7 of 2007 also continues to call for the flying of the United States Flag at half-staff until noon that day, and calls for Americans to observe Memorial Day as a day for ceremonies showing respect for American veterans of wars and other military conflicts. As I have the greatest respect for those individuals who have sacrificed so much to help preserve our freedoms and liberties here in the United States, as does each Member of this body, I fully believe that we can take a little bit of our time on a special day to observe and celebrate their dedication. Madam President, I ask for the Senate's support of Senate Resolution No. 321.

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

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

SENATE RESOLUTION No. 327, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 327**, entitled:

A Resolution observing the week of May 18 through May 24, 2008, as "Emergency Medical Services Week" in Pennsylvania and recognizing May 21, 2008, as "Emergency Medical Services Day for Children" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator WAUGH. Madam President, I rise today, first of all, to commend Chairman Baker for introducing this resolution. It is sort of twofold. It recognizes "Emergency Medical Services Week" in Pennsylvania and "Emergency Medical Services Day for Children" in Pennsylvania. But more importantly, I rise today to just point to the significance of this. Earlier, Senator Robbins rose to recognize a young firefighter from our Commonwealth who gave his full measure in the line of duty, and far too many times, that is when recognition is given. This resolution is actually to salute those folks not only who have given of themselves in the line of service, but to recognize the work that they do in our Commonwealth during this week.

As I am sure you well know, Madam President, there are some 1,500 licensed ground and air ambulances based in Pennsylvania and 32-plus EMS aircraft - helicopters and planes, fixed-wing aircraft - that provide emergency medical service transport across

this Commonwealth on a daily basis. There are some 52,000 credentialed providers who work 365 days a year, 7 days a week, 24 hours a day. There are volunteers, there are career, and there are a mix of both in some cases, working as first-responders, EMTs, paramedics, prehospital registered nurses, and emergency health professional physicians who provide patient care in some 234 acute care hospitals. One hundred and seventy-seven of those in Pennsylvania have licensed emergency departments. One hundred and fifty of those are certified as emergency medical command facilities. And we have, fortunately, in Pennsylvania, 28 accredited trauma centers that, by the way, last year alone provided over 29,000 victims with trauma care treatment. We also have three hospital-based poison control centers that are linked throughout the Commonwealth for those situations that arise.

These are people whom we often sort of take for granted, although we probably all see them in one way or another each and every day, whether they are at work or preparing to be at work or just the average volunteer who lives in our community. But they are there for us, Madam President, and certainly worth our time here in the Senate to, at least once a year, recognize the services that they provide to us so professionally throughout the course of every year. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators EARLL, BAKER, BRUBAKER, COSTA, FERLO, LAVALLE, LOGAN, MUSTO, ORIE, PUNT, RAFFERTY, REGOLA, RHOADES, STACK, TARTAGLIONE, A. WILLIAMS, C. WILLIAMS, FONTANA, WAUGH, BOSCOLA, DINNIMAN, TOMLINSON, ERICKSON, O'PAKE, KASUNIC, GREENLEAF, WONDERLING, FOLMER, PIPPY, PILEGGI, WASHINGTON, D. WHITE and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 332**, entitled:

A Resolution recognizing the week of May 10 through 18, 2008, as "National Tourism Week" and May 14 as "Tourism Day" in Pennsylvania.

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

Senators ORIE, RAFFERTY, ROBBINS, PUNT, STOUT, BAKER, REGOLA, FONTANA, WOZNIAK, O'PAKE, FUMO, C. WILLIAMS, RHOADES, TARTAGLIONE, PILEGGI, SCARNATI, COSTA, FERLO, LOGAN, BRUBAKER, GREENLEAF, KASUNIC, LAVALLE, PIPPY, WAUGH, EARLL, WONDERLING, BOSCOLA, FOLMER, McILHINNEY, ERICKSON, TOMLINSON, WASHINGTON, D. WHITE and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 333**, entitled:

A Resolution remembering the sacrifices of the brave men and women in our armed forces as Memorial Day approaches.

On the question,

Will the Senate adopt the resolution?

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

Senator ORIE. This resolution, Madam President, recognizes and honors all the sacrifices that have been made by those who have served our nation and pay tribute to them on Memorial Day, as well as all year long.

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

Senator RAFFERTY. Madam President, I am happy to rise and speak with my friend and colleague, Senator Orie, on this resolution. It is a most important time of the year, Memorial Day, for us to remember the men and women who have sacrificed their lives in the protection of our freedom, our rights, and our liberties in this great country. It is a time not only to reflect on what they have done and to thank them, but to remind us that, every day, we should be thankful for the men and women who have worn and continue to wear the uniform of the U.S. military.

From the very days of the founding of this country to today, men and women have unselfishly given of themselves with blood, sweat, and tears to make sure that we, today, can argue and debate in the Senate of Pennsylvania, we can work wherever we choose and live wherever we choose, and to them, we owe a deep debt of gratitude. This Memorial Day, I am happy to stand with Senator Orie on this resolution and ask for an affirmative vote from my colleagues.

Thank you, Madam 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, BAKER, BOSCOLA, BRUBAKER, COSTA, FERLO, FONTANA, GREENLEAF, KASUNIC, LAVALLE, O'PAKE, ORIE, PUNT, REGOLA, RHOADES, STACK, STOUT, TARTAGLIONE, WASHINGTON, WAUGH, A. WILLIAMS, C. WILLIAMS, WONDERLING, RAFFERTY, LOGAN, FOLMER, ERICKSON, TOMLINSON, PIPPY, D. WHITE and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 334**, entitled:

A Resolution commending the 156 local YMCAs for providing outstanding community services and recognizing the month of May 2008 as "YMCA Appreciation Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator DINNIMAN. Madam President, I offer this resolution recognizing May 2008 as "YMCA Appreciation Month" in Pennsylvania. As you know, we have 156 local YMCAs in the Commonwealth, and this will recognize the good work that they do.

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, BAKER, BOSCOLA, COSTA, EARLL, FERLO, FONTANA, FUMO, GREENLEAF, KASUNIC, LAVALLE, MADIGAN, MUSTO, O'PAKE, ORIE, PILEGGI, PIPPY, PUNT, RAFFERTY, REGOLA, RHOADES, STACK, STOUT, TARTAGLIONE, WASHINGTON, A. WILLIAMS, C. WILLIAMS, WONDERLING, WOZNIAK, FOLMER, ERICKSON, TOMLINSON and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 335**, entitled:

A Resolution commemorating the 60th anniversary of the birth of Israel.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Madam President, I appreciate the fact that this resolution is cosponsored by 29 Members of this body. We rise in unity to proclaim the 60th anniversary of the State of Israel. Israel is America's strongest ally in the Middle East. Both the United States and Israel are trying their best and working at remaining free and democratic societies in an atmosphere of terrorism. Both countries are united together in facing that terrorist threat and maintaining their democratic and free institutions. America and Israel are united economically. Both nations work hard at technology, work hard at advancements in medicine and science, and we recognize that in this resolution.

In recognizing the 60th anniversary, we also pay tribute to the United States of America, when, in 1947, President Harry Truman recognized the State of Israel, and the United States became the first country in the world to recognize its existence. Over the last 60 years, we have remained true friends. Madam President, I call upon us to unanimously recognize the 60th anniversary of the founding of the State of Israel.

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

Senator STACK. Madam President, I, too, rise to celebrate the 60 years since the establishment of the State of Israel. I want to thank my friend and colleague, Senator Dinniman, for introducing this resolution.

For Israelis, this is the time to celebrate their independence day. It represents a period in history when the homeland was established by the Jewish people. Today, Israel is, as Senator Dinniman pointed out, succeeding economically and culturally. The country has, and I have been there a number of times, vibrant democratic institutions and has produced remarkable achievements in science, technology, and the arts. Israel's success as a democracy and as a society was far from inevitable. The country was formed in the face of war. It has battled and triumphed in wars in 1956, 1967, and 1973. It has struggled for economic success. As late as the mid-1980s, the nation was hit hard by inflation. But since then, it has emerged as a cutting-edge, high-tech, and broadly free market economy.

Over six decades, Israel has transformed an arid desert into thriving farmland and a worldwide hub of agricultural technology, information and communications, energy and medical research, theoretical physics, and engineering. Eight Israeli citizens

have been awarded Nobel Peace Prizes. Israel has become a staunch ally. She is a world leader in search and rescue techniques, responding with humanitarian aid and emergency relief to help victims of natural and man-made disasters on nearly every continent. Modern Israel may be a relatively young nation, but it is a vibrant oasis of democracy and prosperity in a region of the world still settling centuries-old scores.

Unfortunately, there remain those who continue to disregard the Israeli State and refuse to recognize its legitimacy. Sadly, terrorist groups like Hamas and Hezbollah remain committed to the ideology of hatred toward the Jewish people and appear determined to bring an end to the State of Israel. Countries such as Iran are practically at war with Israel, all over differences in religious beliefs. Some believe that nations like Iran will not be satisfied until Israel is completely destroyed. Israel has withstood near-constant military and terrorist threats, economic boycotts, and diplomatic hostility. She still stands as a thriving, pluralistic democracy.

Israel's 60th anniversary is a significant milestone that provides a great opportunity for friends of Israel to celebrate its hard-fought achievements in history. I congratulate the people of Israel, as well as all those with a connection to Israel, on reaching the milestone and wish them a prosperous future built on a foundation of peace and security.

Thank you, Madam 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 Mr. and Mrs. Darryl Taylor, Mr. and Mrs. Fred Fisher, Ross D. McIlwaine, Amanda Steinke, Thomas Hermansader, Dylan M. Moriarty and to Patrick Philbin by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Howard E. Shafer, Mr. and Mrs. Gene VanFleet, Mr. and Mrs. Walt Zola, Mr. and Mrs. Sylvester Grzymiski, Mr. and Mrs. Henry G. Curtis, Mr. and Mrs. Neil VanBodegom Smith, Mr. and Mrs. Lawrence M. Shaw, Sr., Daniel Shaw, Timothy James Blaine, Truman Brandt, Robert R. Rogers, Dennis B. Dobinick, William Gross, Tonya Gannon, Susan Davis, Jack Dodson, Tim Rismondo, Douglas J. Higgins, Fran DeWitt, Thomas H. Kennedy and to Grey Towers of Milford by Senator Baker.

Congratulations of the Senate were extended to Captain Salvatore L. Scalzo by Senators Baker and Musto.

Congratulations of the Senate were extended to Kyle Wilson and to Kevin Charles Foster by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Lentz, Mr. and Mrs. William Miller, Dr. Peyton R. Helm, Steven E. Wojnarowicz, Jeffery L. Gum, Jr., Stephen Donald Twigg, Ellen Sussman, Robert C. Stevens, Alexander J. Mountain, Benjamin J. Schleicher, Kekoaponolani Iobst, Tyler Jacob Potts, Lauren Lippincott Giguere, Susan Seccombe Cox, Key-

stone Cement Company of Bath, Thirst Quenchers of Bath and to the Parkland High School Morning News Team of Allentown by Senator Browne.

Congratulations of the Senate were extended to Matthew J. Shade, Michael S. Sterner, Benjamin J. Stoudt, Peter Lewnes, Maya M. Thomas, Tara J. VanDenEynde, Sarah J. Wittmann, Kimberly S. Wolf, Austen W. Kleintop, Sarah J. Keinert, Jermaine M. Hussett, Tyler Baggitt, Shyron N. Beasley, Alexander L. Benedict, Katherine M. Bowman, Kelly A. Bush, Jason T. Glose, Sean Gruber, Myles N. Hackman, Christopher M. Harker, Ann-Catrin Hoppe, Jacqueline J. Dutt, Jacalyn L. Doyle, Michael A. Curto, Brent R. Cooper, Samantha M. Collette, Gregory J. Miller, Victor A. Nieto, Sonia F. Mirza, Kate C. Love, Timothy M. Letson, Kelly E. Kunsman, Stephanie L. Krasenics, Theodore Kovach III, John T. Koenig, Gerald A. Knauss, Jr., Amy E. Romberger, Kelly A. Pierce, Matthew D. Paxton, Alan L. Jennings, Nic Zawarski and Nic Zawarski and Sons Builders, Inc., and to Gary Iacocca and Yocco's by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. C. Gordon Toburen, Margaret Gohn, Mary Phelan, Henry A. Rennie, Kevin Mark Rorabaugh and to St. Anne's Retirement Community of Columbia by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Roy W. Kauffman, Mr. and Mrs. George A. Rohrer, Sr., Mr. and Mrs. Frank A. Hall, Mr. and Mrs. David L. Eaton, Sr., Mr. and Mrs. Larry I. Shoop, Mr. and Mrs. Larry L. McNitt, Bobby Boyer, Earl Lee Smith, William S. Gross, Keith Gerald Lutinski, Peter William Frederick Miller, Thomas Daniel Kidd, Kevin Brookhart, Ray Ebersole, Spenser Kent Miller, Long's Community Store of East Waterford, Grace United Methodist Church of Lewistown, Richfield Mennonite Church, Penn's Cave Century Farm and the Historic Penn's Cave and Wildlife Park of Centre Hall, Landisburg Lions Club and to the Trinity Evangelical Lutheran Church of McAlisterville by Senator Corman.

Congratulations of the Senate were extended to the Goodall family, Sister Patricia Ann Lang, Kurt Riedel, John Dixon, Michael Theodore Cratsley, Allegheny County Jail and to the Brashear Association of Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Ernest Carmello, the Reverend James Grove, Sr., Dr. Madeleine Wing Adler, Dr. David R. Noyes, Carman Spoto, Nicholas Joseph Ruggeri, Jesse A. Galliera, David Clyde Broome, Steven Alexander Broome, Peter Jacob Musso, Thomas M. Adelberger, Jr., Robert F. McRae, Lewis Reid, Steven Bayles, Bill Logan, Helen F. Heidelbaugh, Eric Nowaczyk, Bill Humphreys III, Fred Alston, John Temple, Joseph Badman, Renee Mott, Troop 1 of the Boy Scouts of America, Minquas Fire Company No. 2 of Downingtown, Weston Solutions, Inc., of West Chester, Good Will Fire Company No. 2 of West Chester, West Goshen Sewer Authority of West Chester and to the Chester County Family Academy by Senator Dinniman.

Congratulations of the Senate were extended to Richard DeLaney by Senators Dinniman and Erickson.

Congratulations of the Senate were extended to Beverly A. Brudnok and to Daniel J. Brudnok by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Parker Sean Peterson by Senators Dinniman and C. Williams.

Congratulations of the Senate were extended to Daniel Martin Fuhrman by Senator Earll.

Congratulations of the Senate were extended to Ed Clever, Woodrene Ammerman, Jack Housman, Steve Lightner, Jeff Wagner, Frank Swalga, Brian Michael Stanley, Quinton J. Hull, Justin L. Howard, Michael DeGrosso, Daniel Nead, Amy Seltzer, Adam Jeffrey Hanna, Michael R. Kane, William Z. Feathers, G. Shaun Akers and to Eleanore H. Steckman by Senator Eichelberger.

Congratulations of the Senate were extended to Dr. Morris H. Kaplan, Harriette Kaplan, Martha Lurie, Esther Skaist, Arthur Bruckman, Elizabeth Mason, Gertrude Ferdman, Harry Much, Matt Capella, Anne Cohen, Sydney Myers, Louis Baldino, Frieda Buchalter and to the Lions Club of Marple Newtown by Senator Erickson.

Congratulations of the Senate were extended to the Penncrest High School Envirothon Team of Media by Senators Erickson and Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Roppolo, G. Paul Simon, Beverly Helsel, Paul E. King, Northside Leadership Conference of Pittsburgh and to the Bethel African Methodist Episcopal Church of Pittsburgh by Senator Ferlo.

Congratulations of the Senate were extended to Calvin Sweigart, Jonathan Clay Lee, Jan A. Carlin and to Eugenia Hess by Senator Folmer.

Congratulations of the Senate were extended to Vincent J. Sirianni by Senator Fontana.

Congratulations of the Senate were extended to the Children's Museum of Pittsburgh by Senator Fontana and others.

Congratulations of the Senate were extended to the Philadelphia Stock Exchange by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Douglas H. Fritz, Sr., Mr. and Mrs. Donald W. Kashner, Mr. and Mrs. William Bower, Mr. and Mrs. Bernard Gurskie, the Very Reverend Francis J. Karwacki, Senior Master Sergeant Donald R. Koch, Chelsea Deihl, Arthur Silman, James Dressler, Jr., Justin Kleskie, Ray E. Richie, Thomas Bucher, Caitlin Fay Ingraham, Nancy L. Boyer, Tyler Leigh Wolfe, Leo D. Sugg, Sr., and to N. Kenneth Dries by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Serravalle, Mr. and Mrs. Al Zielinski, Master Sergeant Sheldon Gray, Private First Class Joseph Chicoski, Andrew H. Davis, Matthew Jevit, Jeffrey Paul Dimmler, Richard Crotinger and to the citizens of the Borough of Hatfield by Senator Greenleaf.

Congratulations of the Senate were extended to the Reverend Warren H. Marshall, Jr., by Senator Hughes.

Congratulations of the Senate were extended to Ida Mae Hillegass, Richard Brant, Robert Jay Gallagher, Blanche Purbaugh, Rodney Richter, Jr., and to the citizens of the Borough of Dunbar by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend Thomas H. James, the Reverend Raymond T. Brown, the Reverend Anthony Floyd, Gregory Michael Kristofor, Maryann Buckley Smith, Margaret Patricia McCutcheon Plenty, Carolyn

Waters, Mattie Giles, Ida Haley, Matthew Weisberg, Robert Cocco, Hazel Bellamy, Maxine Westbrooks, Marva Linda Price Montgomery, Geraldine M. Pettiford, Bobbie Parrish-Parks, Roberta Fason, Sheila D. Ballard, Angus R. Love, Beverly Holmes, Yvonne Pierce-Smith, Myrtis Anastasia Gordon, Dorothy Odoms, Lydia Kim, Patricia Young, Romayne Laird, Onofre Escorpita, Bernice Hill, Elmer Smith, Thera Martin-Connelly, Michael Mohr, Joyce LaVerne Ford Bethune, Clara Huggins, Gladys Mayo, Eleanor Brown, Alberta Hall, Mable Townes, Sharon Dietrich, Dean J. Kanefsky, Wendell R. Whitlock, Garnett Littlepage and to the Bruce R. Hawkins Funeral Home of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Mathew Walter by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Harrison Johnson, Mr. and Mrs. Bernard Kibler, Mr. and Mrs. Robert Vanatta, Kyle A. Hugo and to Vanessa Colavito by Senator Madigan.

Congratulations of the Senate were extended to Samuel James Dengel, John S. Peischl, Alan J. Carey, Michael Patrick Burke, Keith Vanderbrooke, Jonathan Amt, Paul Whitley, Daniel Cornell, Justin Burt, Joshua Hendricks, Craig William Shaner, Robert L. Fray and to Tinicum Elementary School of Pipersville by Senator McIlhinney.

Congratulations of the Senate were extended to Stephen M. Poloway by Senators McIlhinney, Greenleaf, and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Marciano, Christopher Mackie and to Dominic Juice by Senator Mellow.

Congratulations of the Senate were extended to the Honorable Fred A. Pierantoni III by Senators Mellow and Musto.

Congratulations of the Senate were extended to the Reverend Donald J. Stump, Sr., Frank Sebelin, Kenneth J. Vermillion, Mary Fox, Maria Cavallo Tomaselli, Katelyn O'Malia, Nicole Stochla, David M. Goryl, Thomas W. Keener, Paul Scarlato, Thomas J. Gernhart, Jr., John G. Leonard, Shawn Conti, Keith McAlarney, Hazle Township Fire and Rescue Crew 101 and to the Hughestown Hose Company No. 1 by Senator Musto.

Congratulations of the Senate were extended to Colonel Patricia A. Lockhart, Dr. Charles J. Lusch, Stephen Michael Hobaugh, Mark John Bucci, Donovan J. Lindsey, Ray Lawrence Lance III, Nathan L. Daniels, Jeffrey Paul Fuller, Jana L. Estep, Beverly A. Smith, Aaron Samuel Hinnershitz, Zoe B. Norman, Dianne M. Cwik and to Logan E. Jacoby by Senator O'Pake.

Congratulations of the Senate were extended to Christopher John Mason, James McGrath, Hampton High School of Allison Park and to North Allegheny Senior High School of Wexford by Senator Orie.

Congratulations of the Senate were extended to the Most Holy Name of Jesus Parish of Pittsburgh by Senators Orie and Ferlo.

Congratulations of the Senate were extended to Douglas A. Garretson and to Leadership Pittsburgh, Inc., by Senator Orie and others.

Congratulations of the Senate were extended to Mr. and Mrs. E. Paul Clark, Mr. and Mrs. Earl Eshenauer, Jr., Rich Robin, Ashley Rice, Abrienne Rhoad, Winnie Okwaare, Amanda L. Raup, Glenn Williams, Courtney Williams, Tielah Williams, Meredith Waters, Ciara Coleman, Pallena Bell, Sherifat Balogun,

Ruyakat Balogun, H.V. Jespersen, Ashley Nicole Blocker, Jump Street and to the Harrisburg Alumnae Chapter of Delta Sigma Theta Sorority, Inc., by Senator Piccola.

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

Congratulations of the Senate were extended to the Honorable James L. Johnson, Kenneth Smith, Tiffany Kirk, Barbara DeCarlo, Michelle Romo and to Brian Swing by Senator Pileggi.

Congratulations of the Senate were extended to the Honorable William P. Boswell, Dr. Robert C. Dell, Kaitlyn Wauthier, William H. Logsdon, Ben Kramer, Wesley T. Groll, Dorothy Powell, Anita M. Schuler, Gold Card Club, citizens of the Borough of Glen Osborne and to the Quaker Valley High School Boys' Ice Hockey Team by Senator Pippy.

Congratulations of the Senate were extended to Scott Coyle, Bonita Flannery and to Deborah A. Edmondson by Senator Punt.

Congratulations of the Senate were extended to James Ryan, Jake Ruser, Thomas P. Sosna, Joseph C. Alexander, Daniel Erdman and to the Methacton High School Girls' Track and Field Team of Eagleville by Senator Rafferty.

Congratulations of the Senate were extended to Bridge of Hope Lancaster and Chester Counties of Coatesville and to the Chester County Solid Waste Authority of Honey Brook by Senator Rafferty and others.

Congratulations of the Senate were extended to Mr. and Mrs. Robert I. Baker, Mr. and Mrs. Frank P. Bolha, Derek W. Hogan and to Melvin Z. Paterline by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. John Marcin, Josephine A. Rhyder, Gail Maholick, Jeremy Karnes, Richard Edward Wetzell, Paul Onuskanich, Logan E. Jacoby, Erik Alan Schroeder, Albert L. Evans, Jr., Roger Wehbe, Diana M. Gabardi, Schuylkill YMCA, Boyer's Food Markets, Inc., and to Schuylkill Women in Crisis of Pottsville by Senator Rhoades.

Congratulations of the Senate were extended to David Henry Bayer, Jr., Robin Joseph Allen Hughes, Suzanne B. DeArment, Mackenzie Elizabeth Sherbondy, Rebecca Ann Davis, Paul Stephen Ochs, Charles R. Kightlinger, Glenn Clark, Sarah Davis, Ashley Rose Hautala, Andrew T. Redfoot, Nancy Ollinger, Donna Rambeck, Jennifer Barborak, Victory Sartori, Ruthe E. Overton, Jamestown Lions Club, Al's Melons Farm Market and Greenhouse of Linesville and to Warner's Home and Improvements, Inc., of Mercer, by Senator Robbins.

Congratulations of the Senate were extended to Mildred Notor, Daniel P. Gordon and to Gladys Miller by Senator Scarnati.

Congratulations of the Senate were extended to Joseph D. Carchidi, Jr., Joseph Hansbury, Andrew Goodman, Gregory Klimowicz, Robert Kruse and to the members of Saint Joseph's Preparatory School Class of 1958 by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Richard H. Watkins, the Very Reverend Joseph Jugan, Christopher C. Mickulicz, Shane Rumbaugh and to Jay D. Carter by Senator Stout.

Congratulations of the Senate were extended to the Observer Publishing Company of Washington by Senators Stout and Kasunic.

Congratulations of the Senate were extended to Janet Hammond Ryder, Laura M. Brzyski and to Pedro A. Cortes by Senator Tartaglione.

Congratulations of the Senate were extended to Ralph Charles, Lynne T. Kelleher, Chief Stephen M. Burke, Intelligence Specialist First Class Petty Officer Charles M. Savinon, Pennco Tech of Bristol and to Redhouse Bagels of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Hilary Leboff, Jerry Colapinto and to the Newtown Area Jointure by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Network of Victim Assistance by Senator Tomlinson and others.

Congratulations of the Senate were extended to Dr. Herbert V. Jordan, John P. Bastardi, Robert M. Anthony, Robert F. Brown, William L. Sunday, Richard H. Brumbach, George A. Smith, John W. Struck, Thomas B. Stewart, Marlin C. Walters, Robert L. Thomas, Edward J. Carl, Harold L. Rhoades, John H. Gross, Leroy A. Fry, Gilbert N. Derick, Thomas S. Dienno, Frank A. Selgrath, Melvin W. Farner, John Cronin, Stanley L. Bonner, Harry D. Jones, Hayden G. King, Knovel F. Lamberti, Grant L. Lee, William H. Lentz, Jr., Thomas B. Hamm, Jr., Kyle Smith, Philip Bagian, Ronald L. Soder, Paula S. Tezik, William Benish, Russell E. Beckey, Jr., Gaetano Armillotto, Joshua Barrett, Dean R. Clepper, Anthony Onufer, Sr., Alexander K. Garlick, Louise Engleman, Robert Paul Winters, Raymond W. Babineau, Jo Ann Plantz, George A. Peters, Donald Mackenzie, Jr., Leo T. McMahon, Jr., Kenneth B. Nell, Walter S. Bucher, Harold B. Catlin, Blanche M. Derick, Wilson Oberdorfer, Kyle Daniel, Matthew Taylor Burleson, Joseph Aden Williams, Andrew Culbertson and to the Greater Harrisburg Concert Band by Senator Vance.

Congratulations of the Senate were extended to Donna Myers by Senators Vance and Piccola.

Congratulations of the Senate were extended to the Honorable Joshua D. Shapiro, Jewish Federation of Greater Philadelphia and to the Rydal-Meadowbrook Civic Association by Senator Washington.

Congratulations of the Senate were extended to Barbara J. Bick, Paul L. Freidhoff, Emily Angle, Douglas J.J. Shaffer, Stewart E. Hartman, Jr., Timothy McGill, Sr., Rodney Smith, Ray Sandy, Matthew S. Wible, Graham N. Blyth, Austin L. Markiewicz and to Elizabeth Lynn Kraft by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Colton and to Zane David Palmer by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Fiscus, Mr. and Mrs. William Shettler, Mr. and Mrs. Glenn I. Gegogaine, Tanner Dempsie Eck and to Quentin E. Wood by Senator M.J. White.

Congratulations of the Senate were extended to William S. Gibbons, Peter M. Mayne, John Payton Kidd and to Kyle J. Hicks by Senator A.H. Williams.

Congratulations of the Senate were extended to Scott T. Craft, Joseph M. Manko, Jack Marine, Sandra S. Drayer, Joseph T. Matcovich, Andrew H. Quinn, Arnold Martinelli, William Jillard, Farmers Insurance Group of King of Prussia, Friends' Central School of Wynnewood and to the Lower Merion Conservancy of Gladwyne by Senator C. Williams.

Congratulations of the Senate were extended to the Honorable Michael DiNunzio, Colin J. Commerci, Timothy Siegfried, Gregory D. Anderson, Benjamin Scott Gouldey, Nicholas Suder, Albert J. Esposito, Jr., Russell E. Dorand, Patrick Alan Kitchen and to the Mercantile Club of Emmaus by Senator Wonderling.

Congratulations of the Senate were extended to Baby Gift Clouds, LLC, of Easton, The Freddy Awards of Easton, J.G. Petrucci Company, Inc., of Bethlehem, Brown-Daub Dealerships of Easton, Easton Rotary Service Foundation, Ashton Funeral Home, Inc., of Easton, Paragon Technologies, Inc., of Easton and to Palmer Trophy and Awards of Easton by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Kate R. Hart and to Merry Landis by Senator Wonderling and others.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Carns, Mr. and Mrs. Art Charney, Mr. and Mrs. Ernest F. Marsh, Mr. and Mrs. Dennis E. Wilson, David Thomas Nikonow, Michael T. Kritzer, citizens of the Borough of Brownstown and to the Lock Haven University Small Business Development Center by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Alice Michael, to the family of the late Robert F. Stark and to the family of the late Frank J. Valvano III by Senator Baker.

Condolences of the Senate were extended to the family of the late Elizabeth H. Hawkes by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Vivian V. Gibson by Senator Hughes.

Condolences of the Senate were extended to the family of the late Esther M. Engelman by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late First Lieutenant Jeffrey F. DePrimo by Senators Musto and Mellow.

Condolences of the Senate were extended to the family of the late Private First Class Matthew W. Brown by Senator Orie.

Condolences of the Senate were extended to the family of the late Reverend Dr. George N. Kenner by Senator Tartaglione.

Condolences of the Senate were extended to the family of the late James H. McGriff, Jr., by Senator Washington.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late James Leech was extended to the family by Senator Ferlo.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1363, SB 1364, SB 1365, SB 1366, SB 1367, SB 1368 and SB 1369.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

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

Senator GREENLEAF. Madam President, I rise to give this body and the House of Representatives and the people of Pennsylvania an update on what is happening with the smoking bill, called the Clean Indoor Air Act, that deals with prohibiting smoking in public places and in workplaces.

This is a piece of legislation I first introduced in 1993. During that period of time, obviously, things have changed. In fact, the things that have changed are that 22 other States have adopted this legislation, while we have waited to deal with this issue. Ireland has adopted it, and now that country is smoke-free, and their residents and citizens are free from exposure to this toxic substance. In France, 40 percent of people smoke, and they have adopted legislation as well to go smoke-free in their workplaces and public places.

What has happened over those many years is that the scientific and medical evidence has increased. One year ago, the United States Surgeon General, under Republican and Democratic administrations and on the Federal level, released a report that indicated that secondary smoke is dangerous and there is no safe degree of exposure to secondary smoke. That report came up with six major conclusions, and I will read them to the body. The first five are the most important.

First, many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces, despite substantial progress in tobacco control.

Second, secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.

Third, children exposed to secondhand smoke are at increased risk for Sudden Infant Death Syndrome, SIDS, acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.

Fourth, the exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer. In fact, they said in their report that when an individual has a coronary heart problem, if they are in a room exposed to secondary smoke, they could have an incident right there and then, the reason is that the secondary smoke causes a restriction of their cardiovascular system.

Fifth, scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.

This is not from me. This is from the United States Surgeon General's report, from scientific and medical evidence, and is not controverted. It is done. It is finished. That is the evidence. Science and medicine says that. Our most respected institutions and public health bodies say that.

Decades ago, the EPA designated asbestos as a Class A carcinogen. Thereafter, they designated secondhand smoke as a

Class A carcinogen. So we are talking about a substance that is equivalent to asbestos. If someone went through this room and started to spray asbestos through an aerosol bottle, everyone in this room would head right outside. Of course, we would not do that. We know what the dangers are, and we have a no smoking policy here in this body. It is about time we have a no smoking policy in the rest of the State where other people work and have to perform their duties.

There are 53,000 nonsmokers who die each year from lung and heart disease due to this exposure. For example, the issue of where we are looking and trying to get exceptions for is the hospitality industry. That is the area in which the most deaths and the most exposures occur. Waiters and waitresses have a 50-percent higher risk of lung cancer than other workers. In an 8-hour day, a bartender inhales the equivalent of a pack of cigarettes. One thousand, eight hundred nonsmoking casino employees will die from secondhand smoke illness.

We had a witness who came to one of our hearings that we had on this bill, and he was from Atlantic City. He told us that after high school, he decided to get a job, and the best job that was available at that time was at the casino. This was decades ago when they first opened up. He worked there for many, many years, and then contracted cancer in his 50s. He described the degree of what he had to go through to obtain treatment. He also indicated that those colleagues of his who entered that industry at the same time that he did, all he had to do was pick up the Atlantic City Press newspaper and go to the obituary columns and read the deaths of his colleagues from a variety of diseases, and he knows them, so he knows many of them are from cancer and other related diseases. He gave us the information that it is his belief, and it is my belief, that those deaths were caused by exposure in the workplace at casinos.

We are not really telling the people of Pennsylvania anything they do not know. I mean, maybe in 1993 there was some question about it. There is no question about it now, not in the minds of our voters, our constituents, the people we represent. The Centers for Disease Control, a reputable organization, took a national poll in 2000 that said that 80 percent of adults want smoke-free workplaces. In Pennsylvania, the Pennsylvania Alliance to Control Tobacco took a poll last year and revealed that 86 percent of Pennsylvanians agree that bars and restaurants would be healthier for employees if they were smoke-free.

In this Chamber, we have passed a bill to go smoke-free. I did not agree with it. I thought it had too many exceptions, but we passed a bill. The House of Representatives passed a bill themselves with less restrictions. So we now have a situation where both the House and the Senate have passed legislation indicating that we as a legislative body want a smoke-free environment for our workers and the citizens of our Commonwealth.

Because of that difference, there was a conference committee created. I am the chairman of that committee, and I want to give you a little bit of history of what has happened with that committee. There are six people on the committee, four people who are in favor of exceptions, and two, including myself, who are not.

On Wednesday, December 12, 2007, we had an organizational meeting here in the Capitol discussing what our procedure would be, how we could reach an agreement, and how to compromise the differences between those two versions.

After that, we also had some work to do to identify what the differences were, and have that available to the committee members so they could determine those differences in the committee meeting and then vote on them intelligently. We did that on Tuesday, February 12, 2008, and we discussed and distributed those alternatives to the members of the committee.

On Monday, March 10, 2008, we held a hearing on the legislation, and on Thursday, March 13, we also held a public hearing on the bill, Senate Bill No. 246. They were full-day hearings, very informative hearings, and everyone had an opportunity to testify at those hearings and to express their opinions.

One interesting point, though, I think is important to make is that there was no credible evidence or testimony presented during those hearings to say that anything that I said about the health hazards and the dangerousness of this substance was untrue. It was not rebutted at all. Except, we had one gentleman who--and this is after probably 16 to 20 hours of hearings and testimony--we had one gentleman involved with a casino who was one of the managers or owners, I am not sure what his official title was, but he mentioned some kind of study that said that was not correct. Of course, he did not go into the details of it, and it was probably funded by the tobacco industry. But that was a feeble attempt. There was really no credible effort to refute that information. So the conclusion of those hearings was that this substance is deadly, and it is as deadly as asbestos.

After the public hearings, I scheduled a hearing on April 1, 2008, to consider Senate Bill No. 246. We discussed for about an hour the pros and cons of that legislation and some of our options. Against my opposition, there was a motion to adjourn the meeting to a specific date, to April 29, and that motion was adopted 4 to 2. So it was obvious that I wanted to stay there all day, 2 days, 3 days, 24 hours a day, whatever was necessary to get that legislation passed. That was not the will of the committee, and we learned the lesson that there were four members on the committee who were going to vote that way. That is what happened.

So we went there, and I rescheduled this committee meeting for April 29 at 9 a.m. in room 8E-B. The night before the meeting, I was told that five members of the committee wanted to again recess. We recessed. I rescheduled it again for Wednesday, May 7, 2008, and again, there was a request for a recess and we recessed. The request was based on the fact that the Members needed more time.

The next meeting was scheduled for Monday of this week, May 12, 2008. I was prepared to discuss all the issues and to come up with a resolution, whatever it takes to do that, and we did not have a majority of the Members present. We waited an hour and a half, and they still did not come. We did not have a quorum, so we could not vote on anything. We only had three Members there, so we could not even vote. All we could do was recess for another date.

It is important for us in a democratic society to openly discuss these issues, deal with these issues, and when we do that, we will resolve these issues. Avoiding committee meetings, avoiding that public debate, is not going to solve this issue. Solving this issue is getting to that committee and to debate publicly.

So as a result of that, I am announcing today that we are going to have a committee meeting the next time that we are back in

Session here, on the week of June 3 at 10 a.m. in room 8E-B. Then we are going to have another committee meeting on the following day, Wednesday, June 4, at 9 a.m. in the North Office Building. There will be no continuances beforehand. We are going to meet there, and if I have any control over it, we are going to be there until we come to an agreement. We will stay there 24 hours if we have to, but there should be no more delay. The people of this Commonwealth demand that we act on this legislation. I ask this body to support me in this regard.

Thank you very much.

The PRESIDENT. Thank you, Senator Greenleaf, for your clarification with your petition on Senate Bill No. 246, the smoke-free bill for Pennsylvania, and for the notification of the next committee meetings. We appreciate it.

The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Madam President, I want to speak in summary and briefly on another matter, but I want to, while I am at this podium, just commend and thank and show my appreciation, personally, for Senator Greenleaf's leadership, advocacy, and stewardship on this whole issue for many years. Obviously, I am a cosponsor of his bill. I find it inexcusable and just completely perplexing that, in the year of our Lord, May 2008, we cannot get past all the known knowledge that everyone has come to accept, including the science and the math and the health statistics and what really is uniformly and overwhelmingly supported by the majority of all Pennsylvanians, and that is the desire to have a comprehensive, uniform, universal smoking ban across the board, bar all these crazy exceptions. It does not make any sense whatsoever.

It is disappointing that, despite our own great Pennsylvania State Constitution, which eloquently speaks about, under declarations of rights, the rights to clean air and water, we are continuing to have this debate. It is amazing to me that, when we separate out the known carcinogens and other toxic materials within the cigarette, if we put them in separate spray cans and bottles and lined them up, everybody would run for the hills in the State Capitol, but somehow, because they are packaged together in a slick, sexy ad, they have become acceptable over many years through repeated advertisements and movies and all things nuanced relative to smoking. I just do not understand how we cannot get past this.

And now, with the city of New York and countries like Ireland, where we know, financially, that the service, restaurant, and retail industries have not been hurt one iota, that, actually, restaurant and tavern sales in New York City alone are significantly up, notwithstanding the smoking ban. I just wish and pray we could get beyond that. If we cannot, maybe we need to go back to a people's referendum on the issue if the legislature cannot step up to the plate and deal with the issue.

But Madam President, I just want to really quickly talk about Governor Rendell's Executive Order No. 2 of 2008, and that is the creation of the Sustainable Water Infrastructure Task Force by his executive order. My colleagues are members of this committee, as well as myself, and the committee and task force that has been created by the Governor's action is a very broad-based group of leadership people from all over the Commonwealth, all of whom have some level of expertise and something significant

to contribute to the issue of how we deal with the aging infrastructure, both water and sewage.

So I am very pleased and thankful that the Governor stepped up to the plate, as well as Secretary McGinty, following in the footsteps of other colleagues here in the Senate who have eloquently attempted to address this issue in different ways over the last decade. I know, as a local official, many of us here today, as State Senators, have our roots in local government. We know that this is a significant capital infrastructure issue, an environmental issue that cannot just fall and rest on the shoulders of individual ratepayers in small towns and communities and boroughs and cities. It is really an issue that we must look at comprehensively across the State and grapple with a variety of solutions, as well as the fundamental issue of resources, money to help pay for all this needed improvement in infrastructure.

I am pleased to help chair the second of what I think are about eight public hearings by the Sustainable Water Infrastructure Task Force, and that public hearing will be in Pittsburgh this coming Monday, May 19, at 1:30 p.m., at the University Center's Connan Room at Carnegie Mellon University. As well, I just want, for the public's benefit, I know my colleagues were very aware of and active on this issue, to their credit, but these hearings will continue with not only Pittsburgh. There will be a third one in Venango County at the Rhoades Auditorium, Clarion University, on May 21. On May 22 in Clearfield County, there will be a public hearing in the Terrace Room at the Clarion Hotel DuBois; in Luzerne County, in the Crown Room at the Convention Hall, and that is May 27; in Northampton County, May 28, at 1:30 in the afternoon, in the Town Hall Room in Bethlehem City Hall in Bethlehem; as well as in York County on May 29 at 6 p.m. in the evening, at Mazie Gable Elementary School in York County, Pennsylvania.

So there is a series of public hearings. I call to the public's attention a website that has been established by Secretary McGinty and the DEP for more information about the task force, how they may submit testimony, how they can plug into this process of participation, and that is at www.depweb.state.pa.us, and follow the appropriate ways to get to the rest of the Web site, as it is called. I need help from Senator Wonderling on all this Web site Internet stuff. But it is important that people really speak up now.

We know, clearly, early estimates predict that Pennsylvania faces nearly \$11 billion in unmet drinking water infrastructure needs and at least \$7 billion or \$8 billion in unmet wastewater infrastructure needs. So I want to encourage the public to participate in this dialogue, including representatives of the industry. There are a variety of processes that can be explored to grapple with these issues. We have ignored for too long this issue. It is an issue that, financially, has just fallen on breaking the backs of many ratepayers and smaller communities. I know in the city of Pittsburgh, recently a \$100 million bond issue has been let out. That will only begin to touch some of the 100-plus-year-old water systems that we maintain. We even have wooden pipes in the city of Pittsburgh. That is how far back some of the infrastructure goes, and we are not alone.

So this is not an issue of a small town, Leetsburg or Apollo, or a big city, Pittsburgh or Philadelphia. We are all in that same boat, and that boat seems to be sinking, and if it is going down-

stream, it is going downstream with some other material that really should not end up in the river. So please get involved in this process. I encourage the public to participate. They can certainly call my office in Harrisburg or Pittsburgh to find out more about the work of the Infrastructure Task Force, or again, go to the DEP Web site that has been established.

I want to thank all my colleagues. I know this is a very serious issue. This is not a partisan issue. We are all in the same boat. There is a tremendous infrastructure problem that we need to grapple with, and we have to come up with some creative ways to deal with long-term debt and financing to provide the resources that we need. So thank you very much, Madam President.

The PRESIDENT. Thank you, Senator Ferlo, for calling attention to the executive order of the Governor's task force meetings which will be scheduled across the State starting next Monday, May 19, for the water and sewage issues in Pennsylvania.

The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Madam President, as to the requests offered by my good friend, Senator Ferlo, I would recommend that everybody Google www.senatorferlo.com for more information, and you will find what you need.

Also, before I offer my intended subject, I would like to highlight and applaud the efforts of Senator Greenleaf. As a public servant, Senator Greenleaf sets the standard for an evidence-based approach to public policy. As he was laying out the case for a smoking ban in Pennsylvania, as you can see, Senator Greenleaf spent over a decade gathering evidence to get us to this point in time. So I not only applaud his efforts but encourage him, as chair of this conference committee, to keep scheduling meetings on the smoking ban until such a date that a resolution on behalf of all of the residents of the Commonwealth can be rendered.

But Madam President, I am really rising this afternoon to conclude business that began in this Chamber approximately 1 year ago with the unanimous passage of Senate Resolution No. 41. Senate Resolution No. 41, of which I was the prime sponsor, Madam President, directed the Legislative Budget and Finance Committee to conduct a comprehensive review of a new procurement initiative by the executive branch of government, something dubbed "strategic sourcing."

At the time of the announcement of this initiative, Madam President, there was controversy swirling about the potential negative consequences of such a procurement strategy, and, furthermore, the notion that the executive branch had contracted with a non-U.S.-based consultant firm to direct procurement activity that had the potential to negatively impact free enterprise in the Commonwealth and, particularly, that of smaller entrepreneurs. So at a hearing today and under the leadership of Chairman Pippy, the Legislative Budget and Finance Committee released their report on the strategic sourcing procurement initiative, as directed.

And if I might, Madam President, I intend to submit the executive summary of that report for the formal record, but allow me a few moments to briefly highlight what I would describe as both the good and the bad of that particular outcome.

