

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, OCTOBER 8, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 64

SENATE

WEDNESDAY, October 8, 2008

The Senate met at 10 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend LOUIS BUTCHER, of Brightside Baptist Church, Lancaster, offered the following prayer:

Let us pray.

Our father and our God, we come today with thanksgiving in our hearts and praise on our lips to You, the sovereign of the universe. We observe Your handiwork, and we certainly stand in awe. You are truly an awesome God. Today, we have much to be thankful for. First, You have smiled upon this nation and its people. Despite our problems, we remain the land of the free and the home of the brave. You have endowed us with life, liberty, and the pursuit of happiness, which has made us the greatest nation on Earth.

We come now to ask Your blessings upon the various elements of this union. Be gracious to our President and the branches of our government. Grant wisdom and insight to lead Your people prudently. Watch over us and keep us safe in a world prone to terrorism and violence. Bless our children and our seasoned citizens, the millions of workers who make this republic strong. More than that, remember our courageous young men and women who stand in harm's way to defend our freedom around the globe.

Bless the Commonwealth of Pennsylvania, if You will. Give unto us prosperity and good will. Bless each branch of our State government, and shed Your grace upon the Senate where we stand. Give wisdom to these legislators that they may, in a bipartisan way, do what is best for the citizens of this State. Be with the leadership and help them to make wise decisions.

We ask these things of You with humility and reverence. Grant them, if You will, in Jesus' name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Butcher, who is the guest today of Senator Armstrong.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore 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 PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

October 8, 2008

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2008, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

October 8, 2008

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 13, 2008, for the appointment of Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 768**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 908** and **SB 1019**, with the information the House has passed the same without amendments.

BILLS INTRODUCED AND REFERRED

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

October 8, 2008

Senators ORIE and COSTA presented to the Chair **SB 1602**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for an inmate medical services program, for deposits and for recovery of costs.

Which was committed to the Committee on JUDICIARY, October 8, 2008.

Senators McILHINNEY, COSTA, RAFFERTY, BAKER, FONTANA, CORMAN, M. WHITE, ERICKSON, ORIE, TOMLINSON, GORDNER, O'PAKE, WASHINGTON, BOSCOLA, RHOADES, KASUNIC, PILEGGI, MUSTO, BRUBAKER, C. WILLIAMS, MELLOW, BROWNE and GREENLEAF presented to the Chair **SB 1603**, entitled:

An Act providing for quarterly interim payments to certain providers of community mental retardation services; and providing for powers and duties of the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 8, 2008.

Senators WAUGH, PILEGGI, WONDERLING, ORIE, RHOADES and BRUBAKER presented to the Chair **SB 1604**, entitled:

An Act amending the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act, further providing for the composition of the State Horse Racing Commission.

Which was committed to the Committee on STATE GOVERNMENT, October 8, 2008.

Senators WAUGH, RAFFERTY, MUSTO, FONTANA, TARTAGLIONE, LOGAN, WONDERLING, PUNT,

BRUBAKER, TOMLINSON, STACK, GREENLEAF, WASHINGTON and BOSCOLA presented to the Chair **SB 1605**, entitled:

An Act establishing a grant program for municipal fire and emergency services organizations; and providing for grant funding.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 8, 2008.

Senators WAUGH, ERICKSON, RAFFERTY, MUSTO, FONTANA, COSTA, TARTAGLIONE, LOGAN, WONDERLING, PUNT, BRUBAKER, TOMLINSON, GREENLEAF, M. WHITE, ORIE, WASHINGTON and FUMO presented to the Chair **SB 1606**, entitled:

An Act providing for the establishment and operation of the Pennsylvania Law Enforcement Officer Alert System; and imposing powers and duties on the Pennsylvania State Police and the Department of Transportation.

Which was committed to the Committee on LAW AND JUSTICE, October 8, 2008.

Senator WAUGH presented to the Chair **SB 1607**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, providing for a referendum and question when damages are not agreed to; and further providing for county to furnish bond when seeking possession of land.

Which was committed to the Committee on LOCAL GOVERNMENT, October 8, 2008.

Senators ORIE, RAFFERTY, C. WILLIAMS, COSTA, FONTANA, WAUGH, O'PAKE, WONDERLING, LOGAN, TOMLINSON, PICCOLA, STACK and WASHINGTON presented to the Chair **SB 1608**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring criminal background checks.

Which was committed to the Committee on EDUCATION, October 8, 2008.

Senator ORIE presented to the Chair **SB 1609**, entitled:

An Act designating a portion of Route 8 in the Borough of Etna, Allegheny County, as the Chief Warrant Officer Michael J. Novosel Memorial Highway; and making a related repeal.

Which was committed to the Committee on TRANSPORTATION, October 8, 2008.

Senators McILHINNEY, FONTANA, M. WHITE, COSTA, TARTAGLIONE, ERICKSON, O'PAKE, RHOADES, MUSTO, RAFFERTY, BOSCOLA, WAUGH, LOGAN and STACK presented to the Chair **SB 1610**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for definitions and for classes of income.

Which was committed to the Committee on FINANCE, October 8, 2008.

RESOLUTION INTRODUCED AND REFERRED

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

October 8, 2008

Senators ORIE, WASHINGTON, RAFFERTY, KASUNIC, RHOADES, WAUGH, KITCHEN and GREENLEAF presented to the Chair **SR 413**, entitled:

A Resolution memorializing the Congress of the United States to amend existing "food-to-fuel" mandates and immediately embark on a series of policy remedies aimed at the production of advanced biofuels.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 8, 2008.

BILLS SIGNED

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

SB 684, SB 908, SB 1019, SB 1225, SB 1308, SB 1503, HB 420, HB 1147, HB 1634 and HB 2233.

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

The SECRETARY. Consent has been given for the Committee on Environmental Resources and Energy to meet off the floor to consider certain Environmental Quality Board regulations.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Mellow and Senator Washington.

The PRESIDENT pro tempore. Senator O'Pake requests legislative leaves for Senator Mellow and Senator Washington.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 1723 CALLED UP OUT OF ORDER

HB 1723 (Pr. No. 4513) -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1723 (Pr. No. 4513) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County, as the Curt Zook Memorial Bridge; designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

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

Senator PILEGGI. Mr. President, for the information of the Members, this is a road-naming bill including the amendment that we adopted yesterday designating a section of U.S. Route 15 in Tioga County as the Senator Roger A. Madigan Highway.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

Ordered, That the Secretary of the Senate 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.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN EICHELBERGER
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, it is a privilege for me to welcome today, as a guest Page, 11-year-old Patrick Reagan Keefer, who is here with me from Fulton County. He is from McConnellsburg. He is a fifth grader at Fulton County Christian

School, and he already has quite an impressive resume for his young age. He is a member of the 4H gun club and Little League baseball and basketball teams. He has assisted with many campaigns, including county treasurer races and county commissioner races, and he has been to three National Republican Conventions, including the most recent one in Minnesota.

Patrick is here with his mother, a Fulton County commissioner, Bonnie Mellott-Keefe, who is seated in the gallery, and Bonnie has been a good friend of mine for a long time. Mr. President, please join me in offering Patrick and his mother our traditional warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Eichelberger please rise so the Senate may welcome you.

(Applause.)

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

Senator ROBBINS. Mr. President, I just want to add to the story of Patrick. He also collects autographs, and he has gotten hundreds of autographs of political leaders. If any Senator in here would want to give Patrick their autograph, he would certainly appreciate it, and he would take that back home with great pride.

Thank you, Mr. President.

**GUEST OF SENATOR J. BARRY STOUT
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, it is my honor and pleasure today to introduce a young lady in the gallery who is visiting the Capitol. Her name is Michelle Ferenz. Michelle is a senior at California University of Pennsylvania majoring in social work, and she has been recognized as a University Scholar. This semester, she has served as an intern in my district office, and she has had a lot of interfacing with the senior citizens and other constituents in my district. I am really impressed with her enthusiasm and the work she has done. So I think it has been a good experience for her. She will be pursuing a master's degree next year.

Now I would like her to be recognized. She is a resident of Bentleyville. She and her husband have lived there for the last 9 years, and she is originally a resident of Charleroi. Would the Senate give a warm welcome to Michelle Ferenz.

The PRESIDENT pro tempore. Would the guest of Senator Stout please rise for a Senate welcome.

(Applause.)

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

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

Senator O'PAKE. Mr. President, also in the gallery are Mr. and Mrs. James P. Stewart of Mooresville, in Berks County. Jim supported the Prospectus Berco's 14th Annual Golf Tournament fundraiser by winning A Day at the Capitol with your State Senator. This was a surprise birthday present for his wife, Sally. Jim is a buyer with Carpenter Technology Corporation in Reading, a specialty steel manufacturer, and Sally is a CPA with the CPA firm of Reinsel Kuntz Leshner. They have two sons, ages 6 and 4.

They are in the gallery, and I ask that the Chair extend the usual warm welcome of the Senate to Mr. and Mrs. James P. Stewart.

The PRESIDENT pro tempore. Would the guests of Senator O'Pake please rise so the Senate may welcome you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator PILEGGI, as Special Orders of Business.

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1845 (Pr. No. 4528) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; prescribing sentences for offenses committed against law enforcement officer; and abrogating a regulation.

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

Senator PILEGGI. Mr. President, for the information of the Members, this is the bill that amends the laws regarding straw purchases, and also, we placed an amendment in the bill yesterday that deals with assaults on police officers.

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-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 with amendments in which concurrence of the House is requested.

HB 2499 (Pr. No. 4523) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

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

Senator PILEGGI. Mr. President, for the information of the Members, this is a bill that deals with massage therapy and licensure for massage therapy.

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

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

NAY-2

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 647 (Pr. No. 4519) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

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

Senator PILEGGI. Mr. President, for the information of the Members, this bill deals with crane operator licensure.

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-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 with amendments in which concurrence of the House is requested.

