

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, APRIL 21, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 26

**SENATE**

TUESDAY, April 21, 2009

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

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

**PRAYER**

The Chaplain, Rabbi ROBERT LENNICK, of Congregation Keneseth Israel, Allentown, offered the following prayer:

In the ancient words of Hebrew, Eloheinu v'Elohei avoteinu. Our God and God of our ancestors, especially in these uncertain times, we look for strength and fortitude. Grant these in abundance to all people in all places. Give us the vision to see the good and the possible in the midst of the challenges before us. Enable every person to feel the blessing of Your presence and to know that life will get better, healing will come, and a sense of stability and security will return. For those out of work, we pray for their jobs. For those lacking health insurance, we pray for their guaranteed care. For those at risk of losing their homes, we pray for their safety and ability to keep things together. For those overcome with despair, we pray for their solace. For those feeling alone and isolated, we pray for the community to embrace them.

But we must not simply pray. We must act. And this Senate exists for the purpose of protecting and improving the quality of life for all of the citizens of our Commonwealth. Let this Senate, therefore, act with good judgment and compassion. We pray as if everything depends on You, O God, but we must act as if everything depends on us. We pray that You bless our Commonwealth, its government, its leaders, and its citizens, that all who work on behalf of the public good become imbued with tenacity and humility. We thank You for this service and pray for their continued wisdom.

And today is Yom Hashoah, Holocaust Memorial Day, when we remember 6 million Jewish souls murdered by the Nazi regime. On this day, we also remember every soul of every race and nation who has been subjected to genocide or killed at the hands of the oppressor, and we pray that love will prevail within ourselves and in the world so that one day, we will see an end to all hatred. And let no one be a bystander ever again in the face of such human degradation.

We thank You, O God, for all of our blessings. And together, let us say amen.

The PRESIDENT. The Chair thanks Rabbi Lennick, who is the guest today of Senator Browne.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

**Weekly recess.**

**GENERAL COMMUNICATION**

**RESIGNATION OF MEMBER FROM  
STANDING COMMITTEE OF THE SENATE**

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

April 20, 2009

Senator Joseph B. Scarnati III  
President Pro Tempore  
Room 292 Main Capitol Building  
Harrisburg, Pa 17120

Dear Senator Scarnati:

It is with deep regret that I must resign my seat on the Senate Education Committee. Due to the aggressive agenda as chairman of the Environmental [data missing] and Energy Committee and Local Government Committee, it is not possible to be able to give the necessary attention to the Education Committee that being on this committee deserves.

Thank you for your attention to this matter.

Sincerely,

RAPHAEL J. MUSTO  
State Senator

**APPOINTMENT OF MEMBER TO  
STANDING COMMITTEE OF THE SENATE**

The PRESIDENT. The Chair wishes to announce that the President pro tempore has made the following appointment:

Senator Anthony H. Williams as a member of the Committee on Education.

**BILLS REPORTED FROM COMMITTEE**

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

**SB 88 (Pr. No. 590)**

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

**SB 598 (Pr. No. 888) (Amended)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for liability for tuition and enforcement of payment and for cost of tuition.

**SB 624 (Pr. No. 889) (Amended)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for school athletics, publications and organizations.

**SB 674 (Pr. No. 737)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in high schools, further providing for academic degrees.

**SB 687 (Pr. No. 890) (Amended)**

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

**SB 732 (Pr. No. 891) (Amended)**

An Act providing for the Governor's Schools of Excellence for programs offered in 2009.

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of March 30, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of March 30, 2009.

Senator PILEGGI. Mr. 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

Alloway	Ferlo	O'Pake	Vance
Argall	Folmer	Orie	Vogel
Baker	Fontana	Piccola	Ward

Boscola	Gordner	Pileggi	Washington
Browne	Greenleaf	Pippy	Waugh
Brubaker	Hughes	Rafferty	White, Donald
Corman	Kasunic	Robbins	White, Mary Jo
Costa	Kitchen	Scarnati	Williams
Dinniman	Leach	Smucker	Wonderling
Earll	Logan	Stack	Wozniak
Eichelberger	McIlhinney	Stout	Yaw
Erickson	Mellow	Tartaglione	
Farnese	Musto	Tomlinson	

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  
2009 PENNSYLVANIA  
BITUMINOUS COAL QUEEN  
PRESENTED TO THE SENATE**

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

Senator STOUT. Mr. President, there is no finer honor than to start this afternoon's ceremony in the Senate with the introduction of a very special guest to the Senate. As you know, for the past 55 years, the King Coal Association of Carmichaels, Greene County, has held a King Coal Show to select a young lady to represent the bituminous coal industry of southwestern Pennsylvania. This year, Miss Maura Andrews -- Maura, please stand up. (Applause.)

She is the 2008 Pennsylvania Bituminous Coal Queen, and she is from Carmichaels, Greene County. I might add that her mother had worked in my district office a number of years ago and was a very fine public servant. I am very pleased to have with me today Miss Andrews and her parents, Greg and Cheryl Andrews; Coal Queen Pageant representatives Lisa Allison and Jean Hockenberry; and Mr. Joe Scaffoni, Chief, Department of Deep Mine Safety, DEP. Also seated in the gallery are the Coal Queen's maternal grandparents, Ralph and Phyllis Dusman; paternal grandparents, Jim and Leora Andrews; and special friend, Charles Gasti. At this time, I ask that they all stand to be recognized by the Senate.

(Applause.)

Miss Andrews is a senior attending Carmichaels High School and is very active in many school and community activities. She currently holds a 4.0 grade point average and is a member of the National Honor Society. And this fall, she will be attending college near Philadelphia to major in pharmacy. Miss Andrews plays both the piano and the flute and is a member of the high school marching band. This evening, the Pennsylvania Coal Association will host a reception and dinner at the Harrisburg Hilton in honor of Miss Andrews being the Coal Queen. Again, I thank you for the warm welcome that you give to the Pennsylvania Bituminous Coal Queen.

The PRESIDENT. At this time, we invite the Pennsylvania Bituminous Coal Queen to address the Senate.

Miss ANDREWS. Thank you, Senator Stout, for the lovely introduction, and thank you, Senator Kasunic, for your hospitality today. Mr. President and distinguished Members of the Sen-

ate, I stand before you today with a sense of humility and admiration. I look around the Senate Chamber and realize the awesome task that you ladies and gentlemen face each day, whether serving your constituency here in Harrisburg or in your respective districts. Each of us in the Senate Chamber has a history or a story that has brought us to the place where we are today. I reflect back over my life and realize that each and every aspect or event that I have experienced has a meaning and a purpose.

Family is a very important part of my life. My parents, Greg and Cheryl, and my grandparents, who are also here today, have been involved in every aspect of my life. As you can see, today is no exception. I grew up in a secluded country setting in Greene County. And just by my mere surroundings, I came to love nature and the outdoors. When I turned 10, my dad accompanied me to a hunter safety course in West Virginia. In that same year, I shot my first deer with a .22-.250 rifle. I have been hunting with my dad ever since. In 2007, as an early graduation present, my dad took me to Montana for a mule deer and a cow elk hunt. I was successful in harvesting both. Whether hunting or in daily living, my dad always seems to put me in situations so that I have a better likelihood to succeed. Preparation, practice, and a good guide have always been the key to my hunting success, and I realize these same three components are necessary in the daily decisions and choices I make throughout my life.

My current academic schedule consists of college chemistry, college biology, advanced placement history, advanced English, and I am also taking a course to become a certified emergency medical technician. I currently maintain a 4.0 grade point average, and I am first in my class of 85 students. I am currently a member of the National Honor Society, the senior standing committee, the senior high student council, president of the Students Against Destructive Decisions group, and I am also the yearbook editor. I am one of four students who are members of the Hatfield Environmental Awareness Team, known as HEAT, which is sponsored by Allegheny Energy. Once a month, we travel to Hatfield's Ferry power plant, where we take a tour of specific areas of the plant and learn about every aspect of producing electricity.

I really was not sure whether I should try out for Coal Queen or not. I had never competed in a pageant, and I was afraid of failure. But these three components kept running through my mind: preparation, practice, and a good guide. I decided to compete, and I sought out advice and guidance from others. I found myself well prepared for the competition. Fulfilling my duties as Coal Queen is far more than wearing this crown or being known as a beauty queen. This role has given me a newfound confidence in myself, and I believe that dreams really can come true, not just by chance but with hard work and dedication.

My Coal Queen activities and duties have consisted of being a judge at an antique car show, pet parade, and bike parade during the Coal Show week, being the honored guest at parades and banquets, reading at the local day care centers, volunteering for the Salvation Army, and last week, I went on an underground coal mine tour. I had the opportunity to operate the shear on the long wall. I mined enough coal to fill six train cars. This was an awesome experience. And now, I stand before the Senate of Pennsylvania.

As a chapter of my Coal Queen reign comes to a close, another chapter of my life begins. I plan to attend the University of the Sciences in Philadelphia and major in pharmacy. Six years of schooling will be no easy undertaking, but I feel that my life experiences, my family's support, and my faith in God have paved the way for me to be in the best position to succeed.

Thank you for the opportunity to speak before the distinguished Members of the Senate. It will be a life experience that I will cherish forever. Thank you.

(Applause.)

### **SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR SHIRLEY M. KITCHEN PRESENTED TO THE SENATE**

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

Senator KITCHEN. Mr. President, today we have the Girard College High School Boys' Basketball Team, who won the PIAA Class A State championship on March 20, 2009, at the Bryce Jordan Center in State College, Pennsylvania. The Cavaliers ended with a season record of 25 wins and 3 losses. This is the first time in Girard College's 161-year history that a team has won a State championship in any sport. They are accompanied today by Girard College President Dominic Cermele, head of education Frannie Smith, and head coach Tyrone Morris. I ask that we give them our usual warm welcome.

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

(Applause.)

### **GUEST OF SENATOR ROBERT WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Mr. President, it is indeed my honor today to introduce to the Senate and those gathered yet another participant in our Wondership internship program. This young lady, Megan Bean, is a constituent of mine from Upper Salford Township in Montgomery County. She is working in our internship program here in Harrisburg and, in the coming months, in our district office in Montgomery County.

Megan attends Elizabethtown College, and she will be graduating within the next year or so. She hopes to, upon graduation, attend law school. She is doing great work for us, Mr. President, and I ask the Chair and the Members of the Senate to give her a hearty welcome.

The PRESIDENT. Would the guest of Senator Wonderling please rise to be welcomed by the Senate.

(Applause.)

### **GUEST OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE**

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

Senator ORIE. Mr. President, today in the gallery, I have Ray Li. Ray won second place in the Pennsylvania MATHCOUNTS State competition, with over 2,500 students in the competition.

Ray will join three other students to form the Pennsylvania team at the national competition on May 8 in Orlando, Florida. They will be competing against 228 finalists from 57 U.S. States and territories. Ray is in the eighth grade, attending Sewickley Academy. He is the son of Dong Feng Li and Jenny Yu. Please join me in giving Ray a warm welcome to the Senate today.

The PRESIDENT. Would the guest of Senator Orié please rise to be welcomed by the Senate.

(Applause.)

### **GUESTS OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Mr. President, it is my privilege to introduce our guest Pages for the day, both of whom are from my district. Craig Hacker and Stephen Maurer are both sophomores at Owen J. Roberts High School in northern Chester County. Both are very interested in government and in politics, and if we could welcome our guest Pages, Mr. President, I would appreciate that.

The PRESIDENT. Would the guest Pages please rise to be welcomed by the Senate.

(Applause.)

### **GUESTS OF SENATOR KIM L. WARD PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, I ask you to please join me today, because it is with great pleasure that I recognize the Verna Montessori School from Mount Pleasant, Pennsylvania. This young group of students and their teachers have come up to see the Capitol, tour the Capitol, and find out more about their government. So please join me in welcoming the Verna Montessori School.

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

(Applause.)

### **GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is an honor for me today to introduce Tom Zeager and Jean Bickmire. They are with Justice and Mercy, and are here in the gallery today. They have dedicated a significant portion of their professional adult lives to educating communities on criminal justice issues, working with reentry programs, and reintegrating ex-offenders back into our societies. They are doing terrific work, and I would love for the Senate to give them a warm welcome.

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

(Applause.)

### **GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE**

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

Senator CORMAN. Mr. President, this is getting to be an annual introduction for me. Like last year, the boys' basketball team of Greenwood High School has done tremendous things and had great accomplishments, and they are here today. Greenwood High School captured first place in the Tri-Valley League Boys' Basketball Championship and the 2008-09 PIAA District III Class A boys' basketball championship. They also finished their season with 26 wins and 3 losses and advanced to the quarterfinals of the championship.

Their head coach, Kent Houser, and assistant coaches, Aaron Anstine and Troy Gantt, are here with us, along with team players Adam Thompson, Grant Lesh, Andrew Rhoads, Jordann Ferguson, Cameron Hinkel, Nick Fried, Mike Hogan, John Craig, Zack Fortenbaugh, Tyler Warner, Deaven Kelly, Ethan Pellman, Trent Lesh, and Sal Buonocore. They are all here, and I ask the Senate to give a usual warm welcome and congratulations on their great season.

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

(Applause.)

### **SENATE RESOLUTION ADOPTED**

Senators ERICKSON, FARNESE, RAFFERTY, PILEGGI, ALLOWAY, ARGALL, BAKER, BOSCOLA, BROWNE, BRUBAKER, CORMAN, COSTA, DINNIMAN, EARLL, EICHELBERGER, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, LEACH, LOGAN, McILHINNEY, MELLOW, MUSTO, O'PAKE, ORIE, PICCOLA, PIPPY, ROBBINS, SCARNATI, SMUCKER, STACK, STOUT, TARTAGLIONE, TOMLINSON, VANCE, VOGEL, WARD, WASHINGTON, WAUGH, D. WHITE, M. WHITE, WILLIAMS, WONDERLING, WOZNIAK and YAW, by unanimous consent, offered **Senate Resolution No. 86**, entitled:

A Resolution noting with sadness the death of the inimitable Philadelphia Phillies announcer Harry Kalas and extolling his broadcasting legacy.

On the question,  
Will the Senate adopt the resolution?

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

Senator ERICKSON. Mr. President, I hold in my hand a Phillies cap. The caps are in each place, and they are in remembrance of an individual who is identified with the Phillies, and that is Harry Kalas. These caps come to you with the compliments of Senator Pileggi, Senator Rafferty, and me.

This is a resolution that notes, with sadness, the death of an inimitable Philadelphia Phillies announcer, Harry Kalas, and extols his broadcasting legacy. He has been revered in Phillies Clubhouse, Citizens Bank Park, and all of the southeast region,

as well as homes and ballparks nationwide for his enthusiasm for the game of baseball. He had been a sports announcer since 1958 and joined the Phillies in 1971. Harry Kalas earned 18 Pennsylvania Sportscaster of the Year awards. He was inducted into the broadcasters' wing of the National Baseball Hall of Fame, and he was a recipient of the Ford C. Frick award for contributions to the game. He is also in the Philadelphia Sports Hall of Fame.

However, Harry Kalas, in the southeast region of Pennsylvania, was known for his volunteer efforts. He was just selfless in terms of giving his time and his efforts to promote kids in the game as well as affairs that related to the veterans who served our great country. So again, it is with sadness that I recognize the passing of Harry Kalas, but it is also a life to be celebrated. Thank you.

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

Senator CORMAN. Mr. President, just a brief comment of support. Some of you may or may not know I was a journalism major in college and had aspired to be in sports broadcasting. One of my jobs in college, when I lived in Williamsport, Pennsylvania, was to do the board engineering for Philadelphia Phillies games, and so I got to listen to 162 games a year for quite a few years while I was in school. And I can tell you, as someone who aspired to be in that career, Harry Kalas was a hero of mine, he was a tremendous star in that field, and as Senator Erickson said, he was an even better person.

So it was with great sadness that he passed. I guess it was somewhat fitting he passed in the booth. He was a man, a great Pennsylvanian, for us all to admire, and I wanted to add my comments to Senator Erickson's in support of this resolution.

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

Senator FARNESE. Mr. President, it is with great pride and admiration today that I am able to rise and be a cosponsor of this resolution, along with my colleagues from across the aisle and within my own Caucus.

Ever since I can remember, the only voice that has consistently called the Philadelphia Phillies has been that of Harry Kalas, as his calling of the games truly goes back to about the time when I was born. This past week, watching Phillies games has been very difficult. As David Montgomery has said, the Philadelphia Phillies have lost their voice, and Harry's voice is an irreplaceable one.

Much has been said about the manner of Harry the K passing away, at a ball field, about to do what he loved to do the most, calling a Phillies baseball game. To think that only 6 months ago, he was able to call the last out of the Phillies World Series win, something that he was not able to do in 1980 when the Phillies won the Series at that time, and an occasion made even more special because, at that time, he was able to do it alongside his son Todd, the commentator for the Tampa Bay Rays.

To the Kalas family, my heartfelt thoughts and prayers are with you at this most difficult time. For the city of Philadelphia, while we might have lost a great announcer, we also lost a great and wonderful human being.

I would like to publicly thank the fans and the Phillies organization for showing the utmost respect to Harry's memory. The tributes last week have been remarkable, and I hope that every-

one in this Chamber and across this great Commonwealth had an opportunity to witness some of them. While Harry may be "outta here," his memory in the minds of Phillies fans will long continue.

Thank you for this opportunity.

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

Senator RAFFERTY. Mr. President, I rise in support of this resolution. We are entering the summer, and the sounds of summer are the whirring of a lawnmower engine, kids playing in the backyard, the hollering and screaming on the swing sets or running through the yards, the whack of a golf ball on the golf course, and the crack of a baseball on a baseball bat. Just recently, one of the sounds of summer, the voice of Harry Kalas, went silent.

We who had the opportunity to hear Harry day in and day out will miss him for his tone and his tenor of how he broadcasted the game. If you were listening to him on the radio, you felt like you were actually present at the ballpark. That is a magnificent gift, and that man shared it with the fans of Major League Baseball. The Phillies team organization lost a valuable member. Major League Baseball lost a friend.

To Harry Kalas, we thank him for his many years of service to the Philadelphia Phillies organization. And some came to know him through NFL films. He shared his gift, which all of us are called to do, to share our gift to the benefit of others. He shared his God-given gift with us. May he rest in peace. His legacy and his work with the Philadelphia Phillies will not be forgotten.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I join with my colleagues in honoring the late Hall of Fame Philadelphia Phillies announcer Harry Kalas.

As has been said, his career began back in 1961, but Harry had been broadcasting Philadelphia Phillies games since 1971. For Phillies fans, his voice was synonymous with baseball, with summers at the Jersey shore, with barbecues and tailgates, with heart-wrenching losses and soaring victories. The inflection of his voice when he called a play was palpable. There was something so thrilling about hearing Harry exclaim, "struck him out" or "this ball's outta here." Please excuse my bad imitation. I appreciate the laugh, Senator. But I think he will always be in Phillies fans' hearts, as Senator Farnese said, for calling the final game of the World Series last October. As Brad Lidge threw the final out, no Phillies fans could contain themselves upon hearing Harry Kalas proclaim that the Philadelphia Phillies were the 2008 World Champions of Baseball.

In 2002, I was fortunate enough to have the opportunity to meet Harry Kalas and to present him with a Senate Resolution honoring him for being inducted into the Baseball Hall of Fame and receiving the Ford C. Frick Award, which is the highest award a broadcaster in baseball can receive. I do not know if you will remember, Mr. President, but it was at the conclusion of our business, after a long, hard-fought budget deadlock, we got through the budget proceedings. It was early July, and it was 4 a.m., and I stood to propose my resolution honoring Harry Kalas.

At the time, I was heckled, and I was willing to endure it for Harry, and we passed that resolution, of course, unanimously.

Mr. President, I am honored to take this opportunity to remember a true Philadelphia legend and a genuine and passionate sportscaster, and above all, the voice of the Philadelphia Phillies. Phillies' President David Montgomery lamented last week, "We lost our voice." I do not think Harry Kalas's voice will ever be lost, but I am sure it will sorely be missed. But his voice lives on forever in the minds and in the hearts of all Philadelphians and the Philadelphia Phillies.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, there is no doubt that Harry Kalas had an inimitable professional voice as a baseball broadcaster. But another part of his character, I think, was equally important. Harry Kalas was indeed a true people's person. He used to visit Reading every winter for the Phillies baseball caravan, and he always took the time to chat with you. And when you sat down with Harry Kalas, it was like you were the only person in the world. He gave you his undivided attention. He was sincerely interested in you and your family. Time and again in Reading, he was last there in February when the Phillies visited Reading, and so many people came up to him to thank him for handwritten notes that he would send to them, anniversary congratulations that he would send to them, things that you would just not expect somebody of that stature and that high level of professionalism to remember.

Harry Kalas was not only a great baseball announcer, he was a very warm and gentle and great human being, and that, I know, endeared him to the hearts of the people of Reading. We have missed not only a great baseball legend in his own time, but we will miss the warm, sincere human being that he was, truly a people's person and one who, I think, reflected credit not only on the Phillies organization, but on his family and on baseball in general.

Harry, we will miss you, and I know you will not be forgotten, and even in Reading, Pennsylvania, you have many, many warm and grateful friends who are very grateful for the time that you spent with us in Reading, Pennsylvania.

God bless you and your family.

And the question recurring,

Will the Senate adopt the resolution?

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 304 (Pr. No. 303) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for duration of a listing.

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

Table with 4 columns of names: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Logan, McIlhinney, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wonderling, Wozniak, Yaw.

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.

SB 464 (Pr. No. 864) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for use of volunteer time by health care professionals in meeting continuing education requirements.

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

Table with 4 columns of names: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Logan, McIlhinney, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tartaglione, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wonderling, Wozniak, Yaw.

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.

BILL OVER IN ORDER

**SB 573** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 117 (Pr. No. 883)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for annual reports; and making editorial changes.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

**SB 45** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

**SB 48 (Pr. No. 33)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the acquisition and operation of the Horsham Joint Interagency Installation and limitation on use of installation.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

**SB 105** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

**SB 115 (Pr. No. 188)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for public review of State implementation plans.

Considered the second time and agreed to,

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

**SB 116 (Pr. No. 88)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for environmental funds reporting and disclosure by the Department of Environmental Protection.

Considered the second time and agreed to,

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

**SB 118 (Pr. No. 90)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for the fund and for civil penalties.

Considered the second time and agreed to,

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

**SB 123 (Pr. No. 884)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

**SB 142, SB 200, SB 211 and SB 212** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

**SB 241 (Pr. No. 246)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "qualified association"; further providing for prohibited acts and for duties of licensee generally; and providing for handling of deposits and other escrows.

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 275 and SB 351** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL RECOMMITTED

**SB 655 (Pr. No. 719)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for political influence restriction.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was recommitted to the Committee on Community, Economic and Recreational Development.

### 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. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE BOARD OF ACCOUNTANCY

February 13, 2009

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, David J. Capriotti (Public Member), 816 Latonka Drive, Mercer 16137, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until October 24, 2009, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Diana Reed, Washington, resigned.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

January 6, 2009

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, Tanya Williams Bell, 4400 Saybrook Lane, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

January 6, 2009

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, Linda J. Rich, 124 Waverly Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

January 21, 2009

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, D. Joanne Reckley, 2403 Elizabeth Avenue, Temple 19560, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE HORSE RACING COMMISSION

March 30, 2009

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, Ray Dennis Hamm, 15586 Round Hill Church Road, Stewartstown 17363, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Richard D. Abbott, Cochranville, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE REAL ESTATE COMMISSION

March 9, 2009

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, Joseph J. Tarantino, Jr., 1030 Yellow Springs Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment 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.

EDWARD G. RENDELL  
Governor



MEMBER OF THE BOARD OF TRUSTEES  
OF SELINGROVE CENTER

March 30, 2009

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, Donald M. Foltz, 14 Grayson View Court, Selingsgrove 17870, Snyder County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
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. Ronald Epting, Mr. and Mrs. Howard Ruhf, Mr. and Mrs. Dean Paul, Mr. and Mrs. Donald Mayer and to Mr. and Mrs. Andrew Rhody by Senator Argall.

Congratulations of the Senate were extended to the Nicholson United Methodist Church Spring Luncheon by Senator Baker.

Congratulations of the Senate were extended to Aaron L. Womer and to ClearWater Conservancy of State College by Senator Corman.

Congratulations of the Senate were extended to Joshua A. Walker, Laura Ewart, Stephen Joel Buckingham and to Adam Kovac by Senator Eichelberger.

Congratulations of the Senate were extended to Mary Louise Sherk by Senator Folmer.

Congratulations of the Senate were extended to Eric Pelkey by Senator Logan.

Congratulations of the Senate were extended to Adam Edward Johnson by Senator McIlhinney.

Congratulations of the Senate were extended to the Congregation of the Sisters, Servants of the Immaculate Heart of Mary, and the St. Peter Parish Family, of Reading, by Senator O'Pake.

Congratulations of the Senate were extended to Ray Li and to Amanda Scheboth by Senator Orie.

Congratulations of the Senate were extended to Roman Pawlowski by Senator Pileggi.

Congratulations of the Senate were extended to the members and coach of the West Norriton Township 13- and 14-Year-Old Junior District All-Star Baseball Team by Senator Rafferty.

Congratulations of the Senate were extended to Vincent P. Darcangelo by Senator Robbins.

Congratulations of the Senate were extended to the Elk Regional Health System of Saint Marys by Senator Scarnati.

Congratulations of the Senate were extended to Celia Reynolds and to Donald L. Vega by Senator Stout.

Congratulations of the Senate were extended to Jazmin Shields and to Rita's Italian Ice of Andalusia by Senator Tomlinson.

Congratulations of the Senate were extended to Stephen P. Fuhrman by Senator Vance.

Congratulations of the Senate were extended to Rose Livingston by Senator Vogel.

Congratulations of the Senate were extended to Donald W. Giffin and to Randy Dreistadt by Senator Ward.

Congratulations of the Senate were extended to Ted McDonald by Senator Washington.

Congratulations of the Senate were extended to Brandon M. Bensel by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Schmeltzle and to Kelly Gross by Senator Wonderling.

Congratulations of the Senate were extended to Barbara B. Hudock by Senator Yaw.

**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 Valentino DeCristofano by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Donald R. Graham by Senator Orie.

Condolences of the Senate were extended to the family of the late William M. Dull by Senator Smucker.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.  
The bills were as follows:

**SB 88, SB 598, SB 624, SB 674, SB 687 and SB 732.**

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

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 21, 2009

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.
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WEDNESDAY, APRIL 22, 2009

9:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on the future of the Pennsylvania Public Television Network)	Hrg. Rm. 1 North Off.
9:30 A.M.	FINANCE (to consider Senate Bills No. 165, 207 and 601)	Room 461 Main Capitol
1:00 P.M.	EDUCATION (public hearing on Teacher Strikes in Pennsylvania)	Hrg. Rm. 1 North Off.

TUESDAY, APRIL 28, 2009

9:30 A.M.	AGING AND YOUTH and LABOR AND INDUSTRY (joint informational hearing on the Consumer Workforce Council)	Hrg. Rm. 1 North Off.
10:00 A.M.	JUDICIARY (Budget Hearing for the State Judicial System)	Room 8E-B East Wing
11:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 110, 143, 152, 380 and 731)	Room 461 Main Capitol

WEDNESDAY, APRIL 29, 2009

9:00 A.M.	APPROPRIATIONS (Budget Hearing - PA Housing Finance Agency)	Hrg. Rm. 1 North Off.
9:30 A.M.	GAME AND FISHERIES (to consider Senate Bills No. 301, 302, 535 and 574; and House Bill No. 92)	Senate Maj. Caucus Rm.

TUESDAY, MAY 5, 2009

12:00 P.M.	GAME AND FISHERIES (public hearing to afford the Pennsylvania Fish	Room 8E-A Main Capitol
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and Boat Commission the opportunity to present its 2008 annual report)

WEDNESDAY, MAY 13, 2009

1:30 P.M.	EDUCATION (Public Hearing to consider Alternative Education Funding and Standards)	Polaris School 740 Willow St. Lebanon, PA
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**RECESS**

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, April 22, 2009, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:53 p.m., Eastern Daylight Saving Time.