

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, MAY 7, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 33

SENATE

MONDAY, May 7, 2007

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

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

PRAYER

The Chaplain, Reverend JOEL B. McGEE, of Providence Baptist Church, Chester, offered the following prayer:

Thank you, Madam President. Thank you, Senator Pileggi, for having me as a guest.

Let us pray.

God, we come now to thank You for Your blessings. We thank You, Heavenly Father, as we acknowledge You, that You are sovereign. We ask Your blessings on this Session. We ask Your blessing on each Senator. We thank You, O God, that You have blessed them to be able to serve Your people. We ask, O God, that Your spirit be with them as they make decisions that will affect lives. We thank You, O God, as we recognize You, that You are still in control. Thank You for just being God is our prayer. Thank You again for allowing us to serve. In Jesus' name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend McGee, who is the guest today of Senator Pileggi.

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 COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 4, 2007

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, Marie Conley Lammando, 742 S. 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 4, 2007

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, Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

May 4, 2007

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, Wrenna L. Watson, Esquire, 1700 Wylie Avenue, Pittsburgh 15219, Allegheny County, Thirty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Walter R. Little, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY

May 4, 2007

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, Robert Powelson, 135 Viburnum Drive, Kennett Square 19348, Chester County, Ninth Senatorial District, for reappointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

May 7, 2007

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, Jamie L. Sheller, Esquire, 42 Old Gulph Road, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2013, and until her successor is appointed and qualified, vice John P. Kameen, Forest City, whose term expired.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

May 7, 2007

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 K. Williams, III, Esquire, 6453 Cloverleaf Road, Verona 15147, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Cynthia A. Baldwin, appointed to Supreme Court.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

May 7, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Nocella, Esquire, 4000 Gypsy Lane, Apartment 113, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2008, vice The Honorable Joyce S. Kean, resigned.

EDWARD G. RENDELL
Governor

CORRECTIONS TO 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 COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION

May 2, 2007

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

Please note the nomination dated March 23, 2007, for the appointment of Hon. Samuel H. Smith, 211 Dinsmore Avenue, Punxsutawney 15767, Jefferson County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, should be corrected to read:

Hon. Samuel H. Smith, 826 Ridge Road, Punxsutawney 15767, Jefferson County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION

May 4, 2007

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

Please note the nomination dated March 23, 2007, for the appointment of James C. Miller, 267 Concord Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, should be corrected to read:

James C. Miller, 207 Concord Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

RECALL COMMUNICATIONS
REFERRED TO COMMITTEE

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

MEMBER OF THE COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 4, 2007

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 January 29, 2007, for the appointment *[sic]* of Marie Conley Lammando, 742 S. 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 4, 2007

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 January 29, 2007, for the appointment *[sic]* of Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

May 4, 2007

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 January 29, 2007, for the appointment of Wrenna L. Watson, Esquire, 1700 Wylie Avenue, Pittsburgh 15219, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Walter R. Little, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY

May 4, 2007

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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

January 29, 2007, for the appointment *[sic]* of Robert Powelson, 135 Viburnum Drive, Kennett Square 19348, Chester County, Ninth Senatorial District, as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2009, and until his successor is appointed and qualified.

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EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

May 7, 2007

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

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PHILADELPHIA COUNTY

May 7, 2007

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EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

May 7, 2007

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 January 29, 2007, for the appointment of Joseph K. Williams, III, Esquire, 6453 Cloverleaf Road, Verona 15147, Allegheny County, Forty-third Senatorial District, as Judge of the Court of Common Pleas of

Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Cynthia A. Baldwin, appointed to Supreme Court.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

May 7, 2007

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 January 29, 2007, for the appointment of Richard C. Rowland, 20 W. Mt. Airy Road, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice Robert Bittenbender, Carlisle, whose term expired.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 2, 2007

HB 191 -- Committee on Public Health and Welfare.

HB 419 -- Committee on State Government.

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 3, 2007

Senators ORIE, FERLO, CORMAN, BOSCOLA, PUNT, FOLMER, EARLL, LOGAN, MADIGAN and BROWNE presented to the Chair **SB 768**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions."

Which was committed to the Committee on BANKING AND INSURANCE, May 3, 2007.

Senators BROWNE, ROBBINS, BOSCOLA, FONTANA, COSTA and C. WILLIAMS presented to the Chair **SB 780**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, requiring nonprofit hospitals to comply with open meeting requirements.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 3, 2007.

Senators BROWNE, ROBBINS, BOSCOLA, FONTANA, COSTA, WOZNIAK and C. WILLIAMS presented to the Chair **SB 781**, entitled:

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, requiring nonprofit hospitals to comply with open examination and inspection requirements.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 3, 2007.

Senators KASUNIC, COSTA, LAVALLE, MELLOW, BROWNE, FONTANA, FUMO, LOGAN, MADIGAN, STOUT, PUNT, RAFFERTY, TARTAGLIONE, TOMLINSON, D. WHITE and WOZNIAK presented to the Chair **SB 823**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for use of armory fitness facilities.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 3, 2007.

Senators KASUNIC, M. WHITE, LAVALLE, O'PAKE, BROWNE, BRUBAKER, ERICKSON, FOLMER, FONTANA, GORDNER, LOGAN, RAFFERTY, ROBBINS, STOUT, WASHINGTON, WAUGH, D. WHITE, WOZNIAK and REGOLA presented to the Chair **SB 825**, entitled:

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability of landowners toward recreational users, persons or property for acts or acts of omission by recreational users.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 3, 2007.

Senator DINNIMAN presented to the Chair **SB 827**, 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 environmental quality board and for control of emissions from halogenated solvent cleaning facilities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 3, 2007.

Senators GREENLEAF, COSTA, RAFFERTY, WASHINGTON, TARTAGLIONE, C. WILLIAMS, FERLO and FUMO presented to the Chair **SB 830**, entitled:

An Act prohibiting the sale and restricting the disposal of mercury thermostats; and prescribing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 3, 2007.

Senators GREENLEAF, COSTA, EARLL, MUSTO, O'PAKE and WAUGH presented to the Chair **SB 831**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

Which was committed to the Committee on JUDICIARY, May 3, 2007.

Senators REGOLA, D. WHITE, FOLMER and McILHINNEY presented to the Chair **SB 832**, entitled:

An Act repealing the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, entitled "An act establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals."

Which was committed to the Committee on LABOR AND INDUSTRY, May 3, 2007.

Senators RHOADES, MUSTO, FONTANA, RAFFERTY, ERICKSON, LAVALLE, COSTA, FERLO, LOGAN, EARLL, TOMLINSON, PILEGGI and BROWNE presented to the Chair **SB 834**, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for appointment, qualification and tenure of members of the Advisory Council on Library Development.

Which was committed to the Committee on EDUCATION, May 3, 2007.

May 4, 2007

Senators McILHINNEY, FONTANA, WOZNIAK, FOLMER, BRUBAKER, WONDERLING, TOMLINSON and EARLL presented to the Chair **SB 836**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for one-day tourist licenses, for one-day resident fishing licenses, for issuing agents and for license, permit and issuing agent fees.

Which was committed to the Committee on GAME AND FISHERIES, May 4, 2007.

Senators FUMO, TARTAGLIONE, ORIE, COSTA, FONTANA, O'PAKE, BOSCOLA, RAFFERTY, KASUNIC, LOGAN, STOUT, WASHINGTON, KITCHEN, C. WILLIAMS, EARLL and FOLMER presented to the Chair **SB 837**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions for assistance to retired military veterans.

Which was committed to the Committee on FINANCE, May 4, 2007.

Senators CORMAN, BROWNE, MELLOW, BOSCOLA, M. WHITE, WOZNIAK, GORDNER, ERICKSON, RAFFERTY, LOGAN, ORIE, FONTANA, MUSTO, O'PAKE, ROBBINS, FOLMER, VANCE, D. WHITE, KASUNIC, COSTA, BRUBAKER, DINNIMAN, WONDERLING, WAUGH and PICCOLA presented to the Chair **SB 838**, entitled:

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for definitions, for State Board of Accountancy, for general powers of the board, for examination and issuance of certificate, for education requirements, for experience requirements; providing for requirements for issuance of certificate; further providing for certificates issued by domestic reciprocity and for certificates issued by foreign reciprocity; providing for practice in this Commonwealth by individuals under substantial equivalency, for practice outside this Commonwealth under substantial equivalency; further providing for licenses to practice, for licensing of firms, for peer review, for grounds for discipline, for reinstatement, for unlawful acts and for acts not unlawful.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 4, 2007.

Senators HUGHES, MELLOW, LOGAN, STOUT, FERLO, WOZNIAK, MUSTO, STACK, COSTA and TARTAGLIONE presented to the Chair **SB 839**, 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 eligibility and for qualifications; and providing for continuing professional development for school and system leaders and for Pennsylvania school leadership standards.

Which was committed to the Committee on EDUCATION, May 4, 2007.

Senators COSTA, BOSCOLA, LOGAN, FERLO, TARTAGLIONE, FOLMER, FONTANA, MELLOW, ORIE, O'PAKE, STOUT, VANCE, SCARNATI, WAUGH, ROBBINS and LAVALLE presented to the Chair **SB 840**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further defining "candidate."

Which was committed to the Committee on STATE GOVERNMENT, May 4, 2007.

Senators COSTA, LOGAN and FONTANA presented to the Chair **SB 841**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for limitation on municipal powers.

Which was committed to the Committee on STATE GOVERNMENT, May 4, 2007.

Senators TOMLINSON, BOSCOLA, STOUT, ERICKSON, TARTAGLIONE, FONTANA, LOGAN, O'PAKE, PUNT, WAUGH, CORMAN, ROBBINS, GORDNER, RAFFERTY, GREENLEAF, KASUNIC, BRUBAKER, McILHINNEY, WOZNIAK, BROWNE, FOLMER and REGOLA presented to the Chair **SB 844**, 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.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 4, 2007.

Senator ARMSTRONG presented to the Chair **SB 846**, entitled:

An Act amending the act of July 2, 2006 (P.L. , No.2A), known as the General Appropriations Act of 2006, increasing, reducing and adding Federal and State appropriations for various Executive departments and agencies.

Which was committed to the Committee on APPROPRIATIONS, May 4, 2007.

RESOLUTIONS INTRODUCED AND REFERRED

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

May 4, 2007

Senators TOMLINSON, KASUNIC, COSTA, WASHINGTON, MELLOW, FONTANA, BOSCOLA, FERLO, PUNT, ERICKSON, TARTAGLIONE, FUMO, RAFFERTY, O'PAKE, ORIE, BRUBAKER, LAVALLE, MUSTO, LOGAN, EARLL, WAUGH, WONDERLING, C. WILLIAMS, STOUT, STACK, McILHINNEY, FOLMER, BROWNE, PILEGGI, ARMSTRONG, MADIGAN and D. WHITE presented to the Chair **SR 102**, entitled:

A Resolution designating May 19, 2007, as "Child Passenger Safety Day" in Pennsylvania.

Which was committed to the Committee on TRANSPORTATION, May 4, 2007.

Senators MADIGAN, BRUBAKER, WAUGH, O'PAKE, PIPPY, TARTAGLIONE, KASUNIC, WONDERLING, EARLL, PILEGGI, ARMSTRONG, BOSCOLA, WASHINGTON, PUNT, FOLMER, ERICKSON, STOUT, ORIE, COSTA, RAFFERTY, FERLO, BROWNE, D. WHITE and BAKER presented to the Chair **SR 114**, entitled:

A Concurrent Resolution urging the Congress of the United States and the United States Department of Agriculture (USDA) to use dairy farmers' cost of production as part of the method for calculating Federal order minimum milk prices.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 4, 2007.

BILLS REPORTED FROM COMMITTEES

Senator WONDERLING, from the Committee on Communications and Technology, reported the following bills:

SB 385 (Pr. No. 433)

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

SB 711 (Pr. No. 925)

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

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

SB 795 (Pr. No. 887)

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

SB 846 (Pr. No. 975)

An Act amending the act of July 2, 2006 (P.L., No.2A), known as the General Appropriations Act of 2006, increasing, reducing and adding Federal and State appropriations for various Executive departments and agencies.

SB 87 (Pr. No. 121) (Rereported)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for contracting with veteran-owned businesses; and imposing duties on the Department of General Services.

SB 691 (Pr. No. 736) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veteran plates and placard.

SB 782 (Pr. No. 876) (Rereported)

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, further providing for definitions, for powers of Environmental Quality Board, for licensing and registration fees, for nuclear facility and transport fees, for creation of special funds, for response program and for transportation of radioactive material; and making repeals.

SB 815 (Pr. No. 909) (Rereported)

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for underground storage tank environmental cleanup program and for underground storage tank pollution prevention program.

LEGISLATIVE LEAVES

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

Senator ORIE. Madam President, I request a legislative leave for Senator Madigan, and temporary Capitol leaves for Senator McIlhinney, Senator Rafferty, Senator Tomlinson, Senator Pileggi, and Senator Scarnati.

The PRESIDENT. Senator Orie requests a legislative leave for Senator Madigan, and temporary Capitol leaves for Senator McIlhinney, Senator Rafferty, Senator Tomlinson, Senator Pileggi, and Senator Scarnati.

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Stack and Senator Connie Williams, and a legislative leave for Senator Stout.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Stack and Senator Connie Williams, and a legislative leave for Senator Stout.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate May 7, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, May 21, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, 21, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-48

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS

**GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

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

Senator ROBBINS. Madam President, today, the professional firefighters are meeting in Harrisburg, and one of the reasons

they are here is to support Senate Bill No. 351, which is the boot drive legislation that has been proposed in the Senate.

I would like to introduce Bill and Sheila Markel and their sons, Danny and David, who are with us today. Bill is a professional fireman, and the Markels are residents of East Brady in western Pennsylvania, and are visiting Harrisburg to attend the professional firefighters conference.

Madam President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

The PRESIDENT. Will Bill and Sheila Markel and their sons, Danny and David, please rise. Welcome to the Senate.

(Applause.)

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for the purpose of a Republican caucus in the Majority Caucus Room.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney, Senator Pileggi, Senator Rafferty, Senator Connie Williams, and Senator Stack have returned, and their temporary Capitol leaves are cancelled.

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 Don White.

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

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

May 7, 2007

A PETITION

To place before the Senate the nomination of Marie Conley Lammando as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Marie Conley Lammando, Harrisburg, Pennsylvania, as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of The Honorable Peter J. Daley, II as a member of the Council of Trustees of California University.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of The Honorable Peter J. Daley, II Coal Center, Pennsylvania, as a member of the Council of Trustees of California University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Aaron A. Walton as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Aaron A. Walton, Allison Park, Pennsylvania, as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Jamie L. Sheller, Esquire as a member of the Pennsylvania Industrial Development Authority.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Jamie L. Sheller, Esquire,

Wynnewood, Pennsylvania, as a member of the Pennsylvania Industrial Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Wrenna L. Watson, Esquire as Judge, Court of Common Pleas, Allegheny County.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Wrenna L. Watson, Esquire, Pittsburgh, Pennsylvania, as Judge, Court of Common Pleas, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Joseph K. Williams, III, Esquire as Judge, Court of Common Pleas, Allegheny County.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Joseph K. Williams, III, Esquire, Verona, Pennsylvania, as Judge, Court of Common Pleas, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Thomas M. Nocella, Esquire as Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Thomas M. Nocella, Esquire, Philadelphia, Pennsylvania as Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orié
Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Robert Powelson as a member of the Board of Trustees of Lincoln University.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Robert Powelson, Kennett Square, Pennsylvania, as a member of the Board of Trustees of Lincoln University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert D. Robbins
- Joseph B. Scarnati III
- Dominic F. Pileggi
- Jane C. Orié
- Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Richard C. Rowland as a member of the State Employees' Retirement Board.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Richard C. Rowland, Dillsburg, Pennsylvania, as a member of the State Employees' Retirement Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert D. Robbins
- Joseph B. Scarnati III
- Dominic F. Pileggi
- Jane C. Orié
- Michael L. Waugh

May 7, 2007

A PETITION

To place before the Senate the nomination of Adrian R. King, Jr. as a Commonwealth Trustee of Temple University.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Adrian R. King, Jr., Philadelphia, Pennsylvania, as a Commonwealth Trustee of Temple University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert D. Robbins
- Joseph B. Scarnati III
- Dominic F. Pileggi
- Jane C. Orié
- Michael L. Waugh

The PRESIDENT. The communications will be laid on the table.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 34 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 105 (Pr. No. 922) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, authorizing the members of the Environmental Quality Board to retain independent legal counsel to the performance of its duties.

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-47

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

NAY-1

Ferlo

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
TEMPORARILY

SB 354 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 467 (Pr. No. 940) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for a penalty.

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 Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, high on the reform agenda are two State laws vital to the public interest - the laws providing for open records and open meetings. This measure strengthens the penalty when intentional violations of the Sunshine Law occur. The problem is that the maximum fine now is only \$100. This bill provides penalties up to \$1,000 for the first offense, and \$2,000 for the second offense. Two grand juries looking into the serious violations of open meeting requirements have recommended even stiffer penalties.

One unfortunate situation occurred in my own district in Lancaster County. We are now seeing enforcement when illegal action takes place. To reinforce that, there should be meaningful penalties to impose when secrecy wrongfully shuts out the public. With more certain prosecutions and more meaningful penalties, we should improve compliance with the law, which is the real goal here.

Pennsylvania's Sunshine Law is designed to protect the rights of citizens to attend and participate in government meetings. Strengthening enforcement is an important step in guaranteeing people have the access to decisionmaking they need and deserve, and I recommend an affirmative vote on Senate Bill No. 467.

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

Senator EICHELBERGER. Madam President, I lend my support to this amendment today to this law, although I would remind my colleagues that this law, particularly this part, does not apply to us. I would also comment that this law is very onerous on many in local government, and if this bill today contributes to a witch-hunt in any way of township supervisor boards or county commissioner boards throughout the Commonwealth, then I think that this body should come back and readdress some of the laws pertaining to the Sunshine Law of Pennsylvania.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Madigan has returned, and his legislative leave is cancelled.

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

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 699 (Pr. No. 745) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in child victims and witnesses, for admissibility of certain statements.

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-48

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

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 112 (Pr. No. 1471) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for effect of act on existing laws and, in insurance holding companies, for definitions, for acquisition of control of or merger with domestic insurer and for acquisitions involving insurers not otherwise covered; establishing the Insurance Restructuring Board; providing for its powers and duties; and making an inconsistent repeal.

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.

BILL OVER IN ORDER

SB 317 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 431 (Pr. No. 162) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Commonwealth of Pennsylvania, Pennsylvania Game Commission, being conveyed by the Pennsylvania Game Commission in return for the imposition of Project 70 restrictions on certain lands being conveyed to the Commonwealth of Pennsylvania, solely for the use of the Pennsylvania Game Commission in Adams County.

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 537 (Pr. No. 930) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of fraudulent airbags.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment No. A0604:

Amend Sec. 1 (Sec. 7331), page 1, line 12, by striking out "purchase, sell,"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

BILL REREFERRED

SB 704 (Pr. No. 802) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for rules and regulations for personal care homes and assisted living residences.

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILL REREFERRED

SB 721 (Pr. No. 933) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for powers and duties of board, for application and qualifications, for reciprocity, for certification renewal and record, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification, for surrender of suspended or revoked certificate, for penalties, for injunctive relief and for scope of practice.

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

BILL OVER IN ORDER

SB 726 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 740 (Pr. No. 946) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price determined through competitive bidding, certain lands situate in Benner Township, Centre County.

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

SB 755 (Pr. No. 831) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to An Act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

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

SENATE RESOLUTION No. 91, ADOPTED

Senator PILEGGI without objection, called up from page 3 of the Calendar, **Senate Resolution No. 91**, entitled:

A Resolution urging the President and Congress to increase funding for special education programs provided by the states to the level authorized by the Individuals with Disabilities Education Act.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

SENATE RESOLUTION No. 101, REREFERRED

Senator PILEGGI, without objection, called up from page 3 of the Calendar, **Senate Resolution No. 101**, entitled:

A Resolution designating May 8, 2007, as "Early Care and Education Action Day."

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

SB 354 CALLED UP

SB 354 (Pr. No. 158) -- Without objection, the bill, which previously went over in its order, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL RECOMMITTED

SB 354 (Pr. No. 158) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Environmental Quality Board.

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

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room, and then we will return to the floor.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

SECRETARY OF CONSERVATION
AND NATURAL RESOURCES

April 26, 2007

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 Michael F. DiBerardinis, 1536 East Montgomery Avenue, Philadelphia 19125, Philadelphia County, First Senatorial District, for a reappointment as Secretary of Conservation and Natural Resources, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

SECRETARY OF ENVIRONMENTAL PROTECTION

April 26, 2007

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 Kathleen Alana McGinty, 126 North 26th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Madam President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

May 4, 2007

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 January 29, 2007, for the appointment *[sic]* of Marie Conley Lammando, 742 S. 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

May 4, 2007

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 January 29, 2007, for the appointment *[sic]* of Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 7, 2007

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 January 29, 2007, for the appointment of Jamie L. Sheller, Esquire, 42 Old Gulph Road, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2013, and until her successor is appointed and qualified, vice John P. Kameen, Forest City, whose term expired.

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

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

May 4, 2007

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 January 29, 2007, for the appointment of Wrenna L. Watson, Esquire, 1700 Wylie Avenue, Pittsburgh 15219, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Walter R. Little, resigned.

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

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

May 7, 2007

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 January 29, 2007, for the appointment of Joseph K. Williams, III, Esquire, 6453 Cloverleaf Road, Verona 15147, Allegheny County, Forty-third Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Cynthia A. Baldwin, appointed to Supreme Court.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

May 7, 2007

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 January 29, 2007, for the appointment of Thomas M. Nocella, Esquire, 4000 Gypsy Lane, Apartment 113, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2008, vice The Honorable Joyce S. Kean, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY

May 4, 2007

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 January 29, 2007, for the appointment [*sic*] of Robert Powelson, 135 Viburnum Drive, Kennett Square 19348, Chester County, Ninth Senatorial District, as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2009, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD

May 7, 2007

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 January 29, 2007, for the appointment of Richard C. Rowland, 20 W. Mt. Airy Road, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice Robert Bittenbender, Carlisle, whose term expired.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

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:

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

January 29, 2007

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 Peter J. Daley, II, 402 East Malden Drive, Coal Center 15423, Washington County, Thirty-second Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

January 29, 2007

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, Adrian R. King, Jr., 8833 Norwood Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a Commonwealth Trustee of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2010, and until his successor is appointed and qualified, vice Stephen A. Miskin, Mechanicsburg, whose term expired.

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-48

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

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators ORIE, KASUNIC, FERLO, C. WILLIAMS, COSTA, BOSCOLA, FONTANA, ARMSTRONG, PUNT, GREENLEAF, ERICKSON, TARTAGLIONE, FUMO, FOLMER, PIPPY, MELLOW, BRUBAKER, RAFFERTY, EARLL, O'PAKE, LOGAN, ROBBINS, REGOLA, D. WHITE, BROWNE, STACK, WOZNIAK, SCARNATI, WONDERLING and PILEGGI, by unanimous consent, offered **Senate Resolution No. 115**, entitled:

A Resolution recognizing the month of May 2007 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in the Commonwealth of Pennsylvania and urging the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and a cure for ALS.

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

Senators ORIE, KASUNIC, FERLO, C. WILLIAMS, COSTA, BRUBAKER, FONTANA, BOSCOLA, ARMSTRONG, PUNT, ERICKSON, MUSTO, GREENLEAF, TOMLINSON, TARTAGLIONE, FUMO, FOLMER, PIPPY, WAUGH, MELLOW, EARLL, O'PAKE, LOGAN, ROBBINS, REGOLA, KITCHEN, D. WHITE, BROWNE, STACK, WOZNIAK, LAVALLE, SCARNATI, WONDERLING and PILEGGI, by unanimous consent, offered **Senate Resolution No. 116**, entitled:

A Resolution recognizing and honoring firefighters throughout this Commonwealth for their bravery, dedication and heroism and designating May 4, 2007, as "Firefighters' Day" in Pennsylvania.

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

Senator O'PAKE, on behalf of Senator HUGHES, by unanimous consent, offered **Senate Resolution No. 117**, entitled:

A Resolution supporting the American Stroke Association's Power to End Stroke campaign.

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

Senators PICCOLA, GORDNER, WONDERLING, ARMSTRONG and VANCE, by unanimous consent, offered **Senate Resolution No. 118**, entitled:

A Resolution applauding Harrisburg University of Science and Technology on the historic occasion of its inaugural commencement exercise and extending all best wishes for continued success at providing the Commonwealth and its citizens with continued returns on their investment.

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

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 the Pfoutz Valley Methodist Church of Millerstown by Senator Corman.

Congratulations of the Senate were extended to the Penn Hills Senior Service Center by Senator Costa.

Congratulations of the Senate were extended to Catherine Mary Whoriskey-Keough by Senator Erickson.

Congratulations of the Senate were extended to May Hull and to Helen Wagner by Senator Gordner.

Congratulations of the Senate were extended to Pam Hueber by Senator Greenleaf.

Congratulations of the Senate were extended to the National Patient Advocate Foundation by Senator Hughes.

Congratulations of the Senate were extended to Kaitlyn Raszewski by Senator Kasunic.

Congratulations of the Senate were extended to Antoinette Barnes-Gooden, R. Dianna Swain, Yolanda Jackson-Palmer and to Linda Elizabeth Royster Gandy by Senator Kitchen.

Congratulations of the Senate were extended to Dustin Zimmer, Robert Kendall, Robert Bruce and to Chadd Vanemon by Senator Madigan.

Congratulations of the Senate were extended to Charlie Weis by Senators Mellow and Musto.

Congratulations of the Senate were extended to Cargill Meat Solutions of Hazleton by Senator Musto.

Congratulations of the Senate were extended to Harold L. Schappell by Senator O'Pake.

Congratulations of the Senate were extended to Paul Hoffman by Senator Orie.

Congratulations of the Senate were extended to the Susquehanna Chorale by Senator Piccola.

Congratulations of the Senate were extended to the Baldwin High School Varsity 1 Roller Hockey Team of Pittsburgh by Senator Pippy.

Congratulations of the Senate were extended to Jeromy Merrell and to Megan Mancino by Senator Punt.

Congratulations of the Senate were extended to Darren Hoyt by Senator D. White.

Congratulations of the Senate were extended to Andrew Carl Sphalski, Jacob N. Silfies, Matthew C. Mikosky, Nathaniel J.

Belzner, Shane C. Galbraith, Andrew D. Tyson, Sean D. Zimmerman, John T. Silfies and to the Children's Developmental Program of Quakertown by Senator Wonderling.

Congratulations of the Senate were extended to Marion E. Babp, Logie E. Miller, Louella Morris, Margaret E. Shriver, Elsie Mae Young and to Dorothy E. Smith by Senators Wonderling, Browne, and Boscola.

Congratulations of the Senate were extended to Priscilla Payne Hurd by Senator Wonderling and others.

Congratulations of the Senate were extended to Harold V. Lansberry by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Helen A. O'Connor by Senator Baker and others.

BILLS ON FIRST CONSIDERATION

Senator WAUGH. 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 by voice vote.

The bills were as follows:

SB 385, SB 711, SB 795 and SB 846.

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 thank the Senate for passing legislation today that will help to protect our children in this Commonwealth. There is a tender years hearsay exception in the law that would allow children 12 years of age or younger who are either victims or witnesses to crimes such as homicide, kidnaping, sexual offenses, assault, burglary, and robbery, that their out-of-court statements would be admissible in the prosecution of those cases as long as they were unavailable as a witness.

Recently, one of our courts found an 11-year-old girl who had been raped and otherwise assaulted, and was later killed in an automobile accident unrelated to the assault, that her statements to her mother, her grandmother, her sister, friends, doctor, child welfare workers, were all inadmissible. The legislation we passed earlier makes it clear under this exception, this hearsay exception, that unavailability also includes the death of a witness. So, the passage of this legislation deals with perpetrators of crimes against young children 12 and under will no longer be able to get away with their crimes because of the death of that child.

Thank you very much.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 8, 2007

| | | |
|--------------------------------|---|--------------------------|
| 9:00 A.M. | STATE GOVERNMENT (to consider Senate Bills No. 69, 137, 248, 346, 468, 814 and 822) | Room 8E-A East Wing |
| 10:00 A.M. | LABOR AND INDUSTRY and LOCAL GOVERNMENT (joint hearing related to the Uniform Construction Code) | Sen. Maj. Caucus Rm. |
| 10:00 A.M. to 12:00 P.M. | PUBLIC HEALTH AND WELFARE (public hearing to consider Health Care Acquired Infections) C A N C E L L E D | Hrg. Rm. 1 North Off. |
| 10:00 A.M. | TRANSPORTATION (brief update of federal transportation issues from David Ewing of the Council of State Governments - Eastern Regional Conference) | Room 461 Main Capitol |
| 11:30 A.M. | JUDICIARY (to consider Senate Bills No. 221, 269, 595, 632 and 831; and House Bill No. 688) | Room 8E-B East Wing |
| 12:00 Noon | AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 799) | Room 8E-A East Wing |
| Off the Floor | RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations) | Rules Com. Conf. Rm. |

RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, May 8, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 4:15 p.m., Eastern Daylight Saving Time.