

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 27, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 48

SENATE

WEDNESDAY, June 27, 2007

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

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

PRAYER

The Chaplain, Reverend NARIE GRAYSON, the Advocate of St. Stephen's United Methodist Church, Philadelphia, offered the following prayer:

O God of mercy and grace, in this hour pour out Your mercy and grace in our lives until we take on Your likeness. Pull us up from every grip of pride. Your light shines into our hearts to guide us, Your goodness delivers us from evil, Your love comforts us and fills us with compassion, Your power gives us divine enablement. You are full of forgiveness. Make us able to forgive, to free us.

We are grateful for the faith that sustains us and for the hope that inspires us. Let Your life flow through us, even as You live within us, through Your spirit.

Now unto Him, who is able to do exceedingly abundantly above all that we ask or think according to the power that works in us, we pray in the name that is far above all principality and power, might and dominion, and every name that is named, not only in this world, but also in that which is to come. Amen.

The PRESIDENT. The Chair thanks Narie Grayson, who is the guest today of Senator Kitchen.

PLEDGE OF ALLEGIANCE

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

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:

June 26, 2007

HB 1420 and 1481 -- Committee on Law and Justice.

June 27, 2007

HB 43 -- Committee on Environment Resources and Energy.
HB 1287 and 1295 -- Committee on Appropriations.

GENERAL COMMUNICATION

ANNUAL LIST OF EDUCATIONAL ORGANIZATIONS RECEIVING CONTRIBUTIONS FROM BUSINESSES

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

COMMONWEALTH OF PENNSYLVANIA
Department of Revenue
Harrisburg, Pennsylvania
17128-1100

June 28, 2007 [sic]

Mr. Mark R. Corrigan
Secretary of the Senate
Senate of Pennsylvania
462 Main Capitol
Harrisburg, PA 17120

Dear Mr. Corrigan:

In accordance with the provisions of Act 4 of 2001, the Department of Revenue is to provide a list of all Scholarship Organizations, Educational Improvement Organizations and Pre-Kindergarten Scholarship Organizations receiving contributions from business firms granted a tax credit to the General Assembly June 30 of each year.

The enclosed lists represent the organizations in each category and the total tax credit granted.

If I can provide any further information, please contact me.

Sincerely,

THOMAS W. WOLF
Secretary of Revenue

The PRESIDENT. This report will be filed in the Library.

BILL SIGNED

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

HB 892.

BILL REPORTED FROM COMMITTEE

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

HB 1367 (Pr. No. 2087) (Rereported)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care; providing for pharmaceutical and therapeutics committee; further providing for definitions, for authorization, for amount, for repayment, for regulations and for time periods; and providing for the Senior Care and Services Study Commission.

**RESOLUTIONS REPORTED FROM
COMMITTEE**

Senator BRUBAKER, from the Committee on Agriculture and Rural Affairs, reported the following resolutions:

SR 114 (Pr. No. 980)

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.

SR 139 (Pr. No. 1232)

A Resolution designating the month of August 2007 as "Pennsylvania Produce Month."

The PRESIDENT. The resolutions will be placed on the Calendar.

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 Piccola.

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

CALENDAR

HB 781 CALLED UP OUT OF ORDER

HB 781 (Pr. No. 900) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 781 (Pr. No. 900) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the Maple Avenue Bridge on State Route 271 in the City of Johnstown, Cambria County, as the Colonel John Joseph Tominac Memorial Bridge.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

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

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

Senator EICHELBERGER. Madam President, I rise today to introduce a few folks from my district. Jason High, my legislative director, has his family with him here today, and in the gallery are his wife, Patty; his daughter, Jasmine; and son, Trevor.

Next to them are two folks from my district office, Charles States, who is my district director, and intern Michal Simon, who is a senior at IUP this year, majoring in political science.

I ask the Senate to give them a very warm welcome this morning.

The PRESIDENT. Will Jason, Patty, Jasmine, Trevor, Charles States, and Mike Simon please stand.

(Applause.)

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

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

Senator WONDERLING. Madam President, it is my honor and pleasure to introduce another intern who is spending the summer with us. Jennifer McCusker, a high school student, hails from Bucks County and is currently working several days a week in our Bucks County office in Quakertown.

She attends the prestigious Hun School of Princeton, and is currently seeking early admittance to Brown University, where she is a prospective major in international relations. She is very interested in our democratic processes both here and abroad, and I am delighted that she is not only spending the summer with us, but is here today shadowing, getting a keener understanding of our legislative process.

Therefore, Madam President, I ask for a hearty welcome for Miss Jennifer McCusker.

The PRESIDENT. Will Jennifer McCusker please rise so we can welcome you.

(Applause.)

GUEST OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Madam President, it is my pleasure to introduce Andrej Perekrests, one of my interns this summer. She was a student at the Groton Prep School in Massachusetts, and currently is attending Elmira College, majoring in a wonderful combination of English and economics. Madam President, I would appreciate a warm welcome for my intern.

The PRESIDENT. Will Andrej Perekrests please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Madam President, it is my distinct pleasure to introduce to the Members of the Senate two interns working in my district offices this summer.

Working in my Chester County office is Dave Waters, the son of Dave and Lynn Waters. He lives in Upper Uwchlan Township, Chester County, is a recent graduate of Downingtown East High School, and just concluded his first year at Saint Charles Borromeo Seminary for the Archdiocese of Philadelphia.

Working in my Montgomery County office is Ryan Capinski, the son of Chester and Terry Capinski, who lives in Lower Providence Township, Montgomery County. He graduated from Malvern Prep and just finished his first year at Elon University in North Carolina.

Both of them are avid sportsmen, like to read in their spare time, and they are doing a fantastic job for us in the district offices representing the Senate. I would like my colleagues to extend its traditional warm welcome of the Senate of Pennsylvania to both Dave and Ryan.

The PRESIDENT. Will Dave Waters and Ryan Capinski please rise so we can welcome you to 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. Madam President, I have two interns here today. Gina Amey, who interns in my New Bloomfield office in Perry County, is a 2005 graduate of Greenwood High School. She is the daughter of Gary Amey of McAlisterville and Pauline Helwig of Millerstown. Gina is a junior at Harrisburg Area Community College, where she is studying elementary education. Next year she plans to transfer to Penn State University, obvi-

ously a very bright young lady, at the Harrisburg campus. Following her Penn State graduation, she may pursue a specialized teaching certificate either in special education or speech pathology. She has been an assistant coach at Greenwood High School for the past 2 years.

Also with us is Meredith Odato, an intern from my Harrisburg office, whom I mentioned just briefly yesterday. She is a 2004 graduate of West Perry High School, and is the daughter of Gene and Kathy Odato. She is about to enter her senior year of study at Cornell University, which means that she is already smarter than me, which probably was not a very high bar to get over to begin with. She studies natural resource policy and management, and is a Cornell Presidential Research Scholar preparing an honors thesis to study Cornell students' attitudes towards hunting and game management.

I ask the Senate to give its usual warm welcome to Meredith Odato and Gina Amey, who are working very hard.

The PRESIDENT. Will Meredith Odato and Gina Amey please rise so we can welcome you.

(Applause.)

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a meeting of the Republican Caucus in the Majority Caucus Room. I do not expect the caucus to last more than one hour.

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

Senator O'PAKE. Madam President, I request the Democrats report to our caucus room at the conclusion of the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, and Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor during the Session to consider House Bills No. 1287 and 1295.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

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

SB 97 (Pr. No. 1217) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations.

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?

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I rise for a ruling of the Chair under Senate Rule XXI, section 2.

As a member of the board of directors of a Pennsylvania community bank, am I permitted to vote on Senate Bill No. 97, since it does deal with the bank shares tax?

The PRESIDENT. Senator Mellow, you and many Members of the Senate are members of classes of boards of directors. As so, it is not personal. I think it is mandated that you do vote on this.

Senator MELLOW. Thank you very much, Madam President.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Connie Williams.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Connie Williams. Without objection, the leave will be granted.

POINT OF ORDER

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

Senator WAUGH. Madam President, prior to voting on this bill, I raise a question and request a ruling of the Chair similar to the question asked previously by the gentleman from Lackawanna, Senator Mellow, with respect to my service as a bank board of director in the community.

The PRESIDENT. The same ruling applies to you, Senator Waugh. Yes, you are expected to vote on this since there is nothing wrong with you being a bank board of director. There is no conflict of interest.

Senator WAUGH. Thank you very much, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Stout, Senator Kasunic, Senator Mellow, and Senator Fumo.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Stout, Senator Kasunic, Senator Mellow, and Senator Fumo. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

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

SB 638 (Pr. No. 1218) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance

Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SB 763 (Pr. No. 1219) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

GUESTS OF SENATOR ANTHONY WILLIAMS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, some of you know that, unfortunately, a couple weeks ago I lost a dear member of my family. One of my fathers passed away, and some peo-

ple would describe him as a stepfather, but in my case, he actually was my father. I have with me today his daughter, Terri, who is accompanied by her daughter, Quiana, so I would like to introduce to the Senate my family members, my sister, Terri, and her daughter, Quiana.

The PRESIDENT. Will Terri Green and Quiana Green-Lucas please rise so we can welcome you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 842 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 455 (Pr. No. 1243) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygiene practitioners.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 715, HB 778 and HB 840 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 881 (Pr. No. 1978) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for killing game or wildlife to protect property, for provisions relating to unlawful devices and methods and for exceptions to unlawful use of lights while hunting.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 886 (Pr. No. 1195) -- 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, further prohibiting certain acts.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1169 and HB 1228 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER TEMPORARILY

SB 857 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

SB 1006 (Pr. No. 1236) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 7 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

HB 10 (Pr. No. 2103) -- 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 Criminal Justice Enhancement Account.

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

BILL OVER IN ORDER

HB 131 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL LAID ON THE TABLE

SB 333 (Pr. No. 1092) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was laid on the table.

BILL OVER IN ORDER

HB 363 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

HB 369 (Pr. No. 1401) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for the payment of death benefits to members of emergency personnel teams.

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

BILL ON SECOND CONSIDERATION

SB 468 (Pr. No. 513) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a limitation on the length of session.

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

BILL OVER IN ORDER

HB 483 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 496 (Pr. No. 2086) -- The Senate proceeded to consideration of the bill, entitled:

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 licensing and registration fees, for powers of Environmental Quality Board, for nuclear facility and transport fees, for creation of special funds, for response program and for transportation of radioactive materials; and making repeals.

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

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

BILLS OVER IN ORDER

HB 635, SB 674, SB 707, SB 861 and SB 916 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 917 (Pr. No. 1067) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers of borough.

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

BILL OVER IN ORDER

SB 962 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 126, ADOPTED

Senator PILEGGI without objection, called up from page 6 of the Calendar, **Senate Resolution No. 126**, entitled:

A Resolution memorializing the Congress of the United States to repeal or delay the creation of a national identification card and the implementation of the REAL ID Act of 2005.

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. 129, ADOPTED

Senator PILEGGI without objection, called up from page 6 of the Calendar, **Senate Resolution No. 129**, entitled:

A Resolution opposing the designation of national interest electric transmission corridors and memorializing the Congress of the United States to repeal or modify certain provisions of the Energy Policy Act of 2005.

On the question,

Will the Senate adopt the resolution?

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

SB 857 CALLED UP

SB 857 (Pr. No. 1220) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Second Consideration Calendar, by Senator PILEGGI.

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION, AMENDED**

SB 857 (Pr. No. 1220) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for audit requirements and for board members.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ORIE offered the following amendment No. A2283:

Amend Sec. 1 (Sec. 3.2), page 3, line 7, by striking out "VICE" and inserting: minority

Amend Sec. 1 (Sec. 3.2), page 3, line 8, by striking out "VICE" and inserting: minority

Amend Sec. 2 (Sec. 6), page 3, lines 19 and 20, by inserting brackets before the comma after "executive" in line 19 and after "class" in line 20

Amend Sec. 2 (Sec. 6), page 4, lines 4 through 7, by striking out "Additionally, the Governor shall make two" in line 4, all of lines 5 and 6 and "appoint one member to the nine-member board." in line 7 and inserting: The President pro tempore of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives shall each appoint one member to the nine-member board.

On the question,

Will the Senate agree to the amendment?

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

Senator ORIE. Madam President, this is an amendment that was drafted by Senator Costa and Senator Logan in the meeting of the Committee on Appropriations, and I have used it today to make sure that this appointment reflects that of the SEPTA board from Philadelphia, that there is precedence for it.

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

Senator COSTA. Madam President, I rise to ask my colleagues to not support this amendment being offered at this particular point in time. This amendment, and the legislation that it is amending, which we will probably be voting on at some point in time, whether it be through Senate Bill No. 857 or whether it be part of the overall mass transit legislation we deal with, remains to be seen.

Madam President, I think that at this point in time, it is important to recognize that we are engaged in the last few days of our budget season, and a big part of what we have been discussing and will continue to discuss here in Harrisburg for the next couple of days relates to the issue of mass transit funding.

The bill that is either here or on its way over from the House will make comprehensive changes to how we fund mass transit in this Commonwealth, and I think it is important that we allow that process to unfold, allow that process and have this discussion about the composition of the port authority board of Allegheny County and the governance of our transit system in Allegheny County be a part of that discussion in terms of that legislation, and not be driven through legislation unrelated to that particular discussion as well.

In Allegheny County, a number of very significant things have happened with respect to our port authority board. They have engaged in a serious discussion of public hearings and a very thorough review of how they are going to spend their resources. It was driven by the board, the executive director, and our county executive. If we take the steps to unravel that board and change the way it is composed, I think that it may not give the board that is in place ample opportunity to implement the things that have been done.

For those reasons, as well as a number of others, I would ask at this point in time, because I think the discussion needs to take place as part of the overall mass transit funding and the overall transportation funding issue in this Commonwealth, that we not wait to do this amendment until that time. I ask my colleagues to join me in a negative vote on this amendment.

Thank you, Madam President.

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

Senator LOGAN. Madam President, would the maker of the amendment, Senator Orie, stand for brief interrogation?

The PRESIDENT. Will Senator Orie stand for interrogation?

Senator ORIE. Yes, Madam President.

The PRESIDENT. She indicates she will.

Senator LOGAN. Madam President, the current members of the board, whether they were appointed by this county executive or the last county executive, if they have time remaining on their terms, would they be excluded from serving out the remainder of their term?

Senator ORIE. Madam President, the county executive would be able to choose who is going to replace them on the board from the elections.

Senator LOGAN. Madam President, this poses a bunch of additional questions, so it will not be brief then, I guess.

Madam President, the county executive then would have the power over this nine-member board to pick and choose, so some-

body who was appointed by the former county executive could be removed by this current executive, so it would not go in any type of order based on the years that they have served in their term? I am just trying to understand the procedure.

Senator ORIE. Madam President, yes. What he would do is choose the four members whom we would be replacing, and we would replace those four members. He would choose which members he would want. It would not necessarily be the ones who are up. It is whomever he chooses as the four members he would like removed and replaced by our appointments.

Senator LOGAN. Thank you, Madam President.

On the amendment, Madam President, the State of Pennsylvania, as we go through our budget season, provides a significant amount of dollars, I think the budget is up to about \$27-plus billion, and I think we provide \$5 billion or \$6 billion to our 501 school districts in the Commonwealth. Madam President, I ask, where do we draw the line with wanting the legislative appointments on boards? We have 501 school districts. Does that mean we are going to have an amendment for legislative leaders to appoint somebody on every school board in the Commonwealth? All of the hundreds of authorities, whether sewer authorities or convention center authorities, the whole like, where do you draw the line? Local governments, hospitals, we provide dollars in this budget for hospitals. Do we want a seat on every hospital or insurance board, or museums, colleges, universities?

Madam President, it is endless. To pick and choose just one specific board out of hundreds and hundreds of boards, authorities, school boards, transportation authorities, I think is really misguided and not something that we should actually be doing, Madam President.

I ask for a negative vote on the amendment.

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

Senator ORIE. Madam President, if I could respond. There is a mass transit crisis across this State, and the Governor had appointed a governor's transportation commission, and one of the recommendations was to have State representation on these transit boards. Furthermore, my colleague from Allegheny County certainly realizes the amount. Over 60 percent of State funding is provided to the port authority, 60 percent of State funding with less than 10 percent from the county. I believe in regard to reform, accountability, and efficiencies with this port authority that it is undergoing, and I could go on and on in regard to the mismanagement, it is imperative that the State have oversight of this transit authority, especially with the crisis it is facing.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I guess people are wondering why would a guy from rural Pennsylvania care what the heck they are going to do in the city of Pittsburgh or Allegheny County? I will tell you why. The language in this amendment does not say it prohibits a Senator or a Representative from sitting on that board. The gentlewoman from Allegheny already brought up the incredible amount of money that goes into the port authority, far more percentage wise than any other transit system in Pennsylvania.

I think if we allowed this language to go in without a prohibition of an elected official, meaning us, sitting on that board, that

is just too close to the money. They are going to lean on that Representative or that Senator who sits on that board, and they are going to lean on them because they have access to something everybody in Pennsylvania wants - money.

We need to isolate ourselves as much as possible from that pot of money or that ability to be leaned on. I think this is a slippery slope, and for a guy who does not come from Allegheny County, who is certainly not going to enjoy that leaning because somebody else is going to get some of that stuff in the till, I think if she would craft it so maybe we have appointments, but make it quite clear in prohibiting elected officials, it might make it a better amendment.

At this point in time, the guy from rural Pennsylvania, for that reason, too close to the money, they are going to lean on that person, whoever it is, and they can say they are not, but they will because they are close to the General Assembly, which is close to the treasury.

I am asking for a negative vote on this amendment. Thank you very much.

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

Senator PIPPY. Madam President, I have just a few comments. To answer the gentleman's question, I just talked to Senator Orie, and neither she nor I would ever want to be on that board. We would be happy to see that language, although I hope with that language the gentleman would also list the names of any of his colleagues who are currently on any board that has discretionary authority as it relates to State funding, because there may be one or two, PHEAA, and a couple of other boards, too. I mean, if you are talking about who is close to the money, those boards spend even more money, but that is not the issue today, and he is giving us a little smile because that is not the issue today. If we put that amendment in and make sure that no elected official from Allegheny County sits on that board, I would applaud that move.

The question that was brought up is why are we arbitrarily choosing the Port Authority of Allegheny County? Well, it is not arbitrary. This was not an arbitrary decision, this was a recommendation from the Governor's task force.

Allegheny County gets over 60 percent of its funding from the State. That is one of the highest levels in the nation. Most mass transit authorities receive a substantial portion of their funding from a combination of ridership, which averages around 25 to 30 percent, local match which averages sometimes 25 to 30 percent, and then State or Federal match, which is about a third. But that is not the dynamic in the Port Authority of Allegheny County. The dynamic is two-thirds of the money comes from the State, a small portion, very small portion, roughly 10 percent, comes from the county, and the other 20 to 25 percent comes from ridership and advertising.

So this is a unique situation, and I commend my colleagues for asking these questions because they are legitimate questions, but this is a debate we have to have. I ask my colleagues to support Senator Orie in trying to enact some of the reform recommendations that the Governor's commission has put together, and then I ask my colleagues, as we are looking at the long-term solution for the Port Authority of Allegheny County, and frankly,

mass transit across all of Pennsylvania, that we also answer some of the other questions.

I ask my colleagues for a "yes" vote on this amendment.

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

Senator FERLO. Madam President, first of all, I think my two colleagues from Allegheny County on the aisle opposite presented an amendment that I believe is well-intentioned. However, I think it is just wrong-headed.

I am not going to start naming names here on the floor of the Senate, but the fact of the matter is the port authority, in its budget and all of the bad fiduciary and financial decisions made at that authority over the last 20 years, were in the hands of prominent Republicans. That is the fact of the matter.

For the first time in my lifetime in Allegheny County, we have a county executive who has come forward, stepped up to the plate, and said I am going to wrestle back some control of this agency, and he is stepping on a lot of toes, he is upsetting a lot of people, and he is probably not making anybody happy. He has not made a lot of riders and passengers happy, he has not made the union happy, and he has not made a lot of white-collar professionals who have lost their jobs in the last year happy. He has stepped up to the plate and made a lot of tough decisions.

My fear right now based on this amendment is that it is an attempt to unfortunately politicize a process that should remain focused on the prerogatives and the opportunities, if not the burden, of the county executive, who is the top elected official in Allegheny County, to more importantly take control and be held politically accountable for this important agency that is the lifeblood of so many individuals, businesses, commerce, and working people trying to get to work every day.

We do not need to politicize this. We need to wrestle back control and focus attention on the county executive's prerogatives, powers, and authorities, and at the same time parallel to this and independently of this is the overall transportation formula solution decisions that we are going to be hopefully struggling with over the next few days.

However well-intentioned this amendment is, I do think it is inappropriate at this time and wrong-headed. I think we should resolve some of the other parallel transportation finance issues we are struggling with, and I do not think we need to disrupt the current makeup of the board and the current ability of the county executive to really focus in and do what he has to do.

Again, if you want me to go into a long litany of the past two chairpeople's prerogatives in the past, some actually probably predate some of the newer colleagues arriving here in the Senate, I am going back over the last 25 years, but however well-intentioned, this is a wrong-headed amendment. I also think it is going to raise the question with other transit authorities around the State whether or not they want to now start addressing board composition. There may be merits to that, but I would rather see that be part of a discussion, frankly, to the appropriations and to the transportation funding formula and not a separate and distinct action by the Pennsylvania Senate.

Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Connie Williams has returned, and her temporary Capitol leave is 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 Greenleaf.

The PRESIDENT. Without objection, the leave will be granted.

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

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

Senator PIPPY. Madam President, in no way was anyone trying to politicize anything. I would actually question how you could blame a certain party when there has been pretty much one-party control in that region for decades, except for small increments, but I would not accuse one party. This is a regional issue that we have to deal with.

My point is very simple. The Governor, who happens to be a Democrat, put together a task force, and in that list of task force recommendations was looking at the makeup of this authority, was looking at having representation. It is not unusual. There are Democrats right now on the Airport Authority of Allegheny County. I do not consider that a political act. I consider that gentleman to be an upstanding, wonderful representative, who is trying to take care of his district, and I would expect that from both sides of the aisle.

I wanted to question, or at least dispute the argument that this is some type of a political move, because it was not. If the Governor's group did not make that recommendation, we would not be standing here right now, so that is why it is out there. That is why it is on the table. Why the port authority was mentioned is because it came out of the Governor's commission's recommendations, and I ask for an affirmative vote for the Orie amendment.

Thank you, Madam President.

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

Senator ORIE. Madam President, I have a brief comment in regard to that there is some type of political nature to this amendment. I would like to also comment that Jack Wagner, the Auditor General, who is a Democrat, also made recommendations for this and has supported this initiative as well.

I look at this as bipartisan. I look at this as a bigger issue, Madam President. It is about reform, it is about accountability, and it is about oversight, and by allowing the State to have appointees just like SEPTA does, and with the amount of money that the State provides to the port authority, this should not even be an issue. This should be something that should be immediate, without a problem, and the bigger issue is reform and keeping that reform moving forward. I believe each and every one of us here in the legislature have an obligation and a duty with the

moneys that have been going to the transit authorities to have that oversight, and we owe it to the public.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, I would just like to make a point that the Governor's Transportation Funding and Reform Commission did a very good job, but in fact, I think that we are not following the commission's recommendations and discussions that they suggested on many of the most important issues that we face in the Commonwealth dealing with mass transit and with the roads. I would just like to point that out.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, I agree with the arguments of contribution. I think that there is logic behind the amendment. I think it is the time, I think it is the place, and frankly, for those who think that this should be handled at a different time, I agree. We have been waiting for a different time. Unfortunately, this place works on leverage, and I think that it is an appropriate consideration. It is not my county, but I have SEPTA in my own backyard, and I do believe that those of us who think there should be more accountability rather than less, this is our moment to speak up, because we are not going to have it in September, we are not going to have it in October, we are not going to have it in November. It is now.

I think all of us want to support mass transit or highway construction. I think we are all here at this moment trying to get that done, and I think it is all a part of the same activity. For those reasons, I will be supporting the amendment going forward.

Thank you.

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

Senator COSTA. Madam President, this issue has evolved into a discussion about reforms, and I think we need to be clear. In my initial comments, I tried to be as clear as I could in terms of timing. Timing is everything, as my colleague from Philadelphia, Senator Anthony Williams, indicated, that we are here today to discuss a variety of transportation issues across this Commonwealth, and more specifically, dealing with mass transit.

But as we talk about reform, I think we clearly need to look at the composition of the current board of the port authority. They have undertaken significant reforms, laid off in excess of 250 employees, and scaled back routes to the tune of about 16 or 17 percent. With respect to the benefit packages for the port authority employees that, as pointed out by Senator Ferlo, were implemented and put into place by previous directors and chairmen, a number of those perks have been curtailed or eliminated. The legacy costs that exist at the port authority is a problem that existed for the past 20 years that our county executive has attempted to get his arms around, and working in conjunction with this board to do that.

Madam President, the current board has been successful in right-sizing the Port Authority of Allegheny County, and all our colleagues on this side of the aisle, or at least most of us, are saying is that the time is not right to unravel the composition of the board. If we are going to have a discussion about changing the composition and the governance of the Port Authority of

Allegheny County, that potentially it be a part of a greater discussion as it relates to the other mass transit agencies and different classes of transit agencies across the Commonwealth, including SEPTA, which has been discussed as well.

Madam President, I think moving forward with this legislation at some point in time is appropriate. There are particular provisions in the bill itself that I support. You may notice that I am a cosponsor of the bill, because I believe in the concept that we need to be addressing some of these issues, particularly the provisions with respect to the audit provisions, but the timing is not right, and that is a reason why a number of us are standing up and saying, please, let us wait, slow this process down, not interject this governance issue into the issue of funding as we move forward on this transportation bill.

If we want to talk about reforms that are taking place in this particular county with this particular agency, and a significant number of reforms have already been implemented by this current board, all we are asking for is the opportunity for those changes to be implemented as we go forward, maybe over the course of this summer, maybe as we move into the fall will be a more appropriate time to address this particular comprehensive legislation.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, with all due respect to my colleague, the question abounds here frequently that maybe we can get around to something. We are still trying to figure out when we can get around to property tax relief, and the clock is ticking. Constituents in this Commonwealth need mass transit, they need the highways and the bridges to be repaired, and they also need to make sure the money that we are going to contribute in that regard is spent specifically for that, and I go farther. I think the question is, do we put a politician on the board? I think that it was agreed that we do not need to do that, and I agree with that, but I would go even farther. I think that if we are going to purify the process, we need to make sure that the appointees we put on this board, because we understand how this works, a politician picks these people, and all too often these politicians have relationships with these people.

So, I would agree with language that says not only should an elected official not be there, but we should also make sure that any relationship that happens with people on the board does not abound to any relationship that occurs within this Commonwealth or within this Senate. I do not think people want the fare box to increase simply because we sent more money but we have not figured out how to prevent sweetheart deals or overbloomed contracts from occurring that are costly to our taxpayers.

I do not think there is a more appropriate moment that if we are going to send more money, we send it with levels of accountability, and those levels of accountability should be here. I believe the amendment speaks to that, and I believe other amendments will speak to that, and I hope that we will be clear-minded enough that we do not put off our work for some hopeful consideration down the road as we go forward. I think that the amendment speaks to accountability and speaks to reform, and I think the constituency is asking for these roads, highways, and mass

transit agencies to be taken care of without extra cost and extra burden. I think that is what this amendment speaks to.

Thank you, Madam President.

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

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

YEA-30

Armstrong	Folmer	Pippy	Vance
Baker	Gordner	Punt	Waugh
Browne	Greenleaf	Rafferty	White, Donald
Brubaker	Madigan	Regola	White, Mary Jo
Corman	McIlhinney	Rhoades	Williams, Anthony H.
Earll	Orie	Robbins	Wonderling
Eichelberger	Piccola	Scarnati	
Erickson	Pileggi	Tomlinson	

NAY-20

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

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

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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON SECOND CONSIDERATION

HB 1367 (Pr. No. 2087) -- 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 medical assistance payments for institutional care; providing for pharmaceutical and therapeutics committee; further providing for definitions, for authorization, for amount, for repayment, for regulations and for time periods; and providing for the Senior Care and Services Study Commission.

Considered the second time and agreed to,

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

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 Appropriations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to be held in the Rules room immediately, 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:

MEMBER OF THE STATE BOARD OF NURSING

May 9, 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, Suzanne Hendricks, 2140 Starr Road, Quakertown 18951, Bucks County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Richard Kerr, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF PARDONS

June 15, 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, John E. Wetzell, 19 Edgelea Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 2011, vice Barbara Walrath, Boothwyn, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF POLK CENTER

May 8, 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, Gary R. Hutchison, 106 Dogwood

Drive, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

June 1, 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, Tyrone J. Christy, 104 Mirage Court, Renfrew 16053, Butler County, Fortieth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice William R. Shane, Esquire, Indiana, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

June 1, 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, Kim Pizzigrilli, 411 Sioux Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2012, or until her successor is appointed and qualified, but not longer than six months beyond that period.

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.

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:

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OF NURSING**

May 9, 2007

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

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EDWARD G. RENDELL
Governor

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EDWARD G. RENDELL
Governor

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OF POLK CENTER**

May 8, 2007

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In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary R. Hutchison, 106 Dogwood Drive, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

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ment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice William R. Shane, Esquire, Indiana, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

June 1, 2007

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In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kim Pizzingrilli, 411 Sioux Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2012, or until her successor is appointed and qualified, but not longer than six months beyond that period.

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

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

NAY-0

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

Ordered, That the 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
BILLS REPORTED FROM COMMITTEE

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

HB 1287 (Pr. No. 1544)

An Act making appropriations from restricted revenue accounts within the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General.

HB 1295 (Pr. No. 2125) (Amended)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in budget implementation, for the State System of Higher Education.

SENATE RESOLUTION ADOPTED

Senators C. WILLIAMS, HUGHES, O'PAKE, FERLO, LAVALLE, RAFFERTY, MUSTO, FONTANA, KITCHEN, TARTAGLIONE, BAKER, COSTA, STOUT, BROWNE, WONDERLING, FOLMER and PILEGGI, by unanimous consent, offered **Senate Resolution No. 142**, entitled:

A Resolution recognizing June 27, 2007, as "National HIV Testing Day."

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, I rise today to ask everyone in Pennsylvania to stand up to the HIV/AIDS epidemic in the country by taking the test and taking control. I would like to thank my colleagues today who signed on to my resolution declaring today, June 27, as National HIV Testing Day in Pennsylvania, and I invite all of you to join Senator Hughes in the media center at 3 o'clock, where he will have a demonstration of a new HIV testing device.

Today, I ask only for a few minutes of your time to let you know that you can still get the word out about national testing day in your community. There is a stigma that is often attached to HIV/AIDS. That stigma, along with the fear and lack of knowledge about the disease, has prevented many people at risk from taking the one step that could save their lives. That one step, the first and the most important step, is to get tested. The Centers for Disease Control and Prevention estimate that more than 1 million Americans are living with the virus that causes AIDS. The CDC estimates that more than one-fourth of the people living with HIV have not been diagnosed, and the CDC has shown that there is a correlation between new infections and the number of people who do not know that they are affected.

There are a variety of testing options and a variety of HIV antibody tests. Testing can be confidential, meaning that only medical personnel or State health departments will have access to the test results. Anonymous HIV testing is also an option in Pennsylvania. Through anonymous testing, test results are given randomly assigned numbers at the time of testing. Types of tests range from standard blood tests, which was the first antibody test developed, to swabs of the mouth, urine samples, rapid HIV antibody tests, and new do-it-yourself home testing kits.

Web sites such as www.hivtest.org, which is sponsored by the Centers for Disease Control and Prevention, provide information on testing sites across the country and can let you know the test site closest to your home. Additionally, the CDC has a national hotline to refer people to testing sites at 1-800-342-AIDS. The Pennsylvania Department of Health has an AIDS fact line at 1-800-662-6080. Testing is also available at many county health centers.

For peace of mind, to take control, to ensure a healthy future, I encourage everyone to observe National HIV Testing Day on June 27 and take a test.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I will not belabor the period or the time in terms with respect to this issue, because in approximately 15 minutes we will be having a press event where we will be demonstrating the test and working with Secretary of Health Calvin Johnson and many community activists from around the State to show how simple and easy a process this is, to allow folks to break through whatever stigma that may exist and to encourage folks to, in fact, take a test.

As my good friend, Senator Connie Williams, who has been working on this issue for a number of years and who, in fact, has members of her family who have been working on this issue for a number of years, has said in previous remarks that this is a very simple process, a very confidential process, and a process that, in fact, empowers individuals with respect to what their own status is and getting them better educated with respect to the disease and how to most appropriately handle themselves.

Madam President, I need to emphasize the devastation that this disease is having not just here in the United States, but across the entire world. In many places, many countries, and many continents, this disease is ravaging whole communities and whole nations, and the other issues that go along with it are really a window on the world that we live in these days.

What is most disturbing in the process of the explosion of this disease all over the world is how women are being treated globally. I have seen too many situations, traveled too many places, and read and researched so much about this. From my trip last year to Nigeria and my trip to the International AIDS Conference in Toronto, I heard testimony of women from nations all over the globe talk about how they are being forced into second-class status and how they are being treated by men in their respective communities. As a result, HIV/AIDS is spreading rapidly.

Madam President, what we do know and what we should be comforted with as we continue to push forward on this issue, and what folks do not know is that Philadelphia, and Pennsylvania as a State, are leading the nation in many respects on how to combat this disease. We have in our home city of Philadelphia, the birthplace of the nation, we have probably the leading activity on all fronts in terms of fighting the spread of HIV. In every different aspect of the struggle of HIV, something is happening progressively in our city that is an example to the rest of the country on how to combat this disease. Many cities around the country are looking toward our efforts in Philadelphia with respect to how to take up the fight and the charge, and extend their particular battle within their own city.

In addition, the leading corporation in the world on the issue of HIV testing is probably a Pennsylvania-based corporation. It is OraSure Technologies, Inc., in Bethlehem, Pennsylvania, and was supported dramatically in the early stages with funding from the Ben Franklin Technology Partnership. They produce the leading and preeminent testing device that is assisting communities all over the world with respect to knowing your status and fighting this disease. I mention this because folks need to know what we are doing here in Pennsylvania, and how advanced we are in many respects. There are still a lot of things we have to do, but we are advanced in many respects on this disease.

I also mention it in context of my comments about OraSure that when we take the time and make the appropriate investments in technology, in biology, in the biotechnology side of the equation, dramatic impact can occur. We need to think about that as we go forward on the remaining discussions that we have with respect to the budget, and the remaining discussions that we need to have with respect to the Jonas Salk Legacy Fund and the opportunity the Governor has laid out in front of us to be proactive and progressive in terms of trying to create and expand new technologies and industries. This is an opportunity when we do what we can do, when we are the best of ourselves, that this is an opportunity to take another step in leading and doing something very positive for the entire world. It is borne out here in our own State and in our own communities.

I want to again encourage and thank Senator Connie Williams for her ongoing efforts in this area over the years, and encourage the support of resolutions of this kind. This resolution is part of a national effort that is going on across the country and across the world, trying to get folks to take the test and to take charge, take the test and empower yourselves, and empower your own respective communities to prevent and end this most devastating disease of HIV/AIDS.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Gardner and to Hall's Ice Cream of Millerstown by Senator Corman.

Congratulations of the Senate were extended to Charles Andrew Clouse by Senator Ferlo.

Congratulations of the Senate were extended to James F. Brennan and to Joseph A. Lubeskie by Senator Gordner.

Congratulations of the Senate were extended to Ronald H. Frey by Senator O'Pake.

Congratulations of the Senate were extended to Caron Treatment Centers of Wernersville by Senators O'Pake and Folmer.

Congratulations of the Senate were extended to Annette Allen by Senator Piccola.

Congratulations of the Senate were extended to William Kerr by Senator Pippy.

Congratulations of the Senate were extended to Mildred Charlotte Naples by Senator Regola.

Congratulations of the Senate were extended to Edward and Karen Klahr, Marvin Jay Barry and to Willard Charles Moyer by Senator Rhoades.

Congratulations of the Senate were extended to Marco and Michelle Munari by Senator Tomlinson.

Congratulations of the Senate were extended to Debra Keller by Senator Vance.

Congratulations of the Senate were extended to Gladys Wright-Knox and to Elizabeth M. Gregg by Senator D. White.

BILLS ON FIRST CONSIDERATION

Senator FERLO. Madam 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.

The bills were as follows:

HB 1287 and HB 1295.

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 Delaware, Senator Erickson.

Senator ERICKSON. Madam President, I rise today to thank the Members of this body for unanimously passing Senate Bill No. 968 yesterday, which is a bill that will address the healthcare associated infections. The intent of the bill is to reduce these devastating infections.

After unanimous passage yesterday, we learned from the Philadelphia Inquirer in a headline that says, "Rendell dislikes 2 bills to reduce hospital infections." In the body of the article, and through a spokesman, Rendell said he would not sign either bill.

His spokesman, Mr. Ardo, went on to say, "We are working with the Pennsylvania Hospital Association, Rep. DeLuca, and Sen. Erickson to craft a bill on which all parties can agree."

Madam President, I stand today to tell you that I have had no contact with anyone in the administration relative to the bill that was passed yesterday.

This bill, in its formation, had a long history. It started back on March 9, 2007, when Mr. Jim Redmond, from the Hospital and Healthsystem Association of Pennsylvania, and Ms. Joan Richards, the president and CEO of the Crozer Keystone Health System, came in to visit me in my district office. They presented a list of ideas that could be incorporated into a hospital-acquired infection bill. That list was then given to our Legislative Reference Bureau, which crafted a bill.

In April, we contacted the Department of Health asking them to testify at a hearing that we wanted to have. They responded a few days later saying that they appreciated the invitation, they were checking with the administration, and they would get back to us. Well, they never did get back to us.

We did schedule a hearing. We moved the hearing forward because a number of people wanted additional time to prepare remarks. Finally, we had a hearing, but prior to having that hearing we again sent notice to the Governor's office, the Department of Health, the Department of Public Welfare, and of course, all other interested parties.

We heard nothing back from our administration. We finally had that hearing, and a lot of interesting ideas surfaced. Those ideas were incorporated into Senate Bill No. 968.

On June 11, Senate Bill No. 968 was introduced. Subsequent to its introduction, people again began to review that bill and make suggestions for changes. There were two opportunities for that bill to be amended, and it was amended to make it a much better bill, a bill that could be agreed to by all of the health care institutions as well as a number of other interested parties.

Again, no one in the administration got back to us on anything relative to that bill. So, for over 3 1/2 months while this bill was being formulated, no one from the administration got back to us.

Finally, yesterday, Senate Bill No. 968 passed the Senate. I would like to stand here today, and following my two colleagues from yesterday, Senator Orie and Senator Corman, issue an invitation to the Governor and his staff to please get in touch with us so that we can begin to discuss some of these issues, rather than get into a confrontation after the fact. It would be so much more helpful as we try to initiate part of the Governor's plan for them to get involved with us.

So again, I add my voice to the voices of Senator Orie and Senator Corman with that invitation.

Thank you very much, Madam President.

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

Senator WONDERLING. Madam President, I rise briefly first to thank my colleagues for the unanimous passage earlier today of Senate Bill No. 638, which will create for the first time in this Commonwealth, at no taxpayer expense, something called a cancer drug repository. The cancer drug repository is a very simple concept that I think is long overdue for this Commonwealth, particularly long overdue for our citizens in this Commonwealth who are struggling with various forms of cancer, a horrible and dreaded disease.

The way our cancer drug repository would work, as proposed, is any unused cancer drugs that have never been opened or tampered with, et cetera, could be returned to the repository and then, based on income and need, redistributed for use at no cost to the cancer patient or the taxpayer through their local pharmacy.

Madam President, I am delighted that not only do we receive bipartisan support for this critical health care initiative, but also that we have had great cooperation from the pharmaceutical industry, the local pharmacies in this Commonwealth, and other interested parties.

Madam President, I want to stress as we move this process forward and hopefully the House takes up this particular Senate bill, that again, at no cost to the taxpayer, this is a way in which we can leverage cancer drugs that are currently there, unopened, unused, to deal with a portion of our health care needs in this Commonwealth. Hopefully, in not too short order, Pennsylvania

will join one of several other States, a handful of States, that have established cancer drug repositories.

Thank you, Madam President.

BILL SIGNED

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

HB 13.

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 Thursday, June 28, 2007, at 3 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 3 p.m., Eastern Daylight Saving Time.