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Legislative Journal

THURSDAY, JUNE 28, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 49

SENATE

THURSDAY, June 28, 2007

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

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

PRAYER

The Chaplain, Father JOHN TRIGILIO, Pastor of Our Lady Good Counsel Catholic Church, Marysville, and St. Bernadette's Catholic Church, Duncannon, offered the following prayer:

Let us bow our heads in prayer.

Almighty God, we the people of the Commonwealth of Pennsylvania ask Your divine blessings upon the elected officials of our government, so they may always respect and defend our civil and religious liberties.

May all legislation, discussion, and debate be centered on the principle that all men and women are created equal, and that every citizen of this State, and indeed every human being, regardless of their race, gender, creed, religion, ethnic background, economic status, or political affiliation, deserve justice at all times and in all places.

Guide and direct our Senators so they may uphold the Constitution and the natural law, so that all people living and working in Pennsylvania will be protected from harm, be enlightened by truth, and be encouraged to do good for one another.

We also ask that Your angels watch over the brave men and women who defend and protect our Commonwealth, here at home and those abroad, especially all firefighters, police, and our courageous soldiers, sailors, airmen, Marines, Coast Guard, Reserve and National Guard.

May all of us seek to make this world a better place by respecting and helping our neighbors, by doing what is right and just every day of our lives. God bless the Commonwealth of Pennsylvania and God bless the United States of America. Amen.

The PRESIDENT. The Chair thanks Father Trigilio, who is the guest today of Senator Corman.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 28, 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, Patrick Dugan, 3511 Vista Street, Philadelphia 19136, Philadelphia County, Second Senatorial District, for appointment as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Alan K. Silberstein, resigned.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 28, 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 April 9, 2007, for the appointment of Patrick Dugan, 3511 Vista Street, Philadelphia 19136, Philadelphia County, Second Senatorial District, as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Alan K. Silberstein, resigned.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 431 and SB 797, with the information the House has passed the same without amendments.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

June 28, 2007

HB 1590 -- Committee on Transportation.

BILLS SIGNED

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

SB 431, SB 797 and HB 781.

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:

June 28, 2007

Senators MUSTO and BAKER presented to the Chair **SR 143**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of the proposed Hazleton Cargo Airport on the greater Hazleton area and the potential risks and rewards to this Commonwealth of providing economic development funds to support this project and to make a report.

Which was committed to the Committee on TRANSPORTATION, June 28, 2007.

Senators MUSTO and BAKER presented to the Chair **SR 144**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of the proposed Cargo Airport on the greater Hazleton area and the potential risks and rewards to this Commonwealth of providing economic development funds to support this project and to make a report.

Which was committed to the Committee on TRANSPORTATION, June 28, 2007.

LEGISLATIVE LEAVES

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

Senator ORIE. Madam President, I request legislative leaves for Senator Tomlinson and Senator Corman.

The PRESIDENT. Senator Orie requests legislative leaves for Senator Tomlinson and Senator Corman. Without objection, the leaves will be granted.

CALENDAR**THIRD CONSIDERATION CALENDAR****HB 840 CALLED UP**

HB 840 (Pr. No. 955) -- Without objection, the bill was called up, from page 2 of the Third Consideration Calendar, by Senator ORIE, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 840 (Pr. No. 955) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Main Street bridge on State Route 69 in the Borough of Sugar Grove, Warren County, as the AMVETS POW-MIA 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-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
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, my guest today is Lydia Gottesfeld, who is a senior at Colgate University, majoring in political science. She is also our honorary Page for the day. She lives in my township and is a triplet. She has another sister and a brother, and for those of you who want to see an endorsement of our former Treasurer's tuition program, just think of what it is like being a parent sending triplets to college at the same time. Will you please welcome Lydia Gottesfeld to the Senate.

The PRESIDENT. Lydia, welcome to the Senate.
(Applause.)

**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 two of the loveliest ladies that I have had the privilege of introducing since I have been in the Senate, my mother, Faye Eichelberger, and my wife, Charlotte. My son, Johnny, is here as well. I ask the Senate to give them a warm welcome.

The PRESIDENT. Will Faye, Charlotte, and Johnny please rise so we can give you a warm welcome to the Senate.

(Applause.)

GUESTS OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I am pleased to introduce as a guest today a young lady who is serving us this summer as an intern in the Senate Library. Sarah Marks is from Etters, Pennsylvania, in York County, and she is seated in the gallery. She is a junior at Red Land High School and participates in student council and the Key Club. She is also a member of the National Honors Society, a member of the Spanish National Honor Society, and plays on the tennis team. She would like to have a career in law and politics. Say hello to her if you stop in the library.

Thank you, Madam President.

The PRESIDENT. Sarah Marks, welcome to the Senate.

(Applause.)

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for the purpose of a Republican caucus at 4 p.m. in the Majority Caucus Room.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

DISCHARGE PETITION

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

June 28, 2007

A PETITION

To place before the Senate the nomination of Patrick Dugan as Judge, Philadelphia Municipal Court.

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 Patrick Dugan, Philadelphia, Pennsylvania, as Judge, Philadelphia Municipal Court, 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. Orie
Michael L. Waugh

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Transportation to meet during today's Session in the Rules room to consider House Bill No. 1590.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

SB 1006 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BOSCOLA offered the following amendment No. A1376:

Amend Sec. 1 (Sec. 4), page 2, line 1, by striking out "The" and inserting: Unless meeting in special session, the

On the question,

Will the Senate agree to the amendment?

LEAVE CHANGED

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

Senator PILEGGI. Madam President, I ask to remove Senator Corman from legislative leave and place him on personal leave.

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

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.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, if we are not to have lameduck Sessions in the future, but there is a case where the Governor has called a Special Session of the legislature to deal with a statewide emergency or other extraordinary circumstances such as natural disasters, this amendment will not preclude us from handling those situations. It is a very simple, commonsense kind of amendment, Madam President.

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 715, HB 778, HB 842 and SB 857 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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	Fumo	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	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	
Fontana	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.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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-49

Armstrong	Fumo	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	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	
Fontana	O'Pake	Tartaglione	

NAY-0

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

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

SB 1006 CALLED UP

SB 1006 (Pr. No. 1236) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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	Fumo	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	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	
Fontana	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 present said bill to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Transportation to also consider Senate Resolution No. 144 at its meeting.

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 meetings of the Committee on Transportation, the Committee on Banking and Insurance, and the Committee on Appropriations, to be held in that order in the Rules room immediately.

The PRESIDENT. For purposes of meetings of the Committee on Transportation, the Committee on Banking and Insurance, and the Committee on Appropriations, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Madigan.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Madigan. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION RECOMMITTED

HB 1287 (Pr. No. 1544) -- The Senate proceeded to consideration of the bill, entitled:

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.

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 recommitted to the Committee on Appropriations.

BILL REREFERRED

SB 7 (Pr. No. 1099) -- 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 spending limitations on the State and for disposition of surplus funds; and establishing the Taxpayer Protection Fund.

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

BILLS OVER IN ORDER

HB 131, HB 363, and HB 483 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 635 (Pr. No. 720) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for meetings of auditors and for audit of accounts by auditors and financial report to Department of Community and Economic Development.

Considered the second time and agreed to,

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

BILL RECOMMENDED

SB 674 (Pr. No. 1102) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "case", for sale of malt or brewed beverages by liquor licensees and for retail dispensers' restrictions on purchases and sales; and further prohibiting interlocking business and unlawful acts relative to liquor, malt and brewed beverages and licensees.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was recommitted to the Committee on Law and Justice.

BILL REREFERRED

SB 707 (Pr. No. 1101) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing spending limitations on the Commonwealth; providing for the disposition of surplus funds; establishing the Taxpayer Protection Fund; and repealing provisions of The Fiscal Code relating to the funding of a stabilization reserve.

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

BILLS OVER IN ORDER

SB 861, SB 916 and SB 962 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION
AND RECOMMENDED

HB 1295 (Pr. No. 2125) -- The Senate proceeded to consideration of the bill, entitled:

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

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 recommitted to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION No. 114,
ADOPTED

Senator PILEGGI without objection, called up from page 5 of the Calendar, **Senate Concurrent Resolution No. 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.

On the question,
Will the Senate adopt the resolution?

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

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

SENATE RESOLUTION No. 139, ADOPTED

Senator PILEGGI without objection, called up from page 5 of the Calendar, **Senate Resolution No. 139**, entitled:

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

On the question,
Will the Senate adopt the resolution?

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

COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE

Senator ROBBINS, called from the table a certain communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

JUDGE, PHILADELPHIA MUNICIPAL COURT

June 28, 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 April 9, 2007, for the appointment of Patrick Dugan, 3511 Vista Street, Philadelphia 19136, Philadelphia County, Second Senatorial District, as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Alan K. Silberstein, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination 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 nomination will be returned to the Governor.

UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES

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

SB 704 (Pr. No. 1256) (Amended) (Rereported)

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

HB 10 (Pr. No. 2157) (Amended) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the Criminal Justice Enhancement Account; and further providing for burglary.

HB 369 (Pr. No. 1401) (Rereported)

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.

HB 496 (Pr. No. 2086) (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 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.

Senator D. WHITE, from the Committee on Banking and Insurance, reported the following bill:

HB 966 (Pr. No. 2156) (Amended)

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; providing for the definition of "long-term care insurance"; in insurance holding companies, further providing for definitions, for acquisition of control of or merger with domestic insurer and for acquisitions involving insurers not otherwise covered; establishing the Insurance Restructuring Public Interest Review Board; providing for its powers and duties; establishing an account; further providing for coverage and limitations; providing for health care reporting; and making an inconsistent repeal.

Senator MADIGAN, from the Committee on Transportation, reported the following bill:

HB 1590 (Pr. No. 2088)

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for minority and women-owned business participation, for public transportation assistance and taxation and for income based on use of Commonwealth highways; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; further providing, in metropolitan transportation authorities, for board members and for operation; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act and further providing for the Pennsylvania Turnpike Commission; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application and for lease of Interstate 80; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

RESOLUTION REPORTED FROM COMMITTEE

Senator MADIGAN, from the Committee on Transportation, reported the following resolution:

SR 144 (Pr. No. 1254)

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of the proposed Cargo Airport on the greater Hazleton area and the potential risks and rewards to this Commonwealth of providing economic development funds to support this project and to make a report.

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

SENATE RESOLUTIONS ADOPTED

Senators GREENLEAF, ORIE, MELLOW, WAUGH, O'PAKE, PUNT, FERLO, FONTANA, MUSTO, TARTAGLIONE, RAFFERTY, COSTA, PICCOLA, ERICKSON, KITCHEN, FOLMER, LOGAN, BRUBAKER, BAKER, REGOLA, STOUT, BOSCOLA, EARLL, KASUNIC, WONDERLING, ARMSTRONG, PIPPY and D. WHITE, by unanimous consent, offered **Senate Resolution No. 145**, entitled:

A Resolution designating the month of September 2007 as "Prostate Cancer Awareness Month" in Pennsylvania.

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

Senators C. WILLIAMS, MELLOW, STACK, FERLO, KITCHEN, BOSCOLA, KASUNIC, LOGAN, ERICKSON, ROBBINS, FONTANA, WONDERLING, BRUBAKER, COSTA, PIPPY, GREENLEAF, WASHINGTON, ORIE, WAUGH, TARTAGLIONE, MUSTO, STOUT, RAFFERTY, PUNT, LAVALLE, FOLMER, BAKER, PILEGGI and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 146**, entitled:

A Resolution designating the month of September 2007 as "Ovarian Cancer Awareness Month" in Pennsylvania.

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 dedicate this to the memory of Claudia Cohen, a vibrant young woman who just lost her life at too young an age, and I would like to submit remarks for the record.

The PRESIDENT. The Chair thanks the gentlewoman. The remarks will be spread upon the record.

(The following prepared remarks were made a part of the record at the request of the gentlewoman from Montgomery, Senator CONNIE WILLIAMS:)

Madam President, this year, approximately 22,430 women in the United States will be diagnosed with ovarian cancer, and an estimated 15,280 women will die from the disease. It ranks high on the list of common cancers in women and as the cause of cancer death in women.

Most people know very little about the disease. If it is caught in its earliest stages, it can be treated. Late stage diagnoses can cut a woman's survival rate in half.

Instead of losing women to this disease each year, we could extend their lives using today's technology, but it takes increased awareness and education about the disease.

I ask you to join with me today in declaring September as Ovarian Cancer Awareness Month in Pennsylvania. In doing so, we can help to raise awareness about the disease, promote education regarding its risks and symptoms, and get the word out about the importance of early diagnosis. This will allow more women to live longer and healthier lives.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GORDNER, PICCOLA, FOLMER and PILEGGI, by unanimous consent, offered **Senate Resolution No. 147**, entitled:

A Resolution honoring the Borough of Millersburg, Dauphin County, on the bicentennial anniversary of its founding.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE RESOLUTION No. 144 CALLED UP, ADOPTED

Senator PILEGGI, without objection, called up from page 1 of Supplemental Calendar No. 1, **Senate Resolution No. 144**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the economic impact of the proposed Cargo Airport on the greater Hazleton area and the potential risks and rewards to this Commonwealth of providing economic development funds to support this project and to make a report.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, Senate Resolution No. 144 directs the Legislative Budget and Finance Committee to evaluate the investment return to the Commonwealth of investing State funds into a proposed cargo-only airport. The proposal calls for an investment of \$250 million of State moneys. The committee will also investigate the assumptions used to estimate job creation and other economic impact figures cited by project developers and determine the estimated cost to taxpayers.

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I rise in support of my colleague from Luzerne County and the resolution that is being considered before the Senate. The proposal to develop a cargo airport in southern Luzerne County certainly represents a tremendous promise, as it has the potential as a major economic development catalyst not only for northeastern Pennsylvania, but specifically for Carbon, Luzerne, and Schuylkill Counties. However, the proposal as it has been publicly presented and explained to date lacks clarity.

There are no signed commitments from air carriers to utilize the facility, no concrete financial commitments from private entities or partners, and no comprehensive business plan to ensure the viability for it in the long term. Moreover, as Senator Musto has said, this project carries with it the tremendous need for public support and an investment of taxpayer dollars.

This resolution appropriately calls for a thorough review of this project's feasibility, the impact on the surrounding communities, as well as the potential return on investment to the Commonwealth. I believe a review of this nature is not only prudent but absolutely necessary for the Commonwealth to consider further undertaking with this project. Therefore, I urge my colleagues to join in support of this resolution.

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 Mark S. Strickler and to Mary Beth Postens by Senator Baker.

Congratulations of the Senate were extended to Leo G. Connors by Senator Browne.

Congratulations of the Senate were extended to Tyler R. Thompson by Senator Eichelberger.

Congratulations of the Senate were extended to Clayton R. Snyder by Senator Folmer.

Congratulations of the Senate were extended to Mary Sedonia Kravich by Senator Fontana.

Congratulations of the Senate were extended to John and Tom Kondisko by Senator Gordner.

Congratulations of the Senate were extended to Catherine Burnett by Senator Madigan.

Congratulations of the Senate were extended to William L. Howatt by Senator Musto.

Congratulations of the Senate were extended to the Weist Family and the Leesport Farmers Market employees by Senator O'Pake.

Congratulations of the Senate were extended to Frederick W. Landau by Senator Piccola.

Congratulations of the Senate were extended to Joseph S. Tarara and to Oland Canterna by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Willis Schnur, Mr. and Mrs. John Furka and to Mr. and Mrs. Charles Blakeley by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. George Niederriter, Mr. and Mrs. Richard Judy, Mr. and Mrs. Lewis Fink, Mr. and Mrs. Robert William McElhinney, Mr. and Mrs. David Milford, Mr. and Mrs. John Blachier, Mr. and Mrs. Walter L. Reed, Mr. and Mrs. Roy E. Stephens, Mr. and Mrs. Gerald Whitling and to Mr. and Mrs. Edwin Wolbert by Senator M.J. White.

Congratulations of the Senate were extended to the Reverend Edward and Verona Sparkman and to Shiloh Baptist Church of Philadelphia by Senator A.H. Williams.

Congratulations of the Senate were extended to Tolani Spencer Oyefule by Senator C. Williams.

Congratulations of the Senate were extended to Greg Bencsik by Senator Wonderling.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Dr. Michael H. Danjczek by Senator Boscola.

Condolences of the Senate were extended to family of the late Lester C. Nunnally by Senator Kitchen.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

HB 966 and HB 1590.

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 Philadelphia, Senator Fumo.

Senator FUMO. Madam President, on our path to disgrace and horror in Iraq, we recently passed another milestone when the United States military death toll there reached 3,500. As the tragic killings continue, we have now substantially exceeded that. As of yesterday, we have lost 3,570 Americans in our war and occupation of that country. Our wounded now number 26,129. In just the past 10 days, we have had 40 fatalities.

Madam President, when is enough enough? How many more lives have to be sacrificed to satiate the ego of George W. Bush? Despite the sacrifice being made by American soldiers and their families, we are no longer closer to a resolution of the conflict today than we were when it began. If anything, a successful outcome is more distant than ever, and the situation steadily worsens.

There has been a lot of talk about benchmarks to progress in Iraq, but all the benchmarks to date highlight our failure. It has been 1,520 days, more than 4 years, since the Bush administration declared "mission accomplished" in Iraq. It has been more than 3 1/2 years since the capture of Saddam Hussein. Earlier this month, we passed the 1-year mark since the killing of Abu Musab al-Zarqawi.

We are now more than 6 months into the American troop surge, the new Bush strategy that he concocted days after his party was thrashed in last November's congressional elections. The result has not been a safer, more peaceful Iraq. The only real difference is that the American military death toll has now been growing at a more rapid rate. Last month, in May 2007, we had 126 American soldiers killed in Iraq, the third-highest monthly total since we invaded more than 4 years ago.

A top American commander in Iraq, General Raymond Odierno, said last week that despite the stepped-up American offensive against al-Qaeda, only about 40 percent of Baghdad is secure on a regular basis, 30 percent of the city is simply unsafe, and another 30 percent has a very high level of violence. The main focus of the Bush surge has been gaining control of Baghdad, but we cannot even pacify one city, a city that is just a little bit larger than Chicago in geographical area and about two-thirds the size of New York City in population.

There are some benchmarks that the Bush administration probably sees as positive, although the American public might not agree. For example, Dick Cheney's old company, Halliburton, has received a 600-percent increase in government contracts since Bush and Cheney took office, including more than \$10 billion in Pentagon contracts. Its profits have increased 368 percent, and it is no wonder. In Iraq, some Halliburton employees are third-world laborers who are paid just \$5 a day. Yet, Halliburton has billed the United States government \$50 a day.

In February of this year, Federal investigators looking into contracting practices in Iraq found Halliburton responsible for \$2.7 billion in waste. If this had happened during World War II, Harry Truman would have called this war profiteering and conducted a Senate investigation. Instead, this administration condones such behavior. It supports the profiteering of a company that will not even be headquartered in America much longer, because Halliburton is moving to Dubai.

Most Americans are not aware that while we have about 160,000 troops in Iraq, we also have more than 100,000 contract employees working for Halliburton and other favored companies. Most Americans are not aware that the American death toll in Iraq, now more than 3,500 military personnel, does not include the American contract employees killed there. The Pentagon does not keep those official statistics, but the U.S. Department of Labor, which tracks workers' compensation claims, counts more than 900 deaths and 12,000 woundings of American contract employees in Iraq.

When you look at the practices of this administration, from a war based on lies to the illegal wiretapping of United States citizens, to the depraved and illegal actions at Abu Ghraib and Guantanamo prisons, to the lawlessness of the Department of Justice, the common theme is that America has lost its moral compass, the one that George W. Bush promised to restore. Other nations used to look at America as a beacon of freedom and the rule of law for the rest of the world.

Now, those countries, even some of our allies, are unable to stand idly by and silently watch the American government violate its own Constitution. Italy is prosecuting CIA agents for kidnapping an Egyptian national, a Muslim cleric, in their country and shipping him off to be tortured elsewhere. The CIA agents are currently being tried in absentia, with little hope that they will be extradited if they are found guilty. At least the Italian government thinks it is important to stand up for the principles that we are supposed to respect as part of our Constitution. We are being humiliated and disgraced further as we resort to having other civilized nations and allies enforce our own laws against kidnapping and torture.

Of course, the Bush administration does not just show contempt for our Constitution in its actions abroad, but also here at home. Attorney General Alberto Gonzales, when he was questioned about the hiring and firing of United States attorneys, had the audacity to tell the Senate 71 times that he, quote, "Did not remember," end of quote, important facts which other witnesses later said he had to have known about. Then, we had FBI Director Robert Mueller admitting that his agency violated Federal criminal laws a number of times by practicing illegal wiretapping. Yet, do we suspect that for one minute that Attorney General Gonzales will investigate or prosecute Director Mueller for the crimes he has admitted that the FBI has committed? No, because our Department of Justice is being run by Karl Rove for the benefit of his conservative Republican agenda, and many Democrats, as well as Republicans whom the White House considers enemies, throughout the country are suffering.

Our Founding Fathers are spinning in their graves over how horrible this Bush administration has perverted and violated the very Constitution that they adopted more than 200 years ago. None of this, however, takes away from the bravery and sacrifice

of our soldiers, who are carrying out their duties as they are ordered. I would ask us now to pause and honor the memory of two more Pennsylvanians who have been killed in Iraq this year.

Captain Mark Resh, 28, of Fogelsville, died on January 28 in Najaf of wounds suffered when his helicopter crashed during combat operations. He was assigned to the 4th Battalion, 227th Aviation Regiment, 1st Air Cavalry Brigade, 1st Cavalry Division.

Lance Corporal Brandon J. Van Parys, 20, of New Tripoli, died on February 5 while conducting combat operations in Al Anbar Province. He was assigned to the 3rd Battalion, 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force.

They are now among the 168 Pennsylvania soldiers who have lost their lives in combat in Iraq, the third-most fatalities of any State, behind only California and Texas. Another 1,109 Pennsylvanians have been wounded, the fifth-highest total, behind California, Texas, New York, and Florida. Again, I ask the President of the United States, when is enough enough?

Thank you, Madam President.

The PRESIDENT. May I please ask the Senate and the staff to please rise for a moment of silence for Captain Mark Resh of Fogelsville from the 4th Battalion, and Lance Corporal Brandon Van Parys of New Tripoli from the 3rd Battalion.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Captain MARK RESH and Lance Corporal BRANDON VAN PARYS.)

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, JUNE 29, 2007

10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 137, 346 and 989) CANCELLED	Room 8E-A East Wing
Off the Floor	APPROPRIATIONS (to consider House Bills No. 1287 and 1295)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 796; and certain executive nominations)	Rules Cmte. Conf. Rm.

RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Friday, June 29, 2007, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 7:53 p.m., Eastern Daylight Saving Time.