

COMMONWEALTH OF PENNSYLVANIA
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THURSDAY, JULY 12, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 60

SENATE

THURSDAY, July 12, 2007

The Senate met at 4 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DOUG WINNE, of the Lancaster Evangelical Free Church, Lititz, offered the following prayer:

All of you are in the news a lot right now. You need wisdom. Let us pray for wisdom.

Great God, You who made us and made us for Your glory, You have given us keen minds and You have given us a desire to do what is right. The Bible speaks about how righteousness exalts a nation. Lord, we pray that righteousness would be clearly pursued by this Senate.

We pray about the issues that are before them right now, and we do pray that You would grant them wisdom. The Bible says in James I that if we lack wisdom, we should ask it of You and You will give it to us liberally. Father, please liberally give wisdom.

The Bible also speaks about how blessed and how wonderful it is, how good it is when people live together in unity, so when the day is done we pray that You would grant the Senate that as well.

Give them the strength to do what is right, may they give an account of themselves ultimately to You, may they not live as man-fearers but as God-fearers, having a heart that says, God, help me to do what is right, and may they have a good, clear conscience at the end of the day. These things we pray in the name of Jesus. Amen.

The PRESIDENT. The Chair thanks Reverend Winne, who is the guest today of Senator Brubaker.

PLEDGE OF ALLEGIANCE

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

**APPOINTMENT BY THE
PRESIDENT PRO TEMPORE**

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

Mr. John Verbanac as a Commonwealth Trustee of the University of Pittsburgh.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Earll.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

Senator MELLOW asked and obtained a military leave of absence, pursuant to Senate Rule XXI(3), for Senator STACK.

DISCHARGE PETITIONS

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

July 12, 2007

A PETITION

To place before the Senate the nomination of Douglas P. Harbach as a member of the Council of Trustees of Shippensburg, University.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Douglas P. Harbach, Chambersburg, Pennsylvania as a member of the Council of Trustees of Shippensburg University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

July 12, 2007

A PETITION

To place before the Senate the nomination of Dr. Elnetta Griffin Jones as a member of the Council of Trustees of Shippensburg, University.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Dr. Elnetta Griffin Jones, Shippensburg, Pennsylvania, as a member of the Council of Trustees of Shippensburg University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

July 12, 2007

A PETITION

To place before the Senate the nomination of William Piper as a member of the Council of Trustees of Shippensburg, University.

TO: The Presiding Officer of the Senate:

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

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

July 12, 2007

A PETITION

To place before the Senate the nomination of Kenneth Shoemaker as a member of the Council of Trustees of Shippensburg, University.

TO: The Presiding Officer of the Senate:

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

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

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

CALENDAR

SB 989 CALLED UP OUT OF ORDER

SB 989 (Pr. No. 1207) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 989 (Pr. No. 1207) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania State Employees Credit Union, certain lands situate in Susquehanna Township, Dauphin County.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a meeting of the Republican Caucus to be held in the Majority Caucus Room.

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

Senator MELLOW. Madam President, I request that the Democratic Members of the Senate report to our caucus room imme-

diately upon 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, to be followed by 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.

CONSIDERATION OF CALENDAR RESUMED

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

BILL OVER IN ORDER

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

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

SB 690 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

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

HB 1251 (Pr. No. 2287) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants.

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-48

Armstrong	Folmer	Musto	Stout
Baker	Fontana	O'Pake	Tartaglione
Boscola	Fumo	Orie	Tomlinson
Browne	Gordner	Piccola	Vance
Brubaker	Greenleaf	Pileggi	Washington
Corman	Kasunic	Pippy	Waugh
Costa	Kitchen	Punt	White, Donald
Dinniman	LaValle	Rafferty	White, Mary Jo
Earll	Logan	Regola	Williams, Anthony H.

Eichelberger	Madigan	Rhoades	Williams, Constance
Erickson	McIlhinney	Robbins	Wonderling
Ferlo	Mellow	Scarnati	Wozniak

NAY-0

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

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

HB 1252 (Pr. No. 2288) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants.

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-48

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

NAY-0

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

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

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1254 and HB 1255 -- Without objection, the bills were passed over in their order temporarily at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 202 (Pr. No. 2286) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for conditions of permits and security for damages; and extending provisions regarding reports and removal of abandoned vehicles to cities of the second class.

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-48

Table listing names of senators in support (YEA-48): Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Orio, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak.

NAY-0

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

Ordered, That the Secretary of the Senate 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 917 (Pr. No. 1106) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to CDM Ebensburg, LLC, certain lands situate in Cambria Township, Cambria County.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-48

Table listing names of senators in support (YEA-48): Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Orio, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak.

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 1253 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 1295 and HB 1590 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

HB 1656 (Pr. No. 2284) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey to Jefferson County certain lands situate in Winslow Township, Jefferson County.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCARNATI offered the following amendment No. A3008:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 12, by removing the period after "COUNTY" and inserting: ; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to the Borough of Mansfield certain lands situate in the Borough of Mansfield, Tioga County.

Amend Bill, page 33, by inserting between lines 1 and 2: Section 3. Conveyance in Mansfield Borough, Tioga County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, is authorized and directed on behalf of the Commonwealth of

Pennsylvania to grant and convey to the Borough of Mansfield certain land situate in the Borough of Mansfield, Tioga County for fair market value as determined by independent appraisal.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 1.23 acres and an armory building bounded and more particularly described as follows:

BEGINNING at a point at the western edge of the now or late Erie Railroad Company right-of-way, the Southeast corner of land of the now or late Mansfield Joint School Authority and the Northeast corner of land of the now or late Mansfield School District, the POINT OF BEGINNING; thence South 77 degrees 50 minutes West along lands of the now or late Mansfield School District, a distance of 273.67 feet to a point, the Southwest corner hereof; thence North 13 degrees 30 minutes West along lands of the now or late Mansfield Joint School Authority, a distance of 252.25 feet to a point, the Northwest corner hereof; thence North 76 degrees 30 minutes East along lands of the now or late Mansfield Joint School Authority a distance of 153.00 feet to a point at the western edge of the now or late Erie Railroad Company right-of-way, the Northeast corner hereof; thence along the said Railroad Company right-of-way, South 27 degrees 48 minutes East, a distance of 12.00 feet to a point; thence South 38 degrees 55 minutes East along said Railroad Company right-of-way, a distance of 272.25 feet to a point, the place of beginning.

CONTAINING 1.23 acres more or less.

(c) Easements.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under the subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected on the land.

(d) Use restriction.—Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the Grantee, its successors and assigns. If the Grantee, its successors or assigns, permits any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the Grantor.

(e) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the Grantee.

(g) Proceeds.—The proceeds from the conveyance shall be deposited in the State Treasury Armory Fund.

(h) Alternate disposition.—In the event that this conveyance is not executed within 12 months of the effective date of this section, the property may be sold by the Department of General Services, with the approval of the Department of Military and Veterans Affairs, for fair market value as determined by an independent appraisal.

Amend Sec. 3, page 33, line 2, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 690 CALLED UP

SB 690 (Pr. No. 1290) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

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

SB 690 (Pr. No. 1290) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Resource Enhancement and Protection Tax Credit Program for the stewardship of agricultural lands and riparian corridors; creating opportunities for private investment in best management practices and riparian corridors; establishing a sponsorship program; authorizing the transferability of the tax credits; and imposing powers and duties on the Department of Revenue and the State Conservation 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?

POINT OF ORDER

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

Senator BRUBAKER. Madam President, I rise to ask for a ruling on whether I am precluded from voting on this bill. This bill will provide tax credits as an incentive to private and agribusinesses for installing best management practices to reduce pollution and sediments coming from farms.

I currently own an agricultural consulting business that could consult with farmers and other affected parties regarding best management practices and utilization of tax credit incentives under this bill. So I ask, Madam President, for a ruling on whether I am precluded from voting on this bill.

The PRESIDENT. Senator Brubaker, in the factual situation you just presented, the Chair finds you do not face any conflict of interest, and in accordance with the Senate rules, you will be required to vote on this matter. The Chair finds that these issues are not particularly personal to you. You are a member of a class of people or consultants who may or may not be affected by this legislation. Further, the Chair finds that there is no personal pecuniary interest that would preclude you from voting.

And the question recurring,

Shall the bill pass finally?

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

Senator WAUGH. Madam President, I rise this evening to solicit support of my fellow Senators for Senate Bill No. 690. This proposal provides an important tool for the Commonwealth in offering incentives for the implementation of conservation practices on farms across the Commonwealth, and it does so by leveraging private dollars.

As the burden to improve the environment increases on our farmers throughout the State, with Federal mandates, regulations, and other policies that require them to watch their waste and keep

our streams clean, and that is a good thing, but in fact, a lot of pressure is being put on the farms to do that. There has been considerable demand from agricultural producers and farmers for financial assistance to support the adoption of additional conservation practices and best management practices in the field. In 2004 alone, Pennsylvania producers requested \$37.5 million more in conservation support from the United States Department of Agriculture's Natural Resource Conservation Service than was really available.

This proposal, REAP, as it has become known under its acronym, and actually named the Resource Enhancement and Protection Tax Credit Act, represents a real opportunity for us to help alleviate some of the burden that we have placed upon the farm community, while recognizing the financial limitations within which we as a State must operate. It is an investment in the future of our agricultural communities, an investment in the future of our environment, and in fact, I believe a generally good investment on behalf of this Commonwealth.

This program will provide tax credits for private investment in the implementation of a variety of proven and cost-effective best management practices, including improvement to barnyards, pasture cleanup and improvements, the implementation and construction of riparian corridors along stream banks, the development and implementation of nutrient management plans on farms across the State, remediation of legacy sediment deposits in streambeds and pasture areas, and other approved, and I stress approved, practices.

All eligible projects will be required to meet the design and construction standards established by the United States Department of Agriculture, NRCS, or the State Conservation Commission. The projects will also have to be certified by registered professional engineers. Credits will be available for personal and corporate income tax, the capital stock and franchise tax, and the sales and use tax. Depending on the practice, qualified applicants will receive a tax credit ranging from 25 to 75 percent of the project cost.

Other elements of the program provide that tax credits may be transferred or sold, if you will, to other entities for business or individual sponsorship of a project installed by a landowner and for a carryover of tax credits for a maximum of 15 years.

Madam President, I am sure you will recall, during the last Session, as part of the Farmers First agenda that our good friend, retired Senator Noah Wenger, and I had introduced, we held a hearing on this proposal, and there was extremely strong support by every agricultural organization and many environmental groups.

I think that alone speaks volumes, because you know from time to time it is hard to get those groups in the same room and come up with the same solution. In this case, we have had a significant response and it has all been positive, so I stand before this body asking for support of the program and appreciate the hard work and time that has been invested over the years, and I once again call up the name of a former Member who had an awful lot to do with this, Senator Noah Wenger.

Thank you very much, Madam President.

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

Senator O'PAKE. Madam President, as a cosponsor of this legislation, I would like to commend Senator Waugh, and as he mentioned, Senator Wenger. He put a lot of work into this and it is good to see that the fruit of his labors is finally being recognized. I also rise in support of Senate Bill No. 690, the Resource Enhancement and Protection Act, or REAP, as it is commonly called, and I urge my colleagues on both sides of the aisle to support this important legislation.

As it has been stated many times in this Chamber over the years, agriculture is Pennsylvania's number one industry, but unfortunately, we have lost farms and farmers over the past 10 years. During that time, we have lost 23 percent of our dairy farms, which has resulted in a drop of 5 percent in our overall milk production.

Senate Bill No. 690 will give farmers, especially dairy operations, much needed assistance to install farm conservation practices that not only reduce nutrients and sediment runoff, but also increase farm productivity and reduce costs. That means more usable income for our farmers at this critical time. I believe REAP will be an effective tool, and it comes at the right time for our farmers and for the environment, so I urge favorable consideration by the Senate today.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Without objection, his temporary Capitol leave is granted.

POINT OF ORDER

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

Senator O'PAKE. Madam President, I ask for a ruling of the Chair as to whether or not Senator Fumo may vote on this issue, since he owns a farm.

The PRESIDENT. Senator Fumo is one of many, many farmers who may be affected by this. I find there is no conflict of interest.

And the question recurring,
Shall the bill pass finally?

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

Senator DINNIMAN. Madam President, I also rise in support of this bill. I was a member of the Chester County Conservation Board for many years, so I know what Senator Waugh is speaking about.

With the expenses that farmers have and the lack of adequate Federal funds, this would allow private sector funds to assist our farmers. It is not just assisting our farmers, but it is also keeping our rivers and streams clean and protecting our environment. Madam President, this is an excellent piece of legislation, and it is a pleasure to rise in support of it.

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

Senator RAFFERTY. Madam President, I also rise in support of Senate Bill No. 690. This was a long effort by Senator Waugh and Senator Wenger, and I know that they worked very hard on this. This is truly a good piece of legislation for Pennsylvania, preserving farmland, encouraging farming to be maintained as one of our top businesses here in the Commonwealth of Pennsylvania, and preserving our environment. I salute Senator Waugh in his efforts and urge my colleagues to cast an affirmative vote.

Thank you, Madam President.

POINT OF ORDER

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

Senator WAUGH. Madam President, I would also like a ruling from the Chair, since I operate a farm in southern York County, if I am allowed to vote on this bill, my bill, this evening?

The PRESIDENT. Senator Waugh, you are in a class of many farmers and I do not find yours a conflict of interest for you to vote on this bill.

And the question recurring, Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

HB 1254 CALLED UP

HB 1254 (Pr. No. 2289) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

HB 1254 (Pr. No. 2289) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

On the question, Will the Senate agree to the bill on third consideration?

Senator TOMLINSON offered the following amendment No. A2987:

Amend Sec. 3 (Sec. 6.2), page 2, line 28, by inserting after "(c)": (1)

Amend Sec. 3 (Sec. 6.2), page 3, line 6, by striking out "SPECIALIST. THESE PROGRAMS" and inserting: specialist.

Amend Sec. 3 (Sec. 6.2), page 3, line 10, by removing the colon after "specialist" and inserting a period

Amend Sec. 3 (Sec. 6.2), page 3, line 11, by striking out "(1)" and inserting: (2)

Amend Sec. 3 (Sec. 6.2), page 3, line 15, by striking out "(2)" and inserting: (3)

Amend Sec. 3 (Sec. 6.2), page 3, line 22, by striking out "(3)" and inserting: (4)

On the question, Will the Senate agree to the amendment?

It was agreed to.

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

HB 1255 CALLED UP

HB 1255 (Pr. No. 2290) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

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

HB 1255 (Pr. No. 2290) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for the definition of "legend drug"; and further providing for nurse-midwife license.

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Madam President, would the chairman of the Committee on Consumer Protection and Professional Licensure stand for brief interrogation?

The PRESIDENT. Will the gentleman from Bucks, Senator Tomlinson, stand for interrogation?

Senator TOMLINSON. I will, Madam President.

Senator VANCE. Madam President, I notice at the very top of page 2 of the bill that it talks about the necessity for a nurse midwife to possess a master's degree or its substantial equivalent, and I am a little confused by the meaning of "substantial equivalent." Would the gentleman please explain the meaning of "substantial equivalent"?

Senator TOMLINSON. Madam President, "substantial equivalent" refers to academic credits or work done in school, and it does not refer to any practical or work experience. The reason it is worded that way is because there are many midwives pursuing doctorate degrees, and I want to make sure that the board had the latitude to take and evaluate those credits so they could be applied toward a master's degree, but we wanted to emphasize that it had to at least be toward a minimum of a master's degree and not toward anything else.

Senator VANCE. Thank you, 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-48

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

NAY-0

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

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

HB 1253 CALLED UP

HB 1253 (Pr. No. 2176) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

HB 1253 (Pr. No. 2176) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of prac-

...tice for certified registered nurse practitioners; and providing for professional liability.

On the question,
Will the Senate agree to the bill on third consideration?
Senator TOMLINSON offered the following amendment No. A3029:

Amend Sec. 4, page 4, line 2, by striking out "9(D)" and inserting:
9(a)

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for a meeting of the Committee on Consumer Protection and Professional Licensure, to be followed by a meeting of the Committee on Environmental Resources and Energy, both to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Consumer Protection and Professional Licensure, to be followed by a meeting of the Committee on Environmental Resources and Energy, both to be held in the Rules room immediately, without objection, the Senate will stand in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bill:

HB 1203 (Pr. No. 2297) (Amended) (Rereported)

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definitions of "alternative energy credit," "customer-generator," "force majeure," "net metering," and "Tier I alternative energy source," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

HB 1530 (Pr. No. 2344) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 704 (Pr. No. 1272) (Rereported) (Concurrence)

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

BILL REREFERRED

Senator PILEGGI, from the Committee on Rules and Executive Nominations, returned to the Senate **SB 775**, which was rereferred to the Committee on State Government.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators BAKER, KITCHEN, ROBBINS, TARTAGLIONE, ERICKSON, BRUBAKER, PUNT, DINNIMAN, GORDNER, GREENLEAF, ARMSTRONG, STACK, M. WHITE, BOSCOLA, RAFFERTY, ORIE, WONDERLING, TOMLINSON, D. WHITE, PIPPY, MELLOW, WAUGH and BROWNE, by unanimous consent, offered **Senate Resolution No. 159**, entitled:

A Resolution recognizing the POW-MIA Pennsylvania Project as a model program for the collection of mitochondrial DNA samples to assist in the location of missing military servicemen abroad.

On the question,
Will the Senate adopt the resolution?

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

Senator BAKER. Madam President, a press event was held yesterday at the Capitol to mark the kickoff of the Pennsylvania Project here in our Keystone State.

A national model, the Pennsylvania Project will assist Federal agencies in locating families of missing soldiers from the Korean War, Vietnam, and Cold Wars in order to obtain mitochondrial DNA samples.

The organization works to declassify Korean and Cold War era documents and to increase government awareness of POW/MIA issues.

The project also encourages veterans to offer critical information about the possible location of fallen and missing comrades so the Department of Defense can deploy search and rescue teams to recover and identify the remains.

The initiative was established by Robin Piacine of Mechanicsburg, Pennsylvania, in honor of her uncle, a member of the United States Air Force and an MIA from the Cold War period. Once implemented in Pennsylvania, the project is set to be introduced across the nation.

According to the figures compiled by the Department of Defense's Joint POW/MIA Accounting Command, in total, over 88,000 United States soldiers never returned home after fighting for our country in World War II, the Vietnam War, the Korean War, the Cold War, and the Gulf War. Officials believe there are

recoverable remains of over 45,000 of these soldiers in Europe, the Pacific, Southeast Asia, and the Middle East.

Here in Pennsylvania, 702 families are still waiting for their loved ones, soldiers who served in the Cold War, the Korean War, and the Vietnam War, soldiers whom their families would like to bring home.

The Pennsylvania Project gives us hope that our lost soldiers, heroes fallen on battlefields past and forgotten, might find their way home and their families might find peace.

Thank you, Madam President, and I appreciate the consideration of my colleagues.

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. Abraham Thomas, citizens of the Borough of Kingston, Greene Dreher Sterling Community Fair of Newfoundland and to the Wayne County Fair by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Curtis E. Schneck, Dr. David R. Brigham and to Justin K. Mogilski by Senator Browne.

Congratulations of the Senate were extended to the citizens of the Borough of Terre Hill by Senator Brubaker.

Congratulations of the Senate were extended to Dr. Janet Simon by Senator Costa.

Congratulations of the Senate were extended to Brenden J. Van Buren by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph S. Fenstermacher, Mr. and Mrs. Harry E. Myers and to Sandra G. Gill by Senator Gordner.

Congratulations of the Senate were extended to Christopher Oberly by Senator Greenleaf.

Congratulations of the Senate were extended to Larry Bowman by Senators Rafferty and Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. August Coffey, Mr. and Mrs. Bill Priatko, Mr. and Mrs. Joe Ridilla, Mr. and Mrs. Ken Nussbaum and to Mr. and Mrs. Ray Loucks by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer Stover by Senator Robbins.

Congratulations of the Senate were extended to Joan Esling by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Kyle M. Herman and to Karin Tsai by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Walker, Mr. and Mrs. Sam Kirk, Mr. and Mrs. Walter Gordon, Jr., and to John LoPresti by Senator D. White.

Congratulations of the Senate were extended to Joseph Caparosa and to the Honorable Marilyn Horan by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Clifford E. Neidrich, Mr. and Mrs. Carl Irvin and to Mr. and Mrs. Fred Vilello by Senator Wozniak.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION
AND RECOMMITTED**

HB 1203 (Pr. No. 2297) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definitions of "alternative energy credit," "customer-generator," "force majeure," "net metering," and "Tier I alternative energy source," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

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 Environmental Resources and Energy.

BILL ON FIRST CONSIDERATION

Senator FERLO. Madam President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

HB 1530.

And said bill 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 Allegheny, Senator Ferlo.

Senator FERLO. Madam President, I want to thank the full Senate for voting unanimously in the affirmative earlier today in favor of House Bill No. 202. It may not seem like a significant bill to some, but it is very important to the city of Pittsburgh.

I also want to thank Representative Petrone in the House. I had submitted parallel legislation to this bill in the Senate, so I am very pleased to see that this bill passed, which would greatly assist the city of Pittsburgh in our efforts to more expeditiously and efficiently remove abandoned vehicles from the streets, alleyways, and byways. Abandoned vehicles are a significant nuisance, not only contributing to the decay of our communities, but also bringing down the atmosphere of the neighborhoods.

Unfortunately, these abandoned vehicles are also oftentimes used in some areas for drug drops, are unsafe, and are certainly hazardous to children and other residents. It is very important that we try to expedite both the notification process to the vehicle

owner as well as the ability of the city to remove the vehicle off the street.

We are very pleased to have the permission of the legislature, and it is unfortunate that the city did not have this power under Home Rule, but I am very pleased to see that this bill has passed with the full support of the Senate. I just want to make note of that and thank the Senate very much for its approval here today.

Thank you, Madam President.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 623**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, JULY 13, 2007

Off the Floor	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider House Bill No. 1631, Gaming Economic Development and Tourism Capital Budget Itemization Act for 2007-2008)	Rules Cmte. Conf. Rm.
Off the Floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider House Bill No. 1203)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 97, providing changes to the Tax Reform Code; Senate Bill No. 116; and certain executive nominations)	Rules Cmte. Conf. Rm.

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

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

July 12, 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 May 14, 2007, for the appointment of Douglas P. Harbach, 52 Wagner Road, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified. *[data missing]*

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of Dr. Elnetta Griffin Jones, 366 Hostetter Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified. *[data missing]*

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of William Piper, 350 Barnstable Road, Carlisle 17013, Cumberland County, thirty-first Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of Kenneth Shoemaker, 7 Derbyshire Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE

Senator ROBBINS, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

June 10, 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 May 14, 2007, for the appointment of Arthur Baldwin, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

July 10, 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 May 9, 2007, for the appointment of Colena Arlene Johnson-Kemp, DVM, MS, 382 Summerfield Court, Ambler 19002, Montgomery County, Twelfth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mark Guise, Harrisburg, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

July 10, 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 May 9, 2007, for the appointment of Rosanne M. Palermo, D.M.D., M.A.G.D., 1506 Summer Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

July 10, 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 May 9, 2007, for the appointment of Tracy A. Steen, 3900 Chestnut Street, Philadelphia 19104, Philadelphia County, Seventh Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Bricklin, Ph.D., Wayne, whose term expired.

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of Douglas P. Harbach, 52 Wagner Road, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified. *[data missing]*

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of Dr. Elnetta Griffin Jones, 366 Hostetter Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified. *[data missing]*

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of William Piper, 350 Barnstable Road, Carlisle 17013, Cumberland County, thirty-first Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

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

July 12, 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 May 14, 2007, for the appointment of Kenneth Shoemaker, 7 Derbyshire Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN STATE HOSPITAL

July 10, 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 June 5, 2007, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of White Haven Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Edward Matisak, Sugarloaf, resigned.

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

EDWARD G. RENDELL Governor

MEMBER OF THE WASHINGTON COUNTY BOARD OF ASSISTANCE

July 10, 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 June 5, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Washington County Board of Assistance, to serve until December 31, 2009, and until his successor is appointed and qualified, vice Frank Burkus, Millsboro, deceased.

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

EDWARD G. RENDELL Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

May 14, 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, Lynn Fields Harris, 5818 Germantown Avenue, Philadelphia 19144, Philadelphia County, Third Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2009, and until her successor is appointed and qualified.

EDWARD G. RENDELL Governor

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

May 21, 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, Ivan L. Torres, Ed.D. 1722 Parkside Drive South, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL Governor

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

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

YEA-48

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Oric, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

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 Friday, July 13, 2007, at 4 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 8:10 p.m., Eastern Daylight Saving Time.