

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, OCTOBER 1, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 73

SENATE

MONDAY, October 1, 2007

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

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

PRAYER

The Chaplain, Reverend DAVE BISER, of Crosspoint United Methodist Church, Harrisburg, offered the following prayer:

Let us join together in a word of prayer.

Dear God of all people everywhere, we come to You this day to start our proceedings because we know and we recognize You as the One who begins all things.

You are the beginning and the end, and so we bring our beginnings and our endings to You today, Lord, in the hope that we might be found faithful, humble, and obedient to Your higher calling.

Challenge us today to be Your servants and the servant of Your people in this Commonwealth. We want to do what is right in Your eyes today, knowing that it will be well with us, with our people, our State, and our country if we do right in Your eyes.

You, O God, have placed us in these positions of authority; now call us to positions of responsibility with justice and mercy forefront in our minds. May it be said that we were known by the way we rule, by the way we took care of others, and how we showed Your love.

Be with our Governor, our Lieutenant Governor, the leaders of this body, the Senate, the leaders of the House, those who guide and direct the State of Pennsylvania. Be with our national leaders, especially our President, George W. Bush. We ask Your special blessing on our national Supreme Court as they convene today to make important decisions and give direction.

Lord, be with us now, our families, our constituents. Give them a special place in our heart, Lord, and put them in our mind's eye today, so that we can go about the business before us with them in mind. Lest we forget, be with those who are surrendering their comfortable way of life, so that they can be on the front lines for each of us, so that we can live our comfortable way. Thank You for those who are serving in harm's way today, those serving in our military all over the world, those men and women who are surrendering everything for us. Thank You for them, O God.

We ask this in Your strength, by Your power, in the name of Your Son. Amen.

The PRESIDENT. The Chair thanks Reverend Dave Biser, who is the guest today of Senator Piccola and Senator Punt.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

September 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, Isaiah Dent, Jr., 5D Locust Street, McKees Rocks 15136, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dianna Orndorff, Hanover, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

September 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Schuylkill, Magisterial District 21-3-05, to serve until the first Monday of January 2010, vice William A. Slezosky, 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:

**MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER**

September 27, 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 29, 2007, for the appointment of Vickie L. Garfield, 2383 Cherrytree Road, Titusville 16354, Venango County, Twenty-first Senatorial District, as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

BILLS INTRODUCED AND REFERRED

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

September 28, 2007

Senators C. WILLIAMS, FERLO, EARLL, MUSTO, PUNT, FONTANA, ORIE, ERICKSON, COSTA, RAFFERTY and DINNIMAN presented to the Chair **SB 1098**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting certain drivers from using mobile phones.

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

Senators WOZNIAK, WASHINGTON, FONTANA, FOLMER, RAFFERTY, STOUT and D. WHITE presented to the Chair **SB 1099**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for application of act.

Which was committed to the Committee on LABOR AND INDUSTRY, September 28, 2007.

Senators BROWNE, LOGAN, PUNT, WASHINGTON, RAFFERTY, DINNIMAN and FERLO presented to the Chair **SB 1101**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for spaying or neutering as condition for release of certain animals; and repealing certain provisions relating to sterilization of dogs and cats.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, September 28, 2007.

Senator FUMO presented to the Chair **SB 1103**, entitled:

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to the Philadelphia Redevelopment Authority a tract of land situate in the City of Philadelphia, Philadelphia County.

Which was committed to the Committee on STATE GOVERNMENT, September 28, 2007.

RESOLUTION INTRODUCED AND REFERRED

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

September 28, 2007

Senators GORDNER, TARTAGLIONE, FERLO, WASHINGTON, C. WILLIAMS, PUNT, COSTA, TOMLINSON, KASUNIC, FONTANA, MUSTO, LOGAN, ROBBINS, PILEGGI, WOZNIAK, ERICKSON, BAKER, STOUT, O'PAKE, ARMSTRONG, GREENLEAF, PIPPY, FOLMER, RAFFERTY, ORIE, FUMO, KITCHEN, BRUBAKER, REGOLA, D. WHITE, EARLL and WONDERLING presented to the Chair **SR 173**, entitled:

A Resolution designating the month of October 2007 as "Disability Employment Awareness Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, September 28, 2007.

BILLS REPORTED FROM COMMITTEES

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

SB 117 (Pr. No. 1429) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the establishment and operation of the Juvenile Court Judges' Commission in the Department of Justice; prescribing its powers and duties; and repealing provisions relating to Juvenile Court Judges' Commission.

SB 915 (Pr. No. 1430) (Amended) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the establishment of a grant program for designated accredited veterans' service organizations, for the establishment of the Veterans' Service Officer Grant Account, for defraying the costs for wages, benefits, training and equipment and for improving outreach and delivery of services to Pennsylvania's veterans.

Senator PIPPY, from the Committee on Urban Affairs and Housing, reported the following bill:

SB 465 (Pr. No. 764)

An Act amending the act of October 30, 1996 (P.L.732, No.131), known as the Pennsylvania Innkeepers' Rights Act, providing for prospective employee background checks.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request legislative leaves for Senator McIlhinney, Senator Tomlinson, and Senator Pippy, and a temporary Capitol leave for Senator Rhoades.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator McIlhinney, Senator Tomlinson, and Senator Pippy, and a temporary Capitol leave for Senator Rhoades.

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

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

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Fumo.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained leaves of absence for Senator FERLO and Senator WASHINGTON, for today's Session, for personal reasons.

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, October 1, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, October 15, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, October 15, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

Erickson Folmer	McIlhinney Mellow	Robbins Scarnati	Wozniak
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NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

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

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

Senator O'PAKE. Madam President, I request a Democratic caucus after 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, followed by Republican and Democratic caucuses, without objection, the Senate will stand 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 temporary Capitol leave for Senator Wonderling.

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

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 96 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL AMENDED

SB 805 (Pr. No. 934) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Senator PILEGGI offered the following amendment No. A3372:

Amend Title, page 1, line 6, by removing the period after "program" and inserting: ; and, in charter schools, further providing for enrollment.

Amend Sec. 1, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Sections 1512-C and 1723-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are amended by adding subsections to read:

Amend Bill, page 2, line 25, by striking out all of said line and inserting:

Section 1723-A. Enrollment.--* * *

(d) (1) Enrollment of students in a charter school or cyber charter school shall not be subject to a cap or otherwise limited by any past or future action of a board of school directors, a board of control established under Article XVII-B, a special board of control established under section 692 or any other governing authority, unless agreed to by the charter school or cyber charter school as part of a written charter pursuant to section 1720-A.

(2) The provisions of this subsection shall apply to a charter school or cyber charter school regardless of whether the charter was approved prior to or is approved subsequent to the effective date of this subsection.

(3) The purpose of this subsection is to codify existing law.

Section 2. The addition of section 1723-A(d) of the act shall be retroactive to June 19, 1997.

Section 3. This act shall take effect immediately.

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.

BILLS OVER IN ORDER

SB 806, SB 807, SB 808, SB 813 and HB 872 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 999 (Pr. No. 1216) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 26 in Centre County as the Marine Sergeant David "DJ" Emery, Jr. Highway.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

Senator CORMAN. Madam President, this is a bill that re-names a portion of a highway in Centre County after DJ Emery, a young man who lives in Centre County, who is a constituent of mine. He was a soldier who was unfortunately severely wounded while in Iraq. Fortunately for him, and unlike so many others, he survived those wounds and is doing a tremendous job trying to recuperate, but he did suffer some significant wounds, which is something he will have to deal with for the rest of his life. But like a true soldier, he is fighting very hard to deal with those injuries and lead a full life after his service in the military.

Our community is trying to rally behind him, holding various events to raise funds to help him deal with his wounds and future handicaps, setting up a fund for his young daughter, and things of that nature. DJ has been a real inspiration to a lot of us in how he has faced this diversity and dealt with it.

This renaming of the highway is a little way to pay tribute to his service, which we could never totally do it justice for all the work he did for us and his bravery, but this is just our small way of doing that, and I ask for a unanimous vote for this honor for DJ Emery.

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-47

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stout, Tartaglione, Tomlinson, Vance, 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.

BILLS OVER IN ORDER

HB 1166 and HB 1624 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE AS
AMENDED REREFERRED**

HB 131 (Pr. No. 2511) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, prohibiting fees for police services.

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

BILL ON SECOND CONSIDERATION

HB 17 (Pr. No. 1262) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "serious traffic violation"; and further providing for employer responsibilities and for unlawful activities related to equipment standards.

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

BILLS OVER IN ORDER

SB 351 and SB 861 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1016 (Pr. No. 1304) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for a limitation on use of Willow Grove Joint Interagency Installation.

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

BILLS OVER IN ORDER

SB 1071, SB 1072, SB 1073, SB 1074, SB 1075, SB 1076, SB 1077, SB 1080, SB 1082, and SB 1085 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

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

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

**MEMBER OF THE STATE BOARD
OF AUCTIONEER EXAMINERS**

September 19, 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 September 17, 2007, for the appointment of Stephanie Moore, (Public Member), R.R. 2 Box 397, Millerstown, 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Auctioneer Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Allen Shissler, Sabinsville, 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 BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY**

September 18, 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 September 14, 2007, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2010, and until her successor is appointed and qualified, vice Christopher R. Booth, Jr., Wyncote, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER**

September 27, 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 29, 2007, for the appointment of Vickie L. Garfield, 2383 Cherrytree Road, Titusville 16354, Venango County, Twenty-first Senatorial District, as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

September 24, 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 August 15, 2007, for the appointment of Nina Tinari, (Public Member), 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Linda Trabucco, Chester Springs, 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 STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

September 19, 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 September 17, 2007, for the appointment of B.J. Clark, (Public Member), 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond H. Miley, Jr., Gwynedd, 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 STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

September 19, 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 July 16, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Sharon E. Guise, Dover, 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 STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

September 19, 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 September 17, 2007, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Zimmerman, Mechanicsburg, whose term expired.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ORIE. 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.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**NAVIGATION COMMISSION FOR THE DELAWARE
RIVER AND ITS NAVIGABLE TRIBUTARIES**

September 5, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph F. Bradley, 30 Stone Ridge Road, Thornton 19373, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**NAVIGATION COMMISSION FOR THE DELAWARE
RIVER AND ITS NAVIGABLE TRIBUTARIES**

September 5, 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, Earl G. Eggers, Jr., 6 Toft Woods Way, Media 19063, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF NURSING

August 3, 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, Judy Hale, LPN, R.D. 1, Box 27, Altoona 16601, Blair County, Thirtieth Senatorial District for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified but not longer than six months beyond that period.

EDWARD G. RENDELL Governor

NOMINATIONS LAID ON THE TABLE

Senator ORIE. Madam President, I request that the nominations just read by the Clerk be laid on the table. The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ORIE, 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 ORIE. Madam President, I call from the table certain nominations and ask for their consideration. The Clerk read the nominations as follows:

NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

September 5, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph F. Bradley, 30 Stone Ridge Road, Thornton 19373, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL Governor

NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

September 5, 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, Earl G. Eggers, Jr., 6 Toft Woods Way, Media 19063, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL Governor

MEMBER OF THE STATE BOARD OF NURSING

August 3, 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, Judy Hale, LPN, R.D. 1, Box 27, Altoona 16601, Blair County, Thirtieth Senatorial District for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified but not longer than six months beyond that period.

EDWARD G. RENDELL Governor

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

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

YEA-47

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Ori, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stout, Tartaglione, Tomlinson, Vance, 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 ORIE. Madam President, I move that the Executive Session do now rise. The motion was agreed to by voice vote.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of Monday, September 24, 2007, is now in print.

The Clerk proceeded to read the Journal of the Session of Monday, September 24, 2007, when, on motion of Senator PILEGGI, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

UNFINISHED BUSINESS

RESOLUTION REPORTED FROM COMMITTEE

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

SR 173 (Pr. No. 1428)

A Resolution designating the month of October 2007 as "Disability Employment Awareness Month" in Pennsylvania.

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

SENATE RESOLUTION ADOPTED

Senators RHOADES, MUSTO, PUNT, STOUT, TARTAGLIONE, RAFFERTY, D. WHITE, ERICKSON, GREENLEAF, LAVALLE, O'PAKE, STACK, KASUNIC, WASHINGTON, PIPPY, COSTA, C. WILLIAMS, BRUBAKER, KITCHEN, BAKER, WOZNIAK, FERLO, PILEGGI and DINNIMAN, by unanimous consent, offered Senate Resolution No. 183, entitled:

A Resolution designating October 18, 2007, as "Lights On Afterschool! Day" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Hawley Rotary Club by Senator Baker.

Congratulations of the Senate were extended to Puritan Products, Inc., of Bethlehem, by Senator Boscola.

Congratulations of the Senate were extended to Grace Rohrer and to Troop 142 of the Boy Scouts of America by Senator Brubaker.

Congratulations of the Senate were extended to Kathy Torisky, Mount Zion Evangelical Lutheran Church of Landisburg, Bellefonte Lodge No. 1094 of the Benevolent and Protective Order of Elks and to the Union County Conservation District of Lewisburg by Senator Corman.

Congratulations of the Senate were extended to Chris Weis by Senator Costa.

Congratulations of the Senate were extended to Dr. Peter S. Lund by Senator Earll.

Congratulations of the Senate were extended to Ivan L. Wilson II by Senator Eichelberger.

Congratulations of the Senate were extended to the Woman's Club of Newtown Square by Senator Erickson.

Congratulations of the Senate were extended to Keith Carney, Edward Benaglio and to Bryan Krause by Senator Ferlo.

Congratulations of the Senate were extended to Penn State Greater Allegheny of McKeesport by Senator Logan.

Congratulations of the Senate were extended to Chad Block by Senator McIlhinney.

Congratulations of the Senate were extended to the Honorable Sandra A. Miller by Senator McIlhinney and others.

Congratulations of the Senate were extended to the Reiffton School authors, artists, and project coordinators of Exeter Township School District by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Mahan, Mr. and Mrs. Raymond Knox, Mr. and Mrs. James Zeidler and to Charlotte Whittick by Senator Orié.

Congratulations of the Senate were extended to Florence Maslin by Senator Piccola.

Congratulations of the Senate were extended to Timet, Inc., of Morgantown, by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Horwatt, Sr., Mr. and Mrs. Michael Skapura, Mr. and Mrs. Ray Kells and to Emily Farah by Senator Regola.

Congratulations of the Senate were extended to John R. Choffel, Jr., by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. John Sullivan and to Mr. and Mrs. Harry Kunselman by Senator Scarnati.

Congratulations of the Senate were extended to Mary J. Nist by Senator Stout.

Congratulations of the Senate were extended to Christopher Daranijo and to Edward Dulisse by Senator Tomlinson.

Congratulations of the Senate were extended to the Reverend Benjamin Green, Joseph Sellers and to Joann E. Evans by Senator A.H. Williams.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

SB 465.

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 Montgomery, Senator Rafferty.

Senator RAFFERTY. Madam President, I rise today to congratulate and celebrate the Philadelphia Phillies on capturing the National League East.

(Applause.)

They bring pride and joy to all of us here in Pennsylvania, and it is good to have them win the National League East. They will represent Pennsylvania well in the division championship series, and I want to particularly point out the caliber of the players and the individuals on the team.

Certainly, Charlie Manuel has done an outstanding job as manager, but you have men like Ryan Howard, Chase Utley, and MVP candidate Jimmy Rollins, who have day in and day out shown Pennsylvania, and especially the young people of Pennsylvania, what hard work, determination, and dedication can do and the goals that you can achieve. I want to send a special congratulations and salute out to Jamie Moyer from Souderton, Montgomery County, Pennsylvania, who pitched one heck of a game yesterday and showed, with experience and determination, and seasoned veteran that he is, how well we can do if we put our mind to it and perform with all of our abilities. So here is to the Philadelphia Phillies, and I wish them the best. Go Phillies.

(Applause.)

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

Senator A.H. WILLIAMS. Madam President, I, too, would like to rise on behalf of the Philadelphia Phillies, and, of course, there would not be a moment without controversy on the floor because as we were rising to congratulate some of the Phillies, some of my brethren from the west did not feel quite as moved as I did, for some odd reason, maybe because they are for the Pirates, or some other unfortunate circumstance, but we, for most of Pennsylvania, stand up with great joy.

There was a comment made about the quality and character of those young men, and in more serious moments than this, we would like to comment on that, but I would like to ask unofficially from the floor of the Senate, and there are some people to my left who are Yankees fans and who are not enjoying the moment as they should.

Could we give a moment of reflection on Pennsylvania's MVP and by voice vote could we support Mr. Rollins in his pursuit of MVP, so could we give a shout-out for him.

I think he is going to be MVP this year.

(Applause)

The PRESIDENT. Thank you, Senator Anthony Williams. I assure you we are all proud of Philadelphia. All of Pennsylvania supports you.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 2, 2007

9:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 226)	Hrg. Rm. 1 North Off.
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 366, 481 and 751; and House Bills No. 642 and 1152)	Room 8E-B East Wing
12:00 Noon	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 660)	Room 461 Main Capitol
12:30 P.M.	STATE GOVERNMENT (to consider Senate Bills No. 903, 920 and 986; and House Bill No. 33)	Room 8E-B East Wing

WEDNESDAY, OCTOBER 3, 2007

9:00 A.M.	FINANCE (public hearing on Senate Bill No. 596)	Room 461 Main Capitol
9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS and COMMUNICATIONS AND TECHNOLOGY (joint hearing to receive testimony on the status of the implementation and deployment of PA's Statewide Radio System)	Hrg. Rm. 1 North Off.
9:30 A.M.	TRANSPORTATION (public hearing on Aviation Impact)	Room 8E-B East Wing
10:00 A.M.	LAW AND JUSTICE (to consider Senate Bill No. 980; and House Bills No. 606, 825 and 1420)	Room 8E-A East Wing

WEDNESDAY, OCTOBER 10, 2007

9:00 A.M.	FINANCE (public hearing on Senate Bill No. 65)	Pasquerilla Conf. Center 301 Napoleon St., Johnstown
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WEDNESDAY, OCTOBER 17, 2007

9:00 A.M.	STATE GOVERNMENT (public hearing on Senate Bill No. 9)	Hrg. Rm. 1 North Off.
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RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, October 2, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 3:08 p.m., Eastern Daylight Saving Time.