

COMMONWEALTH OF PENNSYLVANIA
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TUESDAY, OCTOBER 2, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 74

SENATE

TUESDAY, October 2, 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, Pastor CHARLES SCHWARTZ, of Bible Baptist Church, Mercer, offered the following prayer:

First I would like to thank Senator Robbins for the opportunity to be here. I am in his district, but I would also like to thank Senator Punt and his office for their assistance. I used to be in Senator O'Pake's district, so thank you.

Let us pray.

Heavenly Father, thank You for each one of these Senators. We pray that You would give them special wisdom today. Help them to make decisions that would be pleasing to You, so please give Your wisdom. Thank you for their diligent service. We ask that You bless their families and meet their needs. We also pray that You help the Senators and their staff and family. Please help them healthwise, please help them financially, please help them spiritually.

Heavenly Father, please bless this day, and we thank You for it in the name of the Lord Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Schwartz, who is the guest today of Senator Robbins.

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 ARCHITECTS
LICENSURE BOARD**

October 1, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry Rutledge, FAIA, RIBA, 1633 Rainbow Circle, York 17408, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
CLARK [sic] SUMMIT STATE HOSPITAL**

October 1, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jan F. Mroz, 588 Hilltop Road, Peckville 18452, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clark [sic] Summit State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Tina Muncie, Clarks Summit, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

October 1, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph E. Toner, III (Public Member), 10 Arianna Lane, Exton 19341, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Esther Richwine, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF SOCIAL
WORKERS, MARRIAGE AND FAMILY THERAPISTS
AND PROFESSIONAL COUNSELORS**

October 1, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, LeeAnn M. Eschbach, 934 Clay Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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 Raymond Hoover, Mechanicsburg, whose term expired.

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 STATE BOARD OF SOCIAL
WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

October 1, 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 24, 2007, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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 Hoover, Mechanicsburg, whose term expired.

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

EDWARD G. RENDELL
Governor

BILL REPORTED FROM COMMITTEE

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

SB 660 (Pr. No. 1433) (Amended)

An Act providing for plumbing contractors licensure; establishing the State Board of Plumbing Contractors and providing for its powers and duties; conferring powers and imposing duties on the Department of Labor and Industry; establishing fees, fines and civil penalties; creating the Plumbing Contractors Licensure Account; and making an appropriation.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Punt, and a temporary Capitol leave for Senator Piccola.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Punt, and a temporary Capitol leave for Senator Piccola.

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

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

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

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

Senator O'PAKE asked and obtained leaves of absence for Senator FUMO 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.

CALENDAR

**SENATE RESOLUTION No. 173
CALLED UP OUT OF ORDER, ADOPTED**

Senator PILEGGI, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 173**, entitled:

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

On the question,
Will the Senate adopt the resolution?

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

YEA-46

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

NAY-0

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

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

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing a family from Mercer, Pennsylvania. Heather and Lauren Schwartz are serving as guest Pages in the Senate this week, and are homeschooled by their mother, Mrs. Kari Schwartz.

Heather plays the piano and flute, and also serves as a Sunday school teacher. Her hobbies include reading and scrapbooking.

Lauren plays the violin and piano, and enjoys church activities, horseback riding, softball, history, and reading.

Heather and Lauren are accompanied today by their parents, Pastor Charles and Mrs. Kari Schwartz. We are happy to have Pastor Schwartz as our guest Chaplain, and he is celebrating his birthday today.

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

The PRESIDENT. Would Pastor Schwartz and his lovely wife, and Heather and Lauren please rise so we can give you a nice welcome.

(Applause.)

GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, I am honored to introduce Amber Brown, a constituent of mine from Trevoise, who is here to observe and follow us around and see this beautiful Capitol. Amber is a criminal justice student, and her friend, Bryon Sullivan, from Levittown, is a longshoreman on the old USX site in Falls Township.

Madam President, I would like to have the Senate give them a warm welcome today.

The PRESIDENT. Would Amber Brown and Bryon Sullivan please rise.

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, today is Undergraduate Research Day at the Capitol, and if you were in the East Wing, you saw some posters that were done by undergraduate college students in Pennsylvania. There are several guests from various colleges in Pennsylvania, and two of them are from my district.

I would like the Chair to extend its usual warm welcome to Swapna Mudigonda, a student at Kutztown University, who is majoring in physics. She was born in India, and she plans to go to graduate school to pursue her research career in physics. Sudarshan Fernando, her assistant professor in physics, is with her.

Also in the gallery is Lindsay Cappa from Oley, Pennsylvania. She is a pre-med undergraduate student at Ursinus College.

I ask the Senate to extend its warm welcome to these outstanding students who are here to proudly display the research projects that they put a lot of time and expertise into.

The PRESIDENT. Would Swapna Mudigonda, Sudarshan Fernando, and Lindsay Cappa, students from Kutztown University and Ursinus College and their professor, and any of our other students please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Madam President, I want to commend Eric Requa, Theresa Leichner, and Priya Patel from Ursinus College for participating today in the program at the Capitol. Ursinus College is in my district, and I worked with the president of the college, John Strassburger, on a number of issues. I also worked with Dr. Wallace on environmental issues in particular, but congratulations to all three students for their participation and sharing their ideas with us in the State Capitol.

Madam President, if I may, I would also like to introduce Dr. Max Herman, the president of the American Museum of Veterinary Medicine, who lives in my district and works very closely with Senator O'Pake, because the museum is in Senator O'Pake's district. I ask the Senate to extend its usual warm welcome to Dr. Herman.

The PRESIDENT. Would Dr. Herman please rise from the American Museum of Veterinary Medicine. Welcome to the Pennsylvania Senate.

(Applause.)

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

Senator RAFFERTY. Madam President, I ask the Senate to also extend its warm congratulations and a heartfelt thank you to the Ursinus students who are with us today.

The PRESIDENT. Would the Ursinus students please rise so we can welcome you.

(Applause.)

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Republican Caucus.

The PRESIDENT. For the purpose of a Republican caucus, without objection, the Senate stands in recess.

AFTER RECESS

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

LEAVE CHANGED

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

Senator COSTA. Madam President, I request a change of leave for Senator Ferlo from legislative leave to a personal leave.

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 17 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

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

BILL PASSED OVER IN ORDER TEMPORARILY ON FINAL PASSAGE

SB 805 (Pr. No. 1431) -- 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; and, in charter schools, further providing for enrollment.

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

On the question, Shall the bill pass finally?

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

Senator COSTA. Madam President, I move that Senate Bill No. 805 be passed over temporarily.

The PRESIDENT. Without objection, the bill will go over in its order temporarily on final passage.

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 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 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-45

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Folmer, Fontana, 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, 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

HB 1166 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1624 (Pr. No. 2077) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge crossing the Catawissa Creek in Catawissa Borough, Columbia County, Pennsylvania, as the William F. Gittler, Sr. Memorial Bridge.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-45

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Folmer, Fontana, 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, 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 without amendments.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 117 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 915 (Pr. No. 1430) -- The Senate proceeded to consideration of the bill, entitled:

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 Officers Grant Account, defraying the costs for wages, benefits, training and equipment and for improving outreach and delivery of services to Pennsylvania's veterans.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BAKER offered the following amendment No. A3409:

Amend Title, page 1, lines 4 and 5, by striking out "for the establishment of the Veterans' Service Officer Grant Account,"

Amend Sec. 1 (Sec. 9304), page 2, line 28, by striking out "PARAGRAPH (6)" and inserting: subsection (b)

Amend Sec. 1 (Sec. 9304), page 2, line 29, by striking out "with" and inserting: between

Amend Sec. 1 (Sec. 9304), page 3, line 20, by striking out "its 67" and inserting: each of its

Amend Sec. 1 (Sec. 9304), page 4, line 4, by striking out "services" and inserting: serves

Amend Sec. 1 (Sec. 9304), page 4, line 12, by striking out "goals set forth in" and inserting: provisions of

Amend Sec. 2, page 6, line 18, by inserting after "act.":

The appropriation to the Department of Military and Veterans Affairs for veterans outreach services in section 218 of the act of July 17, 2007 (P.L. , No.8A), known as the General Appropriation Act of 2007, shall be disbursed consistently with the provisions of this act.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 351, SB 465, SB 861, 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.

RECONSIDERATION OF SB 1016

BILL ON FINAL PASSAGE

SB 1016 (Pr. No. 1304) -- Senator PILEGGI. Madam President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1016, Printer's No. 1304, just passed finally.

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

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-43

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

NAY-2

Williams, Constance	Wonderling
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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.

THIRD CONSIDERATION CALENDAR RESUMED

SB 96 CALLED UP

SB 96 (Pr. No. 1412) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

SB 96 (Pr. No. 1412) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a grant program for volunteer emergency service organizations to provide incentives for establishing partnerships; conferring powers and duties on the Governor's Center for Local Government Services within the Department of Community and Economic Development; and providing for funding.

On the question,

Will the Senate agree to the bill on third consideration?

Senator D. WHITE offered the following amendment No. A3410:

Amend Title, page 1, line 3, by striking out "Governor's"
 Amend Sec. 2, page 2, line 9, by striking out "Governor's"
 Amend Sec. 2, page 2, lines 24 through 26, by striking out "Governor's Center for" in line 24 and all of lines 25 and 26 and inserting: center and the department.
 Amend Sec. 2, page 2, line 27, by striking out "expense" and inserting: expenditure
 Amend Sec. 3, page 4, lines 6 through 8, by striking out all of said lines
 Amend Sec. 3, page 4, line 27, by striking out ", ten years or more,"
 Amend Sec. 3, page 4, line 28, by removing the period after "plan" and inserting: for a period of at least ten years.
 Amend Sec. 3, page 5, line 5, by striking out "from" and inserting: by
 Amend Sec. 4, page 5, lines 24 and 25, by striking out "and this activity"
 Amend Sec. 4, page 5, line 25, by striking out "other purposes." and inserting: any purposes not set forth in this paragraph.
 Amend Sec. 4, page 6, lines 4 and 5, by striking out "evaluated on an individual basis" and inserting: separately evaluated
 Amend Sec. 4, page 6, line 6, by striking out "grant funds" and inserting: grants
 Amend Sec. 4, page 6, line 7, by striking out "fund" and inserting: account
 Amend Sec. 4, page 6, line 9, by striking out "fund" and inserting: account
 Amend Sec. 5, page 6, lines 18 through 20, by striking out "This form" in line 18, all of line 19 and "by contacting the department." in line 20
 Amend Sec. 5, page 7, line 3, by striking out "expense" and inserting: expenditure
 Amend Sec. 5, page 7, line 5, by striking out "fund" and inserting: account
 Amend Sec. 6, page 7, line 11, by striking out "fund" and inserting: account
 Amend Sec. 6, page 7, line 14, by striking out "ensuing guidelines." and inserting: guidelines issued under this act.
 Amend Sec. 8, page 8, line 6, by striking out "Provisions of this" and inserting: This
 Amend Sec. 8, page 8, by inserting between lines 10 and 11:
 (c) Guidelines shall provide, at a minimum, the following elements:
 (1) An explanation of purpose.
 (2) Applicant eligibility.
 (3) Program objectives.
 (4) Program requirements.
 (5) Eligible activities.
 (6) Grant allocation and limitations.
 (7) The application process.
 (8) Evaluation criteria.
 (9) Application review procedure.
 (10) Award selection.
 (11) Program administration.
 (12) Any other requirement deemed necessary to administer the provisions of this act.
 Amend Sec. 8, page 8, line 11, by striking out "(c)" and inserting:
 (d) Amend Sec. 8, page 8, line 13, by striking out "defined by" and inserting: set forth in
 Amend Sec. 8, page 8, line 20, by striking out "(d)" and inserting:
 (e) Amend Sec. 8, page 8, line 20, by inserting after "shall": annually
 Amend Sec. 8, page 8, line 24, by inserting a period after "Commonwealth"
 Amend Bill, page 8, lines 24 through 30; page 9, lines 1 through 10, by striking out "in each of the five years" in line 24, and all of lines 25 through 30, page 8 and lines 1 through 10, page 9 and inserting: Section 9. Expiration.

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 805 CALLED UP

SB 805 (Pr. No. 1431) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON FINAL PASSAGE

SB 805 (Pr. No. 1431) -- 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; and, in charter schools, further providing for enrollment.

And the question recurring,
 Shall the bill pass finally?

POINT OF ORDER

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

Senator A.H. WILLIAMS. Madam President, I rise for a point of order.

The PRESIDENT. The gentleman will state his point.

Senator A.H. WILLIAMS. Madam President, I request a ruling from the Chair under Senate Rule No. XXI. I serve as the president of a charter school in Philadelphia County, Riverside Charter School, and I am concerned about a potential conflict, and I want to know if I am permitted to vote on this legislation.

The PRESIDENT. Senator Williams, in the situation you have just described, the Chair would rule that you face no conflict of interest and therefore, in accordance with the Senate rules, you must vote on this matter. First, the Chair finds that you are a member of a class of directors of your particular school and a member of a class of all directors of various charter schools around the Commonwealth. The Chair finds that there is nothing particularly personal to your Senate position insofar as this bill is concerned.

Senator A.H. WILLIAMS. 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-43

Armstrong	Fontana	O'Pake	Stout
Baker	Gordner	Orie	Tartaglione
Browne	Greenleaf	Piccola	Tomlinson
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	McIlhinney	Robbins	Wozniak
Folmer	Mellow	Scarnati	

NAY-2

Boscola Musto

A constitutional majority of all the Senators having vote "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.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 366 (Pr. No. 404)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in divorce, for legislative findings and intent, defining "companion animal"; and further providing for effect of agreement between parties and for equitable division of marital property.

SB 751 (Pr. No. 822)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the imposition of the death sentence in cases of mental retardation.

HB 642 (Pr. No. 2557) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person.

HB 1152 (Pr. No. 1400)

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, extensively revising preliminary provisions and provisions relating to warehouse receipts, bills of lading and documents of title; further providing, in secured transactions, for definitions, for perfection and priority in deposit accounts and for perfection upon attachment; and making editorial changes.

Senator PICCOLA, from the Committee on State Government, reported the following bills:

SB 903 (Pr. No. 1434) (Amended)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for contracts relating to consulting.

SB 920 (Pr. No. 1145)

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

SB 986 (Pr. No. 1435) (Amended)

An Act providing for banning bonuses provided to employees of Commonwealth agencies.

HB 33 (Pr. No. 1418)

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 lease to Pine Township, Clearfield County, a certain tract of land situate in Pine Township, Clearfield County, for a consideration of \$1.

SENATE RESOLUTIONS ADOPTED

Senators RAFFERTY, FUMO, WASHINGTON, FERLO, LAVALLE, O'PAKE, COSTA, PIPPY, GREENLEAF, ERICKSON, FONTANA, EARLL, MUSTO, ORIE, C. WILLIAMS, FOLMER and D. WHITE, by unanimous consent, offered **Senate Resolution No. 184**, entitled:

A Resolution designating October 13, 2007, as Schuylkill River Day in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Madam President, next Saturday, October 13, will be designated "Schuylkill River Day" in Pennsylvania. The Schuylkill River Valley is one of the most historically significant geographic regions in the United States. A variety of people, from our early settlers on, settled in the Schuylkill River Valley home. Its abundant natural resources and productive soils made it an early industrial center and breadbasket for the colonies. The Schuylkill River and the canal systems were major arteries in the industrial revolution, transporting coal, manufactured goods, and crops to the port of Philadelphia. Today, the valley still boasts abundant cultural, natural, and recreational resources along this landmark.

Madam President, I am pleased to offer the resolution, and I would like to say that the Schuylkill River and the Schuylkill River Valley are receiving a lot of attention of late from the Montgomery County Community College under Dr. Karen Stout and the dean of the Pottstown campus, Dean Foster, along with Kurt Zwinkl and his group, the Schuylkill River Greenway Association, to promote the Schuylkill River, to explore environmental studies there, and promote their rich heritage.

I would also like to thank Senator Fumo, who worked with me to obtain grant money for the Montgomery County Community College Pottstown campus for the construction of an environmental resource center there, and working in conjunction with the Schuylkill River Greenway Association for environmental studies on aquatic life, on the pristine condition and keeping the river alive, on insect and plant life all along the Schuylkill River. It is an important day, and I ask for an affirmative vote.

Thank you, Madam President.

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

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

Senators DINNIMAN, BOSCOLA, FERLO, FONTANA, LAVALLE, MUSTO, O'PAKE and COSTA, by unanimous consent, offered **Senate Resolution No. 185**, entitled:

A Resolution designating the week of October 13 through 21, 2007, as "Binational Health Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Madam President, 30 States in the United States, including Pennsylvania, 3 provinces of Canada, and all 28 States in the Republic of Mexico are working together to protect the health of everyone throughout North America. We have various residents and citizens of Mexico who spend some time in the United States, some time in Canada, some time in Mexico, and it is in everyone's interest that we concern ourselves with public health. Therefore, I hope that Pennsylvania will join with other States and provinces in Canada and Mexico in the "Binational Health Week" declaration.

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

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

Senators TARTAGLIONE, STACK, WASHINGTON, FONTANA, FERLO, COSTA, RAFFERTY, STOUT, EARLL, DINNIMAN, WOZNAK, LAVALLE, KASUNIC, O'PAKE, PIPPY, PICCOLA, MUSTO, ERICKSON, FOLMER, ORIE, TOMLINSON and BAKER, by unanimous consent, offered **Senate Resolution No. 186**, entitled:

A Resolution designating October 14, 2007, as "Pulaski Memorial Day" in Pennsylvania.

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

Senators TARTAGLIONE, STACK, WASHINGTON, FONTANA, FERLO, COSTA, RAFFERTY, STOUT, EARLL, DINNIMAN, WOZNAK, LAVALLE, KASUNIC, O'PAKE, PIPPY, PICCOLA, MUSTO, ERICKSON, FOLMER, ORIE, D. WHITE, TOMLINSON and BAKER, by unanimous consent, offered **Senate Resolution No. 187**, entitled:

A Resolution designating the month of October 2007 as "Polish American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Madam President, I would like to provide remarks for the record on behalf of Senator Tartaglione and Senator Stack.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made a part of the record at the request of the gentlewoman from Philadelphia, Senator TARTAGLIONE, and the gentleman from Philadelphia, Senator STACK:)

Madam President, on behalf of Senator Stack and myself, I am pleased to introduce two resolutions today. One resolution designates October 2007 as "Polish American Heritage Month" and the other resolution designates October 14, 2007, as "Pulaski Memorial Day" in Pennsylvania.

Polish-Americans have been major contributors to the history of the United States. Our State is home to the nation's fourth largest concentration of Polish-Americans, nearly 825,000 people. Erie and Scranton/Wilkes-Barre boast of a large Polish-American population. In Doylestown, Bucks County, Polish-American Catholics make pilgrimages to worship at the National Shrine of Our Lady of Czestochowa.

In Senator Stack's district, in the Philadelphia community of Bridgesburg, Polish culture thrives in the homes, businesses, social clubs, and churches, where Catholics can attend services spoken entirely in Polish, and where children can take classes to study the language and the history of their ancestors' homeland.

Casimir Pulaski, whom we honor on October 14, is nationally recognized for his contributions to the American Revolutionary War. Pulaski was a skilled military commander and is known as the Father of the American Cavalry. Pulaski Memorial Day kicks off the month-long celebration of Polish-American culture, which has a strong and proud presence in Pennsylvania.

Madam President, Polish-Americans have contributed greatly to our nation and our great State. They also continue to uphold their Polish customs while demonstrating their pride as Americans. It is fitting to honor the accomplishments of all Polish-Americans and their culture. Therefore, I ask my colleagues to join me in unanimous approval of these resolutions designating October as "Polish American Heritage Month" and October 14 as "Pulaski Memorial Day."

Thank you, Madam President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Sweet Valley Church of Christ by Senator Baker.

Congratulations of the Senate were extended to David P. White by Senator Browne.

Congratulations of the Senate were extended to Timothy Carl Fisher, Jr., Robert L. Wright, Sr., Schuylkill Friends Meeting House of Phoenixville and to Safety, Agriculture, Villages and Environment, Inc., of Kennett Square, by Senator Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Lester E. Fisher, Mr. and Mrs. John Knorr, Brandon Alan Wech, Eric Karl Botsford, Michael Robert Noll, Patrick Oliver Dorion

and to Calvary Bible Fellowship Church of Shamokin by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Theodore Stewart and to Robert E. Sembower, Jr., by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend Paul R. Lee by Senator Kitchen.

Congratulations of the Senate were extended to Colonel E. Wood, Sr., Patricia Yearick and to the Church of the Ascension of Williamsport by Senator Madigan.

Congratulations of the Senate were extended to Kathryn Taylor and to Fonthill Museum of Doylestown by Senator McIlhinney.

Congratulations of the Senate were extended to Zebadiah Z. Sheaman and to the members of the Berks County Polish-American Heritage Association by Senator O'Pake.

Congratulations of the Senate were extended to Lucille Vallen and to Eleanore Pfeifferberger by Senator Piccola.

Congratulations of the Senate were extended to Shawn Michael Hess by Senator Pippy.

Congratulations of the Senate were extended to the Western Center for Technical Studies by Senators Rafferty, Wonderling and Dinniman.

Congratulations of the Senate were extended to Peter Skaflestad by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Patsy Gatto and to Smith's Pizza Palace Plus of Emporium by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Willis Weaver by Senator M.J. White.

Congratulations of the Senate were extended to Robert Tucker and to the Norris Square Civic Association of Philadelphia by Senator Tartaglione.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late George M. Nicholson, Jr., to the family of the late Frank H. Hughes and to the family of the late Honorable Thomas Hettes by Senator Baker.

Condolences of the Senate were extended to the family of the late William Buffington by Senators Dinniman and Pileggi.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 366, SB 660, SB 751, SB 903, SB 920, SB 986, HB 33, HB 642 and HB 1152.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Senator PILEGGI. Madam President, before we recess, I would like to address the fact that today we have a new development in the Senate, and something we started the Session with as a bipartisan commitment to opening the Senate's business to the public. We said we would, as soon as the technology was available, provide live feeds of Senate floor action on the Internet. The equipment to do so is now in place and today's Session is available live at the Senate's official website, www.pasen.gov, through the Senate Session Live link.

Before today, the many people interested in watching the Senate were left to the discretion of PCN, the Pennsylvania Cable Network, and while PCN does a fantastic job, they cannot always provide live coverage of the Senate. This Internet broadcast gives everyone who wants to follow the Senate, either generally or on a specific issue, a tool that is only matched if you are able to be here in Harrisburg in the Senate gallery every time the Senate is in Session. I would like to thank our President pro tempore, Senator Scarnati, and the Democratic Leader, Senator Mellow, for their assistance in making this possible.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Pileggi, for making the opening of Senate business available to the public at www.pasen.gov. I appreciate that. I am sure everyone is going to enjoy having access, even though PCN tries but does not have access to everyone.

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

Senator RAFFERTY. Madam President, earlier today, Senator Wonderling, Senator Dinniman, and I had the opportunity to congratulate and commend students and teachers, along with volunteers and chaperones, from the Western Center for Technical Studies, located in Limerick Township, Montgomery County. The students who attend Western Center for Technical Studies are from our three Senate districts.

We had the opportunity to commend them and honor them for building and delivering a house for an American soldier who was severely wounded overseas. He was injured in January 2005 during his tour of duty in Iraq. They chose as their annual construction project to build a house for Staff Sergeant Johnson. They built the house and delivered it to Louisiana for the sergeant who returned from Iraq, and helped put the home together for the sergeant and his family to live in. The sergeant and his wife are able to care for their daughter and to live as a family in a house constructed by these young individuals, their teachers, their chaperones, and the volunteers. The three of us join together to commend them, to offer them citations from the Senate of Pennsylvania, and to wish them well with future success, and to tell them how much we admire them for their conviction and for living the spirit of helping your fellow man in need. These young men and women certainly are a tribute to Pennsylvania and to American society of how we lend a hand to help out one another by helping Staff Sergeant Johnson and his family.

Under the guidance of adult volunteers and chaperones Steve Antrim, Cathy Emswiler, Ryan Garner, Janell Hoffecker, Phil

Mest, Mary Polinski, Maria Steinmetz, Steve Toroney, Barb Toroney, Gordon Whitlock, Darryl Hendershot, Ammon Morgan, Ernie Morris, and John Strickler, the Western Center students who worked on this most worthy project were Scott Bowen, Shawn Branagh, Brittany Day, Kevin Grady, Nicole Greene, Eric Hillen, Brandon Kretzer, Derrick Leidy, Cory McCauley, Bobby Benner, Dennis Cermak, Josh Dechant, Kevin Marang, Tyler Mohn, Mikhail Mukhin, Nicole Schwartz, John Seiberlich, Geoff Alderfer, Evan Basham, Ray Domalewski, Joseph Feldbruegge, Brian Kern, Mike Koetteritz, Samuel Kremer, Ryan Marks, Randy Rohrbach and Matt Stever.

So, we want to commend the students, their teachers, the volunteers, and the chaperones. Thank you, Madam President.

The PRESIDENT. Thank you, Senator Rafferty, along with Senator Wonderling and Senator Dinniman, for recognizing the students, the teachers, and the volunteers from the Western Center for Technical Studies for building a house for an American hero, Staff Sergeant Johnson, and then taking it to Louisiana.

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

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 Wednesday, October 3, 2007, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 4:43 p.m., Eastern Daylight Saving Time.