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SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 78

SENATE

WEDNESDAY, October 17, 2007

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

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

PRAYER

The Chaplain, Rabbi SOLOMON ISAACSON, of Congregation Beth Solomon Synagogue, Philadelphia, offered the following prayer:

Good morning, gentlemen and ladies. I normally do certain prayers here. I would like to add some today because we recently had what is known as the Jewish New Year. The Jewish New Year celebrates the creation of mankind; however, the creation of Adam and Eve is nonsectarian, it is the creation of the world. I just heard recently that the Chinese New Year is 1,063 years younger than the Jewish New Year. That means the Jewish people had to make their own Chinese food for 1,063 years before the Chinese came along. I do not know if that is factual or not, so we are trying to debate whether anybody had Chinese food then, or not, and we are looking into that, and I will let you know in future Sessions as to whether that ever came about.

By the way, I told somebody here earlier that the Pope went to visit Jerusalem, he met the Prime Minister, they talked about various different things, and then the Pope challenged the Prime Minister to a game of golf, and since neither of them could play they decided to send representatives. The Pope goes back to Rome and asks any of the Cardinals if they could play, and none of them could play. So one Cardinal raised his hand and said, Your Holiness, there is a nice Catholic boy by the name of Jack Nicklaus who used to be a prominent golfer. You are the Pope, you can make him a Cardinal overnight and send him to Israel, and they will not know the difference.

So, Jack goes and comes back, and the Pope asks, what happened? He said, oh, Your Holiness, this sight, that sight-- The Pope said, do not give me the sights, I know the sights. He said, what happened to the game? Jack said, I lost. The Pope said, you, Jack Nicklaus, lost? Who did you lose to? The Jewish people do not have anybody who can play golf. He said, I lost to Rabbi Tiger Woods.

Getting to more serious things, there are special prayers that are said in honor of the New Year that we believe that from the beginning of the day of Rosh Hashanah, which is the beginning of the New Year, and concludes 10 days later with the holiday of

Yom Kippur, which is the day of atonement, that God looks at our lives and decides and writes in there what is going to happen to mankind for the coming year. So, we say certain prayers. I wanted to say that because it encompasses everyone. They are:

Remember us for life, O King, who desires life, and inscribe and seal us in the book of life for Your sake, O Living God. Who is like You, Merciful Father, Who recalls His creatures mercifully for life. Inscribe and seal us, all the children of Your covenant, for a good life.

In the book of life, blessing and peace, good livelihood, good degrees, salvations and consolations, may we be remembered and inscribed and sealed before You, we and all Your people of the family all over the world that are Your creations for a good life and for peace. Amen.

I would also like to say a prayer for the soldiers, especially since I found out that my Senator decided to join the Reserves. Now they need the prayers more than ever since Senator Stack is there, so we have to see what we can do.

May He who blessed our forefathers Abraham, Isaac, and Jacob, may He bless the fighters of the United States of America from the Army, Air Force, Marines, and Navy who stand guard over our land and the cities, wherever they may be. May Hashem, the Almighty, cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness, and may He send blessing and success in their every endeavor.

May He lead our enemies under their sway, and may He adorn them with a crown of salvation, and with the diadem of triumph. May there be fulfilled for them the verse, for it is Hashem, our God, who goes with you to battle your enemies for you to save you and let us say. Amen.

And now a prayer for the Senate and everyone else:

May He who grants salvation to kings and dominion to rulers, whose Kingdom is a kingdom spanning all eternities, who releases David, his servant, from the evil sword, who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, Governor of our wonderful State, and of course the Lieutenant Governor, and all the officials of the land, especially the Senators.

The King who reigns over all kings in His mercy, may He sustain them and protect them from every trouble, woe, and injury. May He rescue them. May He gather peoples under their sway, and cause their enemies to fall before them. Wherever they turn, may they succeed. The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all of their counselors and officials compassion to do good for all the

great people of our great Commonwealth. In these days and in ours, so may it be His will. Amen.

The PRESIDENT. The Chair thanks Rabbi Isaacson, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

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 laid on the table:

MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

October 17, 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 5, 2007, for the appointment of John P. Sabatina, Sr., Esquire, 8012 Castor Avenue, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Robert T. McIntyre, Scranton, whose term expired.

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

EDWARD G. RENDELL
Governor

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.

BILLS REPORTED FROM COMMITTEES

Senator REGOLA, from the Committee on Local Government, reported the following bills:

SB 1002 (Pr. No. 1229)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

SB 1003 (Pr. No. 1230)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

SB 1004 (Pr. No. 1231)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

SB 1051 (Pr. No. 1472) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for governing board and for airport authorities.

SB 1126 (Pr. No. 1458)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further regulating contracts and purchases.

Senator ERICKSON, from the Committee on Public Health and Welfare, reported the following bills:

SB 778 (Pr. No. 901)

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

HB 191 (Pr. No. 1007)

An Act providing for the donation of blood by certain persons 16 years of age or older; and making a related repeal.

HB 874 (Pr. No. 2261)

An Act providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Fumo and Senator Stout.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Fumo and Senator Stout.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained a leave of absence for Senator C. WILLIAMS, 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.

SPECIAL ORDER OF BUSINESS JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of October 1, 2007, October 2, 2007, and October 3, 2007, are now in print.

The Clerk proceeded to read the Journals of the Sessions of October 1, 2007, October 2, 2007, and October 3, 2007.

Senator PILEGGI. Madam President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The Journals are approved.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR STEWART GREENLEAF AND SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator GREENLEAF. Madam President, seated in the gallery are several high school students from Wissahickon High School in Montgomery County, joined by their teacher, Alan Ostrow, who have come to the Capitol today to share their work with FIRST Robotics, a nationwide organization in which teams of high school students compete with one another to build a robot.

This morning, when I walked into the Capitol in the East Wing atrium, I was surprised to see many high school students, obviously many of them from Wissahickon High School, and all their robotic products. It was a very, very impressive sight.

In a world where we are competing for science, and where our engineering and science graduates are declining and the rest of the world's graduates are increasing, it is important for us to provide engineering and scientific opportunities for our students. This program does exactly that. They are being taught by teachers who are qualified. Mr. Ostrow has an engineering degree in mechanical engineering, and they are being tutored to learn how to do things such as this, to compete, to share their information with other students, and with other high schools, and to provide a learning atmosphere in which they enjoy and realize that science, math, and mechanics are fun. So, as a result, it is a pleasure to be involved with this program.

The Wissahickon team, known as Miss Daisy, and they have the robotic product out there, and it is in the Rotunda for everyone to see. It is a three-time regional chairman's award winner and two-time national runner-up for the first highest honor.

Known internationally for mentoring teams, Wissahickon has mentored schools across Pennsylvania and around the world, including five rookie all-star winners. Miss Daisy has also produced large scale technology shows for the Franklin Institute, Singapore Science Center, and two NBC network affiliates, with the goal of inspiring students to pursue technological careers.

On November 10 they will hold a 36-team robotics competition, Ramp Riot 2007, at Wissahickon High School. With that, I ask the Senate to give a warm welcome to my guests, Alan Ostrow, and the students from Wissahickon High School, but before we do that, we want to hear from Senator Rafferty, who is also very proud to represent the school district of Wissahickon High School.

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

Senator RAFFERTY. Thank you, Madam President. Thank you, Senator Greenleaf. The Senator and I both represent Wissahickon, which is known for its quality education. Wissahickon, participating in today's program and in a competition later in November, is not only teaching the children the importance of science and engineering, but also reminding us all that we once were at the forefront of graduating scientists and engineers, we, the United States, and we are starting to slip in that category. It is very important for us to stress science and engineering on the junior high and high school level, and then, of course, on to the college level.

What these young men and women are doing today in the competition, Madam President, competing with one another as schools, but also setting a precedent for us as the Commonwealth of Pennsylvania and the United States to compete globally and to use our education and our faculties and our resources to rise to the top in engineering and science, and maintain that position throughout the world. So, I congratulate the students from Wissahickon and congratulate all those participating in today's program. I had the chance to talk to retired Captain Bob Boyce, who is here with Malvern Prep. He lives in my district, but Malvern Prep is in Senator Dinniman's district. He was a submariner for the United States Navy and is now using his education

and tools to work with today's students. So I congratulate him as well as the Wissahickon students who are here.

On behalf of myself and Senator Greenleaf, I ask the Senate of Pennsylvania to continue with the tradition of extending a warm welcome to these students today.

Thank you, Madam President.

The PRESIDENT. May I please ask the Wissahickon High School students and professors and all of you to please rise for a tribute to what you are doing in science, math, and engineering.

Thank you, and we would like to welcome you.

(Applause.)

GUEST OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

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

Senator BAKER. Madam President, I am honored to introduce a reporter who is here with me at the Capitol today as a job shadowing experience. Liz Martin, who is from Dallas in Luzerne County, is joining us today for her report with the Suburban News newspaper. We are delighted Liz is here, and I ask my colleagues to offer her a warm welcome.

Thank you.

The PRESIDENT. Will Liz Martin from Luzerne County please rise so we can recognize you.

(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, also in the gallery is a very special group of high school students from Berks County. They are sponsored by the Council of Chemical Abuse as part of a YouthQuest rally called Busted. Busted is a youth advocacy group against smoking tobacco, they do a lot of good things back home, and are here from Reading High School, Muhlenberg High School, and Schuylkill Valley High School, along with their moderators, Jill Mahon, Christa McCusker, and Councilwoman Marcia Goodman-Hinnershitz.

I ask the Chair to extend its usual warm welcome to these outstanding students from Berks County who are very concerned about the problems and the difficulties caused by smoking.

The PRESIDENT. Will our Berks County high school students, Jill, Krista, and Marcia all please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR MICHAEL L. WAUGH PRESENTED TO THE SENATE

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

Senator WAUGH. Madam President, I, too, have some high school guests in the audience today. It is always our pleasure to welcome both constituents and visitors. In fact, these high school students are guests of our State and of our country. They are

actually exchange students who are attending various schools located throughout York County. They are here today with Mr. Roy Wescher, and Roy, if you recall, each year brings several ASSE students to visit the Capitol, spend the day here, and learn about our system of government. In addition to Roy, I would like to introduce the six students whom he has with him and are sitting in the balcony. We have Laura Funke, from Germany; Anais Guillemaud, from France; Eugene Aleyckov, from Russia; Eric Dueck, from Germany; Maria Lisenko, also from Germany; and finally, Anna Seichter, who is also from Germany. They are all here today as our guests. We welcome them and I would appreciate a warm round of welcome from the other Senators.

The PRESIDENT. Will our six students from ASSE from Germany, France, and Russia, and Roy Wescher, their professor who represents them, please rise so we can welcome you to the Pennsylvania State Capitol.

(Applause.)

GUEST OF SENATOR ROBERT M. TOMLINSON PRESENTED TO THE SENATE

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

Senator TOMLINSON. Madam President, I would like to introduce Russ Manning, a member of my district staff who is with me today. Russ just joined my staff, is a resident of Middletown Township, and he is up in the gallery.

I would like the Senate to give him a warm welcome to our family here in the Senate.

The PRESIDENT. Will Russ Manning from Middletown Township please rise.

(Applause.)

GUESTS OF SENATOR ROBERT WONDERLING PRESENTED TO THE SENATE

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

Senator WONDERLING. Madam President, I understand my colleagues, Senator Greenleaf and Senator Rafferty, have already referenced several robotics teams, young men and women who are visiting Harrisburg today, and I would like to perhaps amplify their comments on the background of this nationally recognized program, the FIRST program, which was founded several years ago by Dean Kamen. Dean Kamen, for those who are not familiar with him, invented the Segway, which is a really cool ride, and if you get a chance, I highly recommend you ride a Segway.

The goal is to encourage math, science, and technology among our high school students in the Commonwealth. The FIRST program also brings together private sector adult mentors and students. Right now, approximately 5 percent of the schools in Pennsylvania have this program underway, and the goal is to triple that number within the next 5 years. Hopefully, there will be a robotics program and competition in all of my colleagues' Senate districts in the not too distant future.

With that, I would like to recognize and welcome two schools, two teams that are here. First, representing Palisades High School in upper Bucks County, is the Cybersonics Robotics Team, and also, from Montgomery County, the borough of

Lansdale, Lansdale Catholic High School, the Lansdale Crusaders Robotics Team, is here this afternoon.

Thank you, Madam President.

The PRESIDENT. Would the Palisades and Lansdale teams representing math, science, technology, and robotics please rise so we can welcome you.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 17 and HB 33 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 117 (Pr. No. 1466) -- The Senate proceeded to consideration of the bill, entitled:

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; prescribing its powers and duties; and repealing provisions relating to Juvenile Court Judges' Commission.

Considered the third time and agreed to,

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

On the question, Shall the bill pass finally?

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

YEA-48

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

SB 751, SB 806, SB 807, SB 808 and SB 813 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 986 (Pr. No. 1468) -- The Senate proceeded to consideration of the bill, entitled:

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

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 Blair, Senator Eichelberger.

Senator EICHELBERGER. Madam President, I rise to offer a bill for the betterment of this Commonwealth, a bill that is unfortunately necessary at this point in our history. Madam President, storm clouds gathered over this General Assembly early in the year when news that secret bonuses were given to select staff of Democratic and Republican House and Senate Members. Allegations quickly followed concerning the purpose of some of these bonuses. To the credit of the current leadership of all four Caucuses, information was provided to the public regarding the bonus amounts with names and salaries of the employees involved. All four Caucuses said that this would never happen again, and that we were moving on to more important things for our citizenry. Many issues were, in fact, not addressed, Madam President, issues like possible violations of the law now under investigation by the Attorney General, and the commitment of future leaders to abstain from dispensing bonus checks, as well as the unknown actions of the executive and judicial branches of this government and various State agencies.

This bill establishes a very controlled pay structure in which bonuses clearly defined in the bill would be banned, and that criminal sanctions are set forth for anyone who intentionally approves or authorizes such a bonus. More recently, the news of bonuses paid to the management employees of the Pennsylvania Higher Education Assistance Agency, or PHEAA, became a topic of conversation for most Pennsylvanians. This issue, separate and distinct from the legislative bonuses, is one that needs to be addressed in several ways. This bill addresses the PHEAA situation by providing for a personal compensation plan or employment contract to be open for public inspection, and further provides that any contract containing performance-based incentive payments must have said payments included in the written contract, and that said payments must be based on objective criteria.

Madam President, this bill in the Senate is an important first step in the process of addressing and remedying these abuses of public trust. If this bill is passed today, the Members of the House of Representatives must act swiftly and send this bill to the Governor for his signature, and the Governor must not posture, but sign this bill into law. The Attorney General must continue his investigation into the legislative bonuses and follow it into both Chambers of the General Assembly and on to both sides of the aisle. The PHEAA board and the legislature, collectively, must look at the many troubling questions surrounding this agency, and do so openly, earnestly, and without hesitation. Those remedies may be far-reaching and substantial, but are critical and need our utmost attention.

Madam President, this bill sets forth structural parameters and criminal penalties for controlling arbitrary bonus payments to a select, well-connected group of individuals, but it will take more work from public officials to ultimately fix all that is broken. I ask for the Members' votes to support this important bill.

Thank you, Madam President.

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

Senator PILEGGI. Madam President, first, I would like to commend Senator Eichelberger for his work on this issue and on the formulation of Senate Bill No. 986, prohibiting bonuses for State employees. I have been asked questions and I think it is important for the Members and for the viewers at home, and the members of the public, to know that the definitions that are contained in Senator Eichelberger's bill defining bonus and clarifying that definition allow for good management practices, including good management practices that we follow here in the Senate.

Specifically, I have been asked about subsection 4 that deals with the annual cost-of-living adjustment equivalency payments made to individuals at the maximum of a salary range. In the compensation management plan that we have in place in the Senate, which has been in place since 2004, when employees reach the maximum pay scale, they are eligible for cost-of-living equivalency payments made to that employee to compensate them for their work, but that is not added to the base of the salary. We believe that that is a good management tool, but since I had received questions about that, I thought it would be appropriate to publicly state the intention of subsection 4 and how it fits into the compensation practices in the Senate's written compensation management plan.

With that, Madam President, I ask for an affirmative vote on Senate Bill No. 986.

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

Senator DINNIMAN. Madam President, I also rise to support this bill. I think it is important that we go on record as opposing a practice which got out of hand in the State House, and it is important to let the people of this Commonwealth know our commitment to fiscal responsibility, and I thank Senator Eichelberger for introducing it.

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

Senator RAFFERTY. Madam President, I to rise to compliment my friend and colleague, Senator Eichelberger, for introducing this bill, and for the hard work by leadership on both

sides of the aisle. Certainly, I have been critical of one agency in particular, but also of the practice of bonuses. Senator Orié and I have made some print of late, and I am happy to see that this bill is making its way through the Senate. We can now get a handle on this idea of bonuses, and realize that there is a public service theme that runs through employment in State government no matter what your position, no matter what branch of government, and no matter what agency. I encourage an affirmative vote.

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 777 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 43, SB 65, HB 169, SB 305, SB 351 and SB 366 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 606 (Pr. No. 2600) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for court jurisdiction on appeals from decision of the board, for hearings before the board and administrative law judges, for revocation of licenses, for increased fines, for renewal of licenses and for responsible alcohol management.

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

BILLS OVER IN ORDER

HB 642, HB 825, SB 861, SB 920 and SB 1017 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1065 (Pr. No. 1465) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating State Bridge No. 36-4009-0030-0000, the newly replaced bridge on Dillerville Road in the City of Lancaster, Lancaster County, as the Edward Anthony Davis Memorial Bridge.

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

BILLS OVER IN ORDER

SB 1068 and SB 1069 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1086 (Pr. No. 1378) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for contracts and acquisition of property; and providing for annual adjustment and for evasion of advertising requirements.

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

BILL ON SECOND CONSIDERATION

SB 1133 (Pr. No. 1459) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 850 in Marysville Borough, Perry County, as the Army Private David E. Dietrich Memorial Highway.

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

BILLS OVER IN ORDER

HB 1152 and HB 1420 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1644 (Pr. No. 2119) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 22/322 from the Mifflintown exit in Juniata County to the Juniata/Mifflin County line, as the Dr. L.G. Guiser Memorial Highway.

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

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

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

MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

October 17, 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 5, 2007, for the appointment of John P. Sabatina, Sr., Esquire, 8012 Castor Avenue, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Robert T. McIntyre, Scranton, whose term expired.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

July 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, Josh First, (District 6), 2533 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Stephen Mohr, Bainbridge, whose term expired.

EDWARD G. RENDELL
Governor

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

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

Senator ROBBINS. Madam President, I ask for a negative vote.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEA-9

Ferlo	Mellow	Vance
Greenleaf	Piccola	Washington
Hughes	Tartaglione	Williams, Anthony H.

NAY-39

Armstrong	Erickson	McIlhinney	Robbins
Baker	Folmer	Musto	Scarnati
Boscola	Fontana	O'Pake	Stout
Browne	Fumo	Orie	Tomlinson
Brubaker	Gordner	Pileggi	Waugh
Corman	Kasunic	Pippy	White, Donald
Costa	Kitchen	Punt	White, Mary Jo
Dinniman	LaValle	Rafferty	Wonderling
Earl	Logan	Regola	Wozniak
Eichelberger	Madigan	Rhoades	

Less than a constitutional majority of all the Senators having voted "aye," the question was determined in the negative.

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 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 Veterans Affairs and Emergency Preparedness to be held in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Veterans Affairs and Emergency Preparedness, without objection, the Senate stands in recess.

AFTER RECESS

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

**UNFINISHED BUSINESS
RESOLUTION REPORTED FROM COMMITTEE**

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following resolution:

SR 165 (Pr. No. 1376)

A Resolution designating the month of October 2007 as "Pennsylvania Fire Prevention Month," observing the week of October 7 through 13, 2007, as "National Fire Prevention Week" and urging Pennsylvanians to heed fire safety messages.

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

SENATE RESOLUTION ADOPTED

Senators FONTANA, COSTA, FERLO, LOGAN, LAVALLE, ORIE, PIPPY, STOUT, KASUNIC, STACK, PUNT, REGOLA, WASHINGTON, ARMSTRONG, TARTAGLIONE, MADIGAN, C. WILLIAMS, ERICKSON, GREENLEAF, FUMO, TOMLINSON, M. WHITE, O'PAKE, EARLL, RAFFERTY, D. WHITE, PILEGGI, McILHINNEY and WONDERLING, by unanimous consent, offered **Senate Resolution No. 201**, entitled:

A Resolution honoring the Pittsburgh Steelers and the Rooney family on their 75th season.

On the question,
Will the Senate adopt the resolution?

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

Senator FONTANA. Madam President, on behalf of all the cosponsors and especially my colleagues from the city of Pitts-

burgh and Allegheny County, I offer this resolution honoring the Pittsburgh Steelers and their owners, the Rooney family, on their 75-year history.

Madam President, the Pittsburgh Steelers were founded in 1933 by Art Rooney, also affectionately known as The Chief, and during their 75-year history, the Steelers have appeared in six Super Bowls, winning five Super Bowl rings. The Steelers have produced 19 members of the Pro Football Hall of Fame. But more importantly, Madam President, the Rooney family has demonstrated a strong commitment to Pittsburgh and the Commonwealth of Pennsylvania not only by keeping their team in Pittsburgh all those years, but also through their significant contributions to the charitable and civic groups in our region, and we also know the team has a huge economic impact on the city of Pittsburgh, Allegheny County, and our State.

Madam President, the Pittsburgh Steelers are an embedded tradition and part of the culture of the city of Pittsburgh. We all can remember Mean Joe Greene, Franco's Italian Army, Jack Ham's Polish Fan Club, Gerela's Gorillas, and the Steel Curtain are all legendary throughout our country. The Steelers have a fan base in all 50 States.

Madam President, I ask my Senate colleagues to recognize the accomplishments and contributions of the Pittsburgh Steelers and their owners, the Rooney family, to the city of Pittsburgh, to Allegheny County, and to the Commonwealth of Pennsylvania, by honoring them on their 75th season in Pittsburgh with the approval and passage of this resolution.

Thank you, Madam President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Gregory T. Hadfield by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Jack B. Stephens, Mr. and Mrs. Joseph Podunajec, Mr. and Mrs. George Herman, Mr. and Mrs. Norbert Markiewicz, Mr. and Mrs. Stanley Makowski and to Nina Fleegle by Senator Baker.

Congratulations of the Senate were extended to Todd A. Martin by Senator Baker and others.

Congratulations of the Senate were extended to Andrew Knowles by Senator Boscola.

Congratulations of the Senate were extended to Effort Foundry, Inc., of Bath, by Senator Browne.

Congratulations of the Senate were extended to James G. Petrucci and to Integrated Health Campus by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Harry V. Osborne, Dr. and Mrs. John B. Eby and to Lucas Alan Berrier by Senator Corman.

Congratulations of the Senate were extended to Daniel Curry and to the third grade class at Westwood Elementary School of Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to Anne H.T. Moore by Senator Dinniman.

Congratulations of the Senate were extended to Timothy Lloyd Hancock Crouse and to Russell Charles Martin Booher by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. Benjamin Scheffler and to Andrew W. Fink by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. William Whitley and to Mr. and Mrs. Thomas Kotkoskie by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Theodore Steward, Goldie Mae Barclay, Marsha Peterman, George E. Sovers, Misty Humphrey, Gabrielle Campbell, Chloe Mapes, Chloe Hanes, Kelsi Miller and to the Daily American of Somerset by Senator Kasunic.

Congratulations of the Senate were extended to Thomas D. Devin by Senator LaValle.

Congratulations of the Senate were extended to Richard and Randy Labs by Senator McIlhinney.

Congratulations of the Senate were extended to Gail Hill by Senators McIlhinney and Wonderling.

Congratulations of the Senate were extended to Angeline Vergnetti by Senator Mellow.

Congratulations of the Senate were extended to Stephanie Nichol by Senator Orie.

Congratulations of the Senate were extended to the Pittsburgh Police Bureau by Senator Orie and others.

Congratulations of the Senate were extended to Marguerite P. Harris by Senators Pileggi and Dinniman.

Congratulations of the Senate were extended to Mark R. Bowden by Senators Pileggi and C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. William Brindza, William G. Land, Matthew Barszcz, Michael Carl Schaefer, Peter Garland and to Shawn Francis McGrogan by Senator Pippy.

Congratulations of the Senate were extended to Eric Andrew Blumenthal by Senator Rafferty.

Congratulations of the Senate were extended to Gustavo I. Perea by Senators Rafferty and McIlhinney.

Congratulations of the Senate were extended to Delbert Knecht, Theodore W. Hittner, Joe McCormick, Anthony Denicker and to Goodwill Cartridge Service of Pottsville by Senator Rhoades.

Congratulations of the Senate were extended to the Conneaut Valley Lions Club by Senator Robbins.

Congratulations of the Senate were extended to Gordon R. Moore, Armando Fortunato, Kyle R. Davido, Matthew Johnson, Jeremy Anzinger and to Rachel Bauer by Senator Scarnati.

Congratulations of the Senate were extended to the Honorable Dennis M. O'Brien, James Eibell, Thomas Luecke, Paul Morgan, Theresa McCann, James Malfara and to Brandon M. Huber by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. David Wingrove by Senator Stout.

Congratulations of the Senate were extended to St. Patrick School of Carlisle by Senator Vance.

Congratulations of the Senate were extended to Stephen V. Johnson and to the Willow Grove Branch of the National Associ-

ation for the Advancement of Colored People by Senator Washington.

Congratulations of the Senate were extended to Wayne Breighner, Terry Fix, Robert Morton, Rodney Smith, Debra Eberly, Sally Tome, Thomas Imes and to the Yoe Fire Company Ambulance Service, Inc., by Senator Waugh.

Congratulations of the Senate were extended to Michael J. Lawrence by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Mervin Stahlman and to Andrew John Nguyen Opalewski by Senator M.J. White.

Congratulations of the Senate were extended to Lawrence Chrzan and to the Friends of the Haverford Township Free Library by Senator C. Williams.

Congratulations of the Senate were extended to Mary E. Silva by Senator Wonderling.

Congratulations of the Senate were extended to Nicholas M. Zimmerman by Senator Wozniak.

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 Betty L. Butler by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Vincent Malatesta by Senator Tomlinson.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Harold Lee Rush was extended to the family by Senator Kitchen.

A posthumous citation honoring the late Harry G. Cramer, Jr., was extended to the family by Senator Wozniak.

BILLS ON FIRST CONSIDERATION

Senator HUGHES. 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 by voice vote.

The bills were as follows:

SB 778, SB 1002, SB 1003, SB 1004, SB 1051, SB 1126, HB 191 and HB 874.

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 Lancaster, Senator Brubaker.

Senator BRUBAKER. Madam President, I am here today to talk about a very serious issue that is occurring right now in the Commonwealth of Pennsylvania. Approximately 800 homeowners were making their mortgage payments on time, every time, to their mortgage initiator. We have recently learned that the mort-

gage initiator did not forward those mortgage payments on to the rightful source. As a result, between \$40 million and \$50 million of Pennsylvania's mortgage payments are lost. As a result, Pennsylvania mortgage holders are now paying as much as two times their monthly payment for the mortgages, which in many cases they cannot afford to pay. There is a net loss of net worth in excess of \$50 million to these people.

Also, over 800 families in Pennsylvania, as a result of paying their mortgages on time, every time, only to have their mortgage payments not forwarded to the rightful destination, now have bad credit, which they do not deserve. In addition to this, this tremendous financial stress on 800 Pennsylvania families is not only causing financial stress, but also causing tremendous family stress as well, family stress and financial stress. This situation is a travesty and should have never happened. I am calling on all Members of the Senate, all Members of the General Assembly, the Governor's Office, the Attorney General, and the Pennsylvania Department of Banking to do everything within our power to correct this situation. I would like to thank the Attorney General's Office and I would like to thank the Pennsylvania Department of Banking for being proactive and working hard to attempt to get this situation resolved. We must keep the investigation going, and going strong, and allow the investigation to go wherever it may to clean up this mess.

Eight hundred Pennsylvania families need help right now. They have critical decisions to make, and they do not know where to go for help. In many cases, they are paying \$400, \$500, and \$600 more per month for their mortgages than what they originally signed up for, and they cannot afford the mortgage payments, nor can they afford to bring on an additional lawyer or accountant to help them with these difficult decisions. The Commonwealth of Pennsylvania needs to step up right now and help these 800 families and do whatever we possibly can. We need to help them with the critical decisionmaking processes that are before them, and we need to help clean up their record, which should never have been a problem in the first place.

Thank you very much for the opportunity to speak out on this very important topic.

The PRESIDENT. Thank you, Senator Brubaker, for calling our attention to this serious problem for 800 Pennsylvania homeowners.

RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Monday, October 22, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:23 p.m., Eastern Daylight Saving Time.