

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, OCTOBER 22, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 79

**SENATE**

MONDAY, October 22, 2007

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

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

**PRAYER**

The Chaplain, Reverend MIKE JARRELL, of Fellowship Bible Church, Philadelphia, offered the following prayer:

Sovereign of the universe and benevolent Father, we humbly implore Your divine blessings and the assistance of Heaven on these senatorial deliberations. We indeed seem to feel our own want of political wisdom, groping as it were in the dark to find political truth and scarcely able to distinguish it and present it to us.

So, as Solomon prayed, give us now wisdom and knowledge to go out and come in before these people, for who can govern these people of Yours, which is so great.

May we remember that the business done this day is God's business, and we beseech You to grant the august Members of this Senate hearts that desire to please You, O God, and to lead Your people into Your righteousness, by which a nation may be exalted.

So, we thank You, O God, for those who accepted the enormous, thankless, and noble task of serving the whole of our great Senate, and ask Your blessings on them and Your protection on all of us. We ask these things in the name of Your very own Son, whom You gave to pay for our sins and provide for us eternal and abundant life. In the name above all names, Jesus Christ, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Jarrell, who is the guest today of Senator Stack.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

October 17, 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, Martin C. Levin, CPA, 1633 North 26th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Accountancy, 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 Kevin Foley, Mountain Top, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF LINCOLN UNIVERSITY**

October 17, 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, Robert L. Archie, Jr., 400 West Hortter Street, Unit 603, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**COMMONWEALTH TRUSTEE OF THE UNIVERSITY  
OF PITTSBURGH OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION**

October 17, 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, The Honorable Dan B. Frankel, 5329 Fair Oaks Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

October 17, 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, Michael P. Williams, Esquire, 927 Clinton Street, Apartment 1-F, Philadelphia 19107, Philadelphia County, First Senatorial District, for reappointment as a Commonwealth Trustee of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

October 18, 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, John Paone, 8610 Thomas Mill Drive, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

October 18, 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, Howard B. Slaughter, Jr., 205 Tilford Road, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF PARDONS

October 18, 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, Russell Austin Walsh, Ph.D., 12 Braemoor Court, Cheswick 15024, Allegheny County, Thirty-eighth

Senatorial District, for reappointment as a member of the Board of Pardons, to serve until November 30, 2013.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS

October 22, 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, Gregory T. Burrell, 4203 Haverford Avenue, Philadelphia 19104, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael Morrison, Oil City, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS

October 22, 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, James O. Pinkerton, 105 Pinkerton Trail, Prospect 16052, Butler County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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 FUNERAL DIRECTORS

October 22, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 17, 2007, for the appointment of Stephanie Moore, R.R. 2 Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for *[sic]* a member of the State Board of Funeral Directors, to serve for a term of five years and until her successor is appointed and

qualified, but not longer than six months beyond that period, vice Michael Morrison, Oil City, whose term expired.

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

EDWARD G. RENDELL  
Governor

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 19, 2007

**HB 1167** -- Committee on Banking and Insurance.  
**HB 1604** and **HB 1795** -- Committee on Transportation.  
**HB 1691** -- Committee on State Government.

October 22, 2007

**HB 780** and **HB 841** -- Committee on Local Government.  
**HB 1067** and **HB 1377** -- Committee on Education.

### HOUSE RESOLUTION FOR CONCURRENCE

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

October 19, 2007

**HR 180** -- Committee on Local Government.

### BILLS INTRODUCED AND REFERRED

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

October 19, 2007

Senator KASUNIC presented to the Chair **SB 1114**, entitled:

An Act designating the scenic view on State Route 40 in Wharton Township, Fayette County, as the "Blue Star Point Lookout."

Which was committed to the Committee on TRANSPORTATION, October 19, 2007.

Senators PICCOLA, M. WHITE, PUNT, GORDNER, BOSCOLA, EARLL, LOGAN, STACK, D. WHITE, WONDERLING, WOZNAK, BROWNE, MUSTO, EICHELBERGER, FERLO, WAUGH, MADIGAN, RAFFERTY and REGOLA presented to the Chair **SB 1123**, entitled:

An Act amending the act of June 6, 1980 (P.L.197, No.57), known as the Optometric Practice and Licensure Act, further providing for the definitions of "examination and diagnosis" and "practice of optometry" and for approval of drugs.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 19, 2007.

Senators M. WHITE, SCARNATI, MUSTO, ERICKSON, EARLL, ORIE, ROBBINS, KITCHEN, BROWNE, D. WHITE, WOZNAK, PUNT and FOLMER presented to the Chair **SB 1127**, entitled:

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, further providing for the exploration for and development of the Commonwealth's indigenous natural gas resources; and making an editorial change.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 19, 2007.

Senators TOMLINSON, M. WHITE, PILEGGI, RAFFERTY, WASHINGTON, ERICKSON, KITCHEN, LOGAN and GREENLEAF presented to the Chair **SB 1134**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, providing for rate change mitigation and for energy efficiency and demand-response measures; and further providing for duties of electric distribution companies.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 19, 2007.

Senators GREENLEAF, ORIE, FONTANA, WASHINGTON, TARTAGLIONE, MUSTO, COSTA, KITCHEN, RAFFERTY, WAUGH, RHOADES, PIPPY, KASUNIC, FOLMER and REGOLA presented to the Chair **SB 1136**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in registration of sexual offenders, further providing for legislative findings and declaration of policy, for registration procedures and applicability, for sentencing court information, and for exemption from certain notifications; and providing for residency requirements and for district attorney notification.

Which was committed to the Committee on JUDICIARY, October 19, 2007.

October 22, 2007

Senators PILEGGI, M. WHITE, MUSTO, ERICKSON, PUNT, VANCE, GREENLEAF, GORDNER, RHOADES, BOSCOLA, WOZNAK, MADIGAN, ROBBINS, CORMAN, BAKER, STOUT, FERLO, WAUGH, D. WHITE, PIPPY and BROWNE presented to the Chair **SB 1100**, entitled:

An Act providing for the Hazardous Sites Cleanup Fund, for its funding, for expenditures from the fund and for audits of the fund; making an appropriation; and making related repeals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 22, 2007.

Senators C. WILLIAMS, MUSTO, ERICKSON, STOUT, FONTANA, RAFFERTY, WASHINGTON, COSTA, O'PAKE, KITCHEN and FERLO presented to the Chair **SB 1115**, entitled:

An Act banning the disposal of all computer and electronic equipment in landfills; providing for the recycling of electronic waste; creating the Electronic Waste Recovery and Recycling Account; and providing for penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 22, 2007.

Senators CORMAN, TOMLINSON, BOSCOLA, SCARNATI, ARMSTRONG, ERICKSON, GREENLEAF, RAFFERTY, M. WHITE, FUMO, KASUNIC, LAVALLE, WASHINGTON, PUNT, COSTA, TARTAGLIONE, FONTANA, FOLMER, ROBBINS, LOGAN, WONDERLING, C. WILLIAMS, ORIE, O'PAKE, KITCHEN, DINNIMAN, WAUGH, D. WHITE, STACK, PIPPY, EARLL, BROWNE and VANCE presented to the Chair **SB 1116**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for duration of a listing.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 22, 2007.

Senators COSTA, FONTANA, TARTAGLIONE, STOUT, RAFFERTY, WASHINGTON, O'PAKE, GREENLEAF, KITCHEN, TOMLINSON, FERLO, BOSCOLA, McILHINNEY and BROWNE presented to the Chair **SB 1120**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for payments to family and funeral directors.

Which was committed to the Committee on JUDICIARY, October 22, 2007.

Senators BAKER, RAFFERTY, ARMSTRONG, O'PAKE, WOZNIAK, ERICKSON, McILHINNEY, ORIE, FERLO, MUSTO, BOSCOLA, DINNIMAN, EARLL and BRUBAKER presented to the Chair **SB 1121**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "emergency vehicle."

Which was committed to the Committee on TRANSPORTATION, October 22, 2007.

**BILL SIGNED**

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

**HB 1166.**

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Madam President, I request legislative leaves for Senator McIlhinney and Senator Wonderling, and temporary Capitol leaves for Senator Piccola and Senator Rhoades.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator McIlhinney and Senator Wonderling, and temporary Capitol leaves for Senator Piccola and Senator Rhoades. Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator O'PAKE asked and obtained a leave of absence for Senator KASUNIC, for today's Session, for personal reasons.

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY RECESS**

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

In the Senate, October 22, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, October 29, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, October 29, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-47**

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

**NAY-0**

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

Will the Senate come to order. Senator Rafferty, please take your seat. Thank you.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR STEWART GREENLEAF  
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 guests from my district, who are members of Girl Scout Troop 261 from Horsham Township in Montgomery County. They are Stephanie Oprysko, Cassie West, Jessica Austin, and Sammie Schools, who are joined by their troop leaders Heather DiBattista, Kathy West, Sue Austin, and Jackie Schools. They have joined us today as part of a special field trip to tour the State Capitol and learn about their State government. Troop 261, formed in 2000, has been involved in their community for the past 7 years, taking advantage of every opportunity to share their talents to provide for those in need. Regularly, they prepare meals for the needy and collect child and infant care items for mothers and families. For our men and women serving in the Armed Forces overseas, they have assembled care packages and have written letters of encouragement and support. They have even volunteered their gardening skills to provide landscaping to brighten up a local elementary school. I also understand they supply senior citizens living in nursing homes with their own home-baked cookies and holiday greeting cards.

These young women are among our finest examples of good citizenship, always reaching out to those in need and taking the initiative to enrich the lives of others. We are grateful for their hard work and sincere dedication, and I am honored to have them join us today.

I ask that the Senate give its usual warm welcome to my guests, the members of Girl Scout Troop 261.

The PRESIDENT. Will Girl Scout Troop 261 please rise so we can welcome you.

(Applause.)

**PERMISSION TO ADDRESS**

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

Senator RAFFERTY. Madam President, I have no guests. I want to thank the Chair for your respect and I return the respect. As the Chair knows, I am very attentive to the floor. However, Madam President, I do want to remind the Chair that I think personal comments are not to be directed at Senators, and I appreciate that. I may have been in a conversation at the time, but I do try to adhere to the rules of the Senate.

The PRESIDENT. I apologize to you. I thought all of these guests were your guests.

Will you all please rise and we will welcome you to the Senate.

(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 to

be held in the Majority Caucus Room immediately. I expect that we will return from caucus no later than 3 p.m.

The PRESIDENT. For the purpose of a Republican caucus to be held in the Majority Caucus Room, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE CANCELLED**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**HB 17, HB 33, 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 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 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 Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, this is a bill naming a bridge, and I just want to tell you a little bit about Edward Anthony Davis, the individual we are naming the bridge after.

Ed Davis was a captain in the U.S. Navy, graduated from the U.S. Naval Academy in the early 1960s, and attended flight school at Pensacola. After flight school he was married and received his orders to go to Vietnam in the mid-1960s. He flew approximately 65 combat missions over North Vietnam. On his 65th mission he was shot down. Ed spent 7 1/2 years in the infamous Hanoi Hilton as a POW. He is one of our longest serving POWs in the history of the United States, and perhaps the longest in Pennsylvania.

Ed was a friend of mine who lived in Lancaster, Pennsylvania. He was tortured on a daily basis, and he never talked much about it, but one of the ways they tortured him was they would tie his hands behind his back and put a rope around that and hoist him

up overnight with his arms behind his back, and by morning his arms would be up above his head and dislocated. They tortured him like that almost on a daily basis.

He was released, I believe it was 1973, after the war was over, and he gained some notoriety because he smuggled out a little black dog from the prison, which was featured on the front page of Life magazine.

He lived and worked in Lancaster, and was a tremendous motivator. He would speak to crowds and have you laughing and crying within 2 to 3 minutes on what he went through, but he was always, always positive. Ed never showed any bitterness, any animosity, and never any hatred; he looked at the positive side of everything, and was such a great guy to be around. He loved the USA, and just could not speak enough about it. He is survived by his wife and two beautiful daughters, Amanda and Jennifer.

Ed Davis was truly a real hero and one of those people you like to be around. He passed away several months ago of pancreatic cancer. I do not know what caused that, but probably his time in jail, and that is what he called it, time in jail. He never referred to himself as a POW, it was always time in jail. People who did not know him would say, I wonder what he served time for, but he always had an air about him, just kind of funny. We sorely miss him, he was such a neat guy and such a great person to be around, and a person who praised Pennsylvania.

He received many medals. We honored him once, probably about 6 or 7 years ago, when he came to the Senate to receive a citation, but as we said in caucus, probably one of the mistakes we made is we should have done this 2 years ago. Unfortunately, there was not a bridge 2 years ago, it was just completed, but this bridge will be named the Captain Edward Anthony Davis Memorial Bridge in Lancaster County. It is the former Dillerville Road bridge.

The PRESIDENT. It is an honor to request the Senate to finally pass this bill, naming the bridge in Lancaster County after Captain Davis.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

YEA-47

Armstrong	Folmer	Musto	Stout
Baker	Fontana	O'Pake	Tartaglione
Boscola	Fumo	Orie	Tomlinson
Browne	Gordner	Piccola	Vance
Brubaker	Greenleaf	Pileggi	Washington
Corman	Hughes	Pippy	Waugh
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
Ferlo	Mellow	Scarnati	

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 1133 and HB 1644 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 43 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 65 (Pr. No. 86) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, further providing for keystone opportunity zones, for keystone opportunity expansion zones, for application, for tax credit determination and for expiration of act.

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

HB 169 (Pr. No. 2631) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions, for permitted games of chance, for prize limits, for insured games, for limited sales, for recordkeeping, for eligible organizations' use of locations for conducting small games of chance, for separate individual prize limitations and for advertising.

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

BILL OVER IN ORDER

HB 191 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

SB 305 (Pr. No. 341) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for permit and license application requirements and for enforcement orders; and providing for repeat violations.

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

## BILLS OVER IN ORDER

**SB 351, SB 366, HB 642 and SB 777** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILLS REREFERRED

**SB 778 (Pr. No. 901)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 825 (Pr. No. 2601)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, amending the heading of Title 22 and 22 Pa.C.S. Ch. 3; codifying and making extensive revisions to The Private Detective Act of 1953; codifying the Lethal Weapons Training Act; further providing for the definition of "privately employed agents"; providing for the continuation of certain licenses; making an appropriation; and making related repeals.

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 861 (Pr. No. 1467)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges in the courts of common pleas.

Considered the second time and agreed to,

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

## BILL REREFERRED

**HB 874 (Pr. No. 2261)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

## BILLS OVER IN ORDER

**SB 920, SB 1002, SB 1003 and SB 1004** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 1017 (Pr. No. 1269)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, further providing for exclusions and exceptions.

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

## BILL OVER IN ORDER

**SB 1051** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILLS REREFERRED

**SB 1068 (Pr. No. 1372)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for the fund and for civil penalties.

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

**SB 1069 (Pr. No. 1373)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for annual reports; and making editorial changes.

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

**SB 1126 (Pr. No. 1458)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

## RESOLUTION LAID ON THE TABLE

**SR 141 (Pr. No. 1270)** -- The Senate proceeded to consideration of the resolution, entitled:

A Resolution memorializing the President and Congress of the United States, in the reauthorization of the No Child Left Behind Act of 2001, to address funding issues, teacher certification issues, issues regarding certain disadvantaged students and reliability of present assessment standards.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the resolution was laid on the table.

#### SR 141 TAKEN FROM THE TABLE

Senator PILEGGI. Madam President, I move that Senate Resolution No. 141, Printer's No. 1270, be taken from the table and placed on the Calendar.

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

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

#### SENATE RESOLUTION No. 165, ADOPTED

Senator PILEGGI without objection, called up from page 6 of the Calendar, **Senate Resolution No. 165**, entitled:

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.

On the question,  
Will the Senate adopt the resolution?

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

Senator BAKER. Madam President, I rise to support Senate Resolution No. 165, declaring October as "Fire Prevention Month" in Pennsylvania.

Fire safety is a serious public safety concern both locally and on a national basis. Perhaps surprisingly, it is in our own homes that we are at the greatest risk of fire. According to the National Fire Protection Association, home fires killed over 3,000 people in the United States in 2005. That is roughly eight people every day.

Pennsylvania's first responders are dedicated to helping reduce the occurrence of home fires and the resultant injuries through a variety of fire education and prevention efforts. Many of the fire departments in the 20th Senatorial District have held open houses throughout this month to share information with their neighbors and friends. Research shows that these efforts are promising. Individuals who plan and practice home escape plans are more likely to survive a home fire than those who do not.

So, as chair of the Senate Committee on Veterans Affairs and Emergency Preparedness, I encourage all Pennsylvanians to support fire safety activities at the national level through the National Fire Safety Association, as well as through Pennsylvania's fire and emergency service professionals.

I encourage Pennsylvanians to develop and practice their own home escape plans because we know that to be safe, you must make a plan and save a life.

Thank you, Madam President.

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

Senator WAUGH. Madam President, I rise to support Senator Baker's resolution recognizing fire prevention, not just the week or the month, but obviously year-round. This happens to be when we celebrate it. Just very briefly, this is a great time for all the Members, all their staff, their families, and folks on PCN, to check their batteries, because the way you save lives these days is quick response, and so many of us, I am guilty myself, let that year go by and figure because it did not chirp, it must be working. But, each and every year we must replace those batteries and make sure those detectors are working, and this is a great month and week to do that.

Thank you.

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

Senator COSTA. Madam President, on behalf of my colleagues here on the Democratic side, we, too, want to rise to support Senate Resolution No. 165, which designates the month of October as "Pennsylvania Fire Prevention Month."

As Senator Waugh took a moment to talk about changing batteries, I think it is a very important message, but I also want to send a message to those individuals who do not have the time to participate as volunteers. I think it is a very difficult time, apparently, for our volunteer fire companies to be able to recruit new members. We think it is incumbent upon the General Assembly to make efforts to try to make it a little easier to recruit new members to become volunteers. As we all know, the number of volunteers in the firefighting industry has been such that the numbers have dropped drastically, and there are a variety of reasons why, but we must make certain that we have sufficient volunteers to man our firehouses, because they are an integral part of our services that are provided throughout this Commonwealth.

So, I am asking that my colleagues join me in encouraging individuals to become volunteer firemen. The organizations that are out there, I know in my community in the eastern suburbs of Allegheny County, there has been an extensive effort to get volunteers to join the fire service ranks. It is a wonderful opportunity, and we are hopeful we can get more volunteers to participate because they are so desperately needed.

We also want to thank all the men and women throughout this Commonwealth who have sacrificed their time in both fighting fires, but also the time spent away from their families, in terms of fighting fires and responding to various incidents across the Commonwealth, and also doing the various fundraising efforts they need to do.

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.

#### SENATE RESOLUTION ADOPTED

Senators C. WILLIAMS, FUMO, LAVALLE, GREENLEAF, RAFFERTY, FERLO, TARTAGLIONE, KITCHEN, FONTANA, WASHINGTON, STOUT, ERICKSON, ORIE,



COSTA, D. WHITE, O'PAKE, PIPPY, STACK, ARMSTRONG, MUSTO, BROWNE, HUGHES and EARLL, by unanimous consent, offered **Senate Resolution No. 202**, entitled:

A Resolution recognizing the week of October 21 through 27, 2007, as "National Massage Therapy Awareness Week" in Pennsylvania.

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

**UNFINISHED BUSINESS  
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 Marlette Homes, Inc., of Lewistown, by Senator Corman.

Congratulations of the Senate were extended to Bicky Goldszer, David Miles and to Dr. Raul Valdes-Perez by Senator Costa.

Congratulations of the Senate were extended to Stephen E. Bond by Senator Dinniman.

Congratulations of the Senate were extended to Willa Mae Echles McCloud by Senator Fumo.

Congratulations of the Senate were extended to Charles L. Lytle by Senator Gordner.

Congratulations of the Senate were extended to the Third Presbyterian Church of Uniontown and to the Christian Church of Connellsville by Senator Kasunic.

Congratulations of the Senate were extended to the neighbors of Centre Park Historic District of Reading by Senator O'Pake.

**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 Patricia A. Sherman McGinley by Senator Stack.

Condolences of the Senate were extended to the family of the late Robert H. Dembowski, Jr., by Senator Tomlinson.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 23, 2007

- 9:30 A.M. BANKING AND INSURANCE (to accept testimony from the acting Insurance Commissioner, Joel Ario, on the status of the proposed merger between Highmark and Independence Blue Cross (IBC) and its impact on the health insurance marketplace) Hrg. Rm. 1 North Off.
- 10:00 A.M. AGRICULTURE AND RURAL AFFAIRS and LABOR AND INDUSTRY (joint hearing on Agriculture Workforce Issues) Room 461 Main Capitol

10:30 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 266) Room 8E-B East Wing

11:30 A.M. JUDICIARY (to consider the nominations of Raymond L. Hamill as Judge, Court of Common Pleas, Wayne County, Joseph J. O'Neill as Judge, Philadelphia Municipal Court; and Senate Bills No. 1013 and 1136) Room 8E-B East Wing

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 192; and certain executive nominations) Rules Cmte. Conf. Rm.

WEDNESDAY, OCTOBER 24, 2007

9:30 A.M. FINANCE (to consider Senate Bills No. 647 and 923) Room 461 Main Capitol

9:30 A.M. STATE GOVERNMENT (to consider Senate Bill No. 1) Hrg. Rm. 1 North Off.

10:00 A.M. COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bills No. 149, 390 and 1000; and House Bill No. 221) Room 8E-B East Wing

TUESDAY, OCTOBER 30, 2007

9:30 A.M. BANKING AND INSURANCE (public hearing on the status of the proposed merger between Highmark and Independence Blue Cross (IBC) and its impact on the health insurance marketplace) Hrg. Rm. 1 North Off.

**RECESS**

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, October 23, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 4:10 p.m., Eastern Daylight Saving Time.