

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, OCTOBER 24, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 81

**SENATE**

WEDNESDAY, October 24, 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, Reverend GARY DULL, of Faith Baptist Church, Altoona, offered the following prayer:

Let us pray.

Our Father in Heaven, as we come to You this morning, we do thank You for this day that You have given to us, and for the opportunity that we have to meet in this place. We thank You for Your love for us, and for what You have done for us through the redemptive work of Jesus Christ.

We thank You, Lord, for each and every individual who serves in this institution of the Commonwealth of Pennsylvania, and, Father, we realize that there are great responsibilities that they bear each day of their lives. I would pray, dear Lord, that You would give them the strength, courage, and wisdom to be able to make the decisions that will turn out for the betterment of Pennsylvania, and make this Commonwealth a better place to live, play, and work.

Father, even as they begin this Session today and they will be deliberating about various issues, I once again would pray that You would give them wisdom from on high, that they might do that which will be to the honor and glory of Your great name.

Protect them, provide for them, give them the strength that they need for each day, and we are reminded that Your Scripture tells us in Psalm 46:1, that You are our refuge and strength, the very present help in the time of need. Lord, as they go through times of need in their individual lives, their family lives, and even their lives as Senators and staff, I would pray, our Heavenly Father, that they would sense Your presence, Your comfort, Your strength upon their lives.

We pray, Lord, for the operation of this particular institution, that as they put into operation some of the laws that they enact, that without a doubt, they once again would have the strength to be able to do so in an expedient way for Your honor and Your glory.

So, Lord, we just place these folks in Your hands today. Thank You for bringing them to this point. I thank You for their dedication to the Commonwealth of Pennsylvania, to the great principles that made Pennsylvania truly the Keystone State. Lord,

I would pray that You give them unity, wisdom, and strength to go on for Your glory, for it is in the name of Your Son, Jesus Christ, I pray. Amen.

The PRESIDENT. The Chair thanks Reverend Dull, who is the guest today of Senator Eichelberger.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGE**

**HOUSE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE SENATE TO SB 246**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to SB 246.

**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 Armstrong.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Kasunic and Senator Kitchen.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Kasunic and Senator Kitchen.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**CALENDAR**

**SENATE RESOLUTION No. 192  
CALLED UP OUT OF ORDER, ADOPTED**

Senator PILEGGI, without objection, called up from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 192**, entitled:

A Resolution designating the month of November 2007 as "Hydrocephalus Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator WAUGH. Madam President, one of the most interesting parts of our work as Senators is that every day, it seems, we learn something new, and in the case of the resolution that I am introducing today, along with Senator Connie Williams, I learned something new about a disease that affects an awful lot of people across not only our State, but across the nation. That disease is called hydrocephalus.

A constituent and friend of mine from the city of York contacted me in regard to his 1-year-old grandson who suffered from this ailment, and it is an extremely serious situation in many cases.

I rise today to, first of all, thank Senator Williams for joining me in this cosponsorship, and the other 26 Members who signed on as cosponsors. We are asking to designate November of this year as "Hydrocephalus Awareness Month" in Pennsylvania.

Hydrocephalus is a serious neurological condition. It presents itself as the abnormal buildup of cerebrospinal fluids in the ventricles in the brain. There is no known cure for hydrocephalus, Madam President, but it affects nearly 1 million Americans across our nation. Statistically, 1 or maybe 2 out of every 1,000 babies who are born are affected by this disease.

It is also estimated that some 375,000 older Americans suffer from hydrocephalus, and often it is misdiagnosed because a lot of the presenting symptoms appear as Alzheimer's or Parkinson's disease. The good news, however, is that with appropriate diagnosis and treatment, people with hydrocephalus can live long, productive lives without any real ill effects.

So, it is my hope and the hope, I am sure, of Senator Williams and others, that this resolution will create a public awareness, and will help to promote professional education regarding hydrocephalus. Also, that it will help increase partnerships in the medical community and with the advocacy groups that are out there in support of victims who suffer from this ailment.

So, today, by way of this resolution, we urge the Federal government to collect comprehensive statistics and data regarding the seriousness of hydrocephalus and its impact on Americans across our country, and we also, as I said, ask to designate November of this year as "Hydrocephalus Awareness Month" in Pennsylvania.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, I just want to echo what my colleague, Senator Waugh, said. It is a disease of concern and problematic for many people, especially for children who suffer from it, but also for the adults.

I am just delighted that we are able to present a forum so that people can be educated about this, be alerted if symptoms present themselves, and encourage our medical community to work as hard as they can to help find a cure for this disease.

Thank you.

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

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

YEA-49

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

NAY-0

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

THIRD CONSIDERATION CALENDAR

BILL LAID ON THE TABLE

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

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

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

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 33 (Pr. No. 1418)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to lease to Pine Township, Clearfield County, a certain tract of land situate in Pine Township, Clearfield County, for a consideration of \$1.

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-49

Armstrong	Fontana	O'Pake	Tomlinson
Baker	Fumo	Orie	Vance
Boscola	Gordner	Piccola	Washington

Browne	Greenleaf	Pileggi	Waugh
Brubaker	Hughes	Pippy	White, Donald
Corman	Kasunic	Punt	White, Mary Jo
Costa	Kitchen	Rafferty	Williams, Anthony H.
Dinniman	LaValle	Regola	Williams, Constance
Earll	Logan	Rhoades	Wonderling
Eichelberger	Madigan	Robbins	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stout	
Folmer	Musto	Tartaglione	

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.

BILL LAID ON THE TABLE

**SB 351 (Pr. No. 390)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing certain charitable organizations to solicit funds on highways.

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

BILLS OVER IN ORDER

**SB 751, 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 THIRD CONSIDERATION AND FINAL PASSAGE

**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 third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator CORMAN. Madam President, this is a bill that I introduced to pay honor to another one of our heroes in central Pennsylvania.

Senate Bill No. 1133 would designate a portion of State Route 850 in Marysville Borough, Perry County, as the Army Private David E. Dietrich Memorial Highway.

I want to tell you that the community contacted me through Ann Simonetti from Marysville Borough and said that this was one of the ways they wanted to honor Mr. Dietrich's service.

David was an Army Private who tragically was fatally wounded in Iraq on December 29, 2006. Perry County has a long history of men and woman who joined the military and served our country admirably over the years, and unfortunately, because of that, we have had a few who have not returned. Today, we want to take time to remember Private Dietrich, who was a wonderful young man, who faced a lot of challenges in life, loved this country, and decided voluntarily he wanted to serve in the Army. He was called up and went to Iraq, and on December 29, 2006, unfortunately, was fatally wounded.

So, I ask my colleagues to support this very fitting tribute to this American hero who heard the call of his country, his President asked him to go fight for peace halfway around the world to extend democracy, and he gave the ultimate sacrifice for it. I ask that we recognize his family in the gallery prior to voting on the bill.

GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE

Senator CORMAN. Madam President, Private Dietrich's father, William Dietrich, is with us today. Also with us is his sister, Stacey Dietrich, stepmother, Mary Dietrich, and two of his very close friends, Dr. Craig and Jean Raisner, who was his scoutmaster from the Perry County area, as well as Ann Simonetti from the borough of Marysville.

The PRESIDENT. Will Bill, Stacey and Mary Dietrich, Dr. Craig and Jean Raisner, and Ann Simonetti please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

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-49

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

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****BILLS OVER IN ORDER**

**HB 43, HB 191, SB 266, SB 366 and HB 642** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION**

**SB 777 (Pr. No. 1456)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, changing the date from which, and the rate of which, interest is charged on certain delinquent taxes and other municipal claims; providing for the duties of third-party collectors and for adoption of ordinance for the exclusive collection of taxes; further providing for locality index; modernizing the law relating to collection of such taxes and claims; and providing for severability.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**SB 920, SB 1013, SB 1051, SB 1136, HB 1152 and HB 1420** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**RECESS**

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Banking and Insurance to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Banking and Insurance to be held in the Rules room immediately, 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****BILLS REPORTED FROM COMMITTEES**

Senator D. WHITE, from the Committee on Banking and Insurance, reported the following bill:

**SB 1137 (Pr. No. 1491) (Amended)**

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance and for the Medical Care Availability and Reduction of Error Fund; providing for the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund; and further providing for abatement program, for the Health Care Provider Retention Account and for expiration.

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

**SB 1100 (Pr. No. 1483)**

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.

Senator WONDERLING, from the Committee on Communications and Technology, reported the following bills:

**SB 390 (Pr. No. 1489) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of phishing.

**SB 1000 (Pr. No. 1490) (Amended)**

An Act prohibiting the regulation of voice over Internet protocol and other Internet protocol-enabled products and services; and providing for preservation of consumer protection, for fees and rates and for preservation of cable franchise authority.

**HB 221 (Pr. No. 1260)**

An Act providing for the establishment of the Historic Preservation Incentive Grant Program for historic commercial and residential sites.

Senator BROWNE, from the Committee on Finance, reported the following bill:

**SB 647 (Pr. No. 699)**

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for county employee retirement allowances.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. John Slavinski by Senator Baker.

Congratulations of the Senate were extended to Nicholas S. Heimbach and to Omar F. Ramirez by Senator Boscola.

Congratulations of the Senate were extended to Christopher M. Cannon by Senator Brubaker.

Congratulations of the Senate were extended to Frank Anthony LeDonne by Senator Costa.

Congratulations of the Senate were extended to Kyle Martin by Senator Dinniman.

Congratulations of the Senate were extended to Erik S. Baughman and to Reid Eckert by Senator Earll.

Congratulations of the Senate were extended to Jason M. Parks by Senator Erickson.

Congratulations of the Senate were extended to August Alexander Carlson Haeuser by Senator Folmer.

Congratulations of the Senate were extended to Mr. and Mrs. Clement E. Barsh and to Aaron Richard Wolff by Senator Gordner.

Congratulations of the Senate were extended to the 48th Street Mount Pleasant Baptist Church of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Fred L. Lebder, William G. Aldom, Jr., and to Rose Durbin by Senator Kasunic.

Congratulations of the Senate were extended to Sultan Ahmad by Senator Kitchen.

Congratulations of the Senate were extended to Rabbi Yitzchok and Mrs. Denah Chinn by Senator Logan.

Congratulations of the Senate were extended to Jonathan Sean Endy by Senators O'Pake and Rafferty.

Congratulations of the Senate were extended to James Daniel Hankins by Senator Orie.

Congratulations of the Senate were extended to Franklin Linn, Sr., Bishop McDevitt High School Cheerleading Squad and to the Harrisburg City Islanders Soccer Team by Senator Piccola.

Congratulations of the Senate were extended to the Honorable and Mrs. Thomas Lamb and to Charles H. Tranter IV by Senator Pippy.

Congratulations of the Senate were extended to Judy Blumstein by Senator Rafferty.

Congratulations of the Senate were extended to Kyle Laroy Fritz by Senator Rhoades.

Congratulations of the Senate were extended to the Straub family by Senator Robbins.

Congratulations of the Senate were extended to Ashok Khare by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Marko Steve Brigich by Senator Stout.

Congratulations of the Senate were extended to Robert McClelland, Michael Tiernan and to Bernadette Coyne by Senator Tartaglione.

Congratulations of the Senate were extended to David Joseph Pearce, Jr., by Senator Tomlinson.

Congratulations of the Senate were extended to Santo Gairo by Senator Tomlinson and others.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Hill, Mr. and Mrs. John Pusey, Mr. and Mrs. Gilbert Parthemore, Mr. and Mrs. Reginald Johnson, Mr. and Mrs. Kenneth Markley, Mr. and Mrs. Joe Santinoceto and to the Reverend and Mrs. James Poole by Senator Vance.

Congratulations of the Senate were extended to Jason Dolla, Jeremy Springman, Tim Moyer and to Bryce D. Fuhrman by Senator Waugh.

Congratulations of the Senate were extended to Timothy Patrick Barnes by Senator D. White.

Congratulations of the Senate were extended to Bishop Jimmie A. Ellis III by Senators A.H. Williams and Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Paul W. Miller, Mr. and Mrs. Harold Walters and to Mr. and Mrs. Ronald Seyler by Senator Wozniak.

#### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Mary Lou Swingle by Senator Baker.

#### BILLS ON FIRST CONSIDERATION

Senator DINNIMAN. 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 390, SB 647, SB 1000, SB 1100, SB 1137 and HB 221.**

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

#### BILLS REREFERRED

Upon motion of Senator PILEGGI, and agreed to by voice vote, the following bills just considered were rereferred to the Committee on Appropriations:

**SB 1100 and SB 1137.**

#### HOUSE MESSAGE

##### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 886**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

#### BILL SIGNED

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

**HB 1644.**

#### 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 Monday, October 29, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 11:46 a.m., Eastern Daylight Saving Time.