

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, NOVEMBER 28, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 89

**SENATE**

WEDNESDAY, November 28, 2007

The Senate met at 1 p.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend JOSEPH MARTIN, of Church of Our Savior, Glenshaw, offered the following prayer:

If you do not mind, first, I would like to thank you very much for having me. What an honor it is to be in this historic building and be a part of what you do.

The prayer I want to read to you this afternoon comes from one of my heroes in the Anglican Church. I am in the Episcopal Diocese of Pittsburgh, and one of my heroes is Thomas Cranmer, who wrote the Book of Common Prayer in England. He wrote it before he was martyred, burned at the stake by Queen Mary. This is one of my favorite prayers of his, and I hope that it will bless this gathering.

Let us pray.

Almighty God, who alone canst order the unruly wills and affections of sinful men; grant unto Thy people, that they may love the thing which Thou commandest, and desire that which Thou dost promise; that so, among the sundry and manifold changes of the world, our hearts may surely there be fixed, where true joys are to be found, through Jesus Christ, our Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Martin, who is the guest today of Senator Orie.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATION 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 CIVIL  
SERVICE COMMISSION**

November 28, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Frank J. Pistella, 359-A South Evaline Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2012, or until his successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, whose term expired.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE  
CIVIL SERVICE COMMISSION**

November 28, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 2007, for the appointment of The Honorable Frank J. Pistella, 359-A South Evaline Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2012, or until his successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

**BILLS REPORTED FROM COMMITTEES**

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

**SB 1019 (Pr. No. 1584) (Amended)**

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for grounds for disciplinary proceedings, for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, off-premise sales, exhibitions and rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

Senator BRUBAKER, from the Committee on Agriculture and Rural Affairs, reported the following bill:

**SB 1020 (Pr. No. 1586) (Amended)**

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for declaration of policy, for the State Conservation Commission, for creation of conservation districts, for designation of district directors, for appointment, qualifications, compensation and tenure of directors, for organization of directors, for powers of districts and directors, for Commonwealth agencies to cooperate and for discontinuation of districts; and making a repeal.

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

**SB 486 (Pr. No. 1585) (Amended)**

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for the general authority, for notice and institution of foreclosure proceedings, for notice requirements, for assistance payments and for repayment; and providing for an ongoing foreclosure study.

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

**SB 1147 (Pr. No. 1575) (Rereported)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

**SB 1156 (Pr. No. 1576) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing and for disposition of dependent child.

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Piccola, and temporary Capitol leaves for Senator Folmer and Senator Mary Jo White.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Piccola, and temporary Capitol leaves for Senator Folmer and Senator Mary Jo White.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Costa requests a legislative leave for Senator Stout.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of November 14, 2007, is now in print.

The Clerk proceeded to read the Journal of the Session of November 14, 2007.

Senator PILEGGI. Madam President, I move that further reading of the Journal be dispensed with and that the Journal 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-49**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**LEGISLATIVE LEAVE CANCELLED**

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR MIKE WAUGH  
PRESENTED TO THE SENATE**

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

Senator WAUGH. Madam President, as you well know, our Capitol, throughout any given academic year, is blessed by the presence of many students, but in my case today, exchange students are here from other areas of the world. They bring diversity, and I actually spent about an hour today with these young

people in my office, and the questioning that took place was as educational for me as it was for them.

I would like to introduce to the Senate today seven exchange students who are with the Christian School of York, which obviously is located in York County. They are a mix of sophomores, juniors, and seniors. If I may, Madam President, I will first of all introduce their teacher, Mrs. Kelly Pederson, and her husband, David, who are here along with seven students. I am using their American names, by the way, which they said was okay. Candy is from China, Sarah is from Germany, Kelly is from Taiwan, Sisi is from China, Ming is from Taiwan, Bob is from China, and Danhee is from South Korea.

I would really appreciate a warm round of applause from the Members of the Senate to welcome these young people and their chaperones today.

Thank you.

The PRESIDENT. Will Kelly and David Pederson, Candy, Sarah, Kelly, Sisi, Ming, Bob, and Danhee all please rise. Welcome to the Senate of Pennsylvania.

(Applause.)

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1 (Pr. No. 1583)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for an Open Records Clearinghouse; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

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 Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I rise to ask my colleagues to support Senate Bill No. 1. Pennsylvania's current open records law was enacted in 1957. Although some improvements have been made through the years, most of the law remains the same today. During my time in the Senate, I have seen an increasing degree of cynicism and distrust of State government. Part of that has been focused on the way the State conducts its business, because it has not always been an open process that people can easily access and follow.

Pennsylvania has implemented many important government reforms this year. For example, the State Senate now posts more information online than ever, giving the public easy access to any

roll-call votes and the full texts of our debates. The Senate also approved legislation to increase penalties for violating the Sunshine Law, to eliminate lameduck voting Sessions, and to prohibit bonuses for State employees. All of this, Madam President, was done with strong bipartisan support.

But the true foundation of government reform is a strong open records law. Today, we have the opportunity to establish that foundation. Pennsylvania needs a stronger open records law because openness builds trust in government. Transparency gives the public the ability to review government actions, to understand what government does, to see when government performs well, and when government should be held accountable.

Since its introduction in January, Senate Bill No. 1 has been amended four times, reflecting input received from a wide range of interested parties, including the Pennsylvania Newspaper Association, Common Cause, the County Commissioners Association, and other organizations representing local governments, such as law enforcement, private individuals and businesses, Members of the Senate, Members of the House, and the Governor's Office.

The current version of the bill makes many important changes to the process of obtaining public records in Pennsylvania. It creates an open records clearinghouse in the Department of Community and Economic Development to provide information, training, and advisory opinions on open records. It improves the appeals process, making it easier for a citizen to challenge an agency's decision not to release a record. It reduces the time period for response by a Commonwealth agency from 10 days to 5 days. It increases financial penalties for noncompliance. It requires the clearinghouse to establish a standard fee for photocopying records, and to create a standard form that can be used to request records. It gives the clearinghouse a real foundation of independence by requiring the Governor to appoint an executive director who serves for a term of six years.

Senate Bill No. 1 also makes dramatic changes in the records available from various government agencies. State-related universities are required to provide information from Federal Form 990, and to provide information on the highest 25 salaries of employees at the universities. Judicial agencies are required to provide financial records. Legislative agencies are required to provide 17 different categories of records.

For executive agencies and local agencies, Senate Bill No. 1 reverses the presumption of access to records and puts the burden of proof on a government agency denying access to a record. This is the one change that many advocates of open government consider the most essential. It provides a list of 28 plainly-stated exceptions for executive agencies and local agencies. These exceptions include such things as criminal investigations, Social Security numbers, personal financial information, and individual medical records. Senate Bill No. 1 also requires the posting of State contracts in a searchable online database. This will give citizens unprecedented access to the details of State spending. This provision comes from Senator Corman's Senate Bill No. 914.

By any objective measure, Senate Bill No. 1 is a vast improvement over Pennsylvania's current open records law. Despite the good that is being done, there will be critics of this legislation, as there are with almost every major bill. I would like to

briefly address a few of the criticisms. First, the legislature and judiciary are created differently than the executive agencies and local agencies. Some think that the legislature and judiciary should be treated the same. I do not agree. Each branch of government has a unique set of constitutional responsibilities, and the structure of Senate Bill No. 1 respects those differences.

Most other States give the legislature separate treatment in their open records laws. Even those States which on the surface treat the legislature the same as the other agencies often have one or more exceptions crafted to exempt a wide array of legislative records. The language in Senate Bill No. 1 dealing with the legislature is based on New York law. The University of Florida's Citizen Access Project ranks all 50 States on a wide variety of open records issues. Under this ranking of legislatures, they have three States tied for the highest rank. One of those three States is New York State. This bill would make even more legislative records available to the public than in New York, and it includes access to the legislature's financial records.

Another criticism of Senate Bill No. 1 is the fact that it removes criminal penalties which have existed since the current law was adopted. This was done because we can find no evidence of a single criminal prosecution under the 1957 law, and because the ACLU and the Attorney General of Pennsylvania agree that criminal sanctions were an inappropriate remedy. Although Senate Bill No. 1 removes the criminal penalties, it also significantly strengthens civil penalties for noncompliance and makes it easier for a plaintiff to recover attorney fees if an agency acts in bad faith. I believe these are things that will have a practical, meaningful effect on people's ability to obtain records.

Madam President, the Senate of Pennsylvania can be proud of what we are doing today. Reform may very well have been the word uttered most often in this building over the past year. There is no other reform that comes close to matching the impact of a strong open records law.

I would like to thank several Members for their efforts in improving this bill, including Senator Piccola, Senator Armstrong, Senator Anthony Williams, and Senator Mellow. I would also like to thank Kathy Eakin and Erik Arneson of my staff for the countless hours they spent working on this bill.

Madam President, I ask for an affirmative vote on Senate Bill No. 1.

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

Senator A.H. WILLIAMS. Madam President, first, I rise to thank Senator Pileggi and my colleagues on the other side of the aisle for finally doing what we often talked about. This is truly a bipartisan effort. It would not have been achieved without the gracious allowances and consideration of Senator Piccola and Senator Pileggi in this process.

This is certainly not a bill that I sought to be a crafter of, but it was a moment within the Senate process of which I am now proud to be a part. When we opened this Session, there was a cry--frankly, there was a demand--for reform and change of how we operate within the Senate and certainly within the legislative process. Many of us have heard that from our constituents, and this bill, which is actually Senate Bill No. 1, represents us listening to constituents for countless numbers of hours, hearings, and Sessions. Senate Bill No. 1 represents the best efforts of our col-

lective body to reach what our government should be, and that is open and accessible to our constituents.

This is certainly not just simply an historic moment for a bill, but is an historic moment for this Senate, because it truly represents where the Senate is going and not just where it has been. We are cutting through a variety of bureaucratic tape to allow for the constituents across the Commonwealth of Pennsylvania to have access to their government, and more importantly, to have confidence in their government and confidence in those leaders, to know what they are talking about, to know why they are talking about it, and ultimately, to be confident in the decisions that we make and represent in this legislative Chamber.

I am proud to be a part of their team, and I am proud that Senator Bob Mellow entrusted in me the ability to craft this particular measure. But most importantly, I am proud of the Members, the countless Members on this floor whose names will not be hallowed in effort, but frankly, Senator Pileggi, Senator Mellow, Senator Piccola, and myself would not have this opportunity if our Members did not guide us through this process. It has been a collective input process, and every Member has stood and represented their interest. I will say quite clearly that there are some Members who do not believe that this measure goes far enough. They believe we have to go even farther, and many of us concur with that perspective, but I am glad to say that even those Members who believe that there is still much more work we need to do have been helpful and supportive in this process.

So today I stand in support of Senate Bill No. 1 and ask for an affirmative vote from all of our Members.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, just for a minute or two, I would like to mention not necessarily the fine points of Senate Bill No. 1, but I would like to congratulate Senator Pileggi, the Majority Leader, for the tremendous amount of leadership in taking up a very difficult piece of legislation, especially when, at the beginning of a Session, you designate the number of a particular proposal such as Senate Bill No. 1 that we are considering today on final passage, which was designated almost a year ago. That indicates exactly how important an open records law is and the significance that has been placed on it by the Majority Leader.

I also want to thank Senator Anthony Williams for his leadership on behalf of the Democratic Members of the Senate. We caucused on this proposal on a number of occasions. We also know that Senator Anthony Williams knew how important Senate Bill No. 1 was to the Members and how important opening government was to the people of Pennsylvania. He took a very difficult issue and corresponded with our Caucus and also with Senator Pileggi and his staff on almost a weekly basis until we were able to craft this particular compromise that has been established.

Madam President, I have long felt that openness in government is extremely important. The business we do here is, quite frankly, the people's business, and there should be very, very little withheld from the voting public, because none of us owns the government, and nobody owns 50.1 percent of the democracy that we work under, not only in this great country of ours, but more importantly, in this great State of ours. So when we are

handling the important business of the people, I think it is extremely important that the people know exactly what is taking place legislatively, how access to the wide range of governmental issues are dealt with, and what is taking place here in Harrisburg and back in our legislative offices.

I understand fully that there are certain things that have to be protected. There are issues of confidentiality when people want to come into your office and talk to you about some problems that they have within their families or with government in its own right. Some of those particular areas must be protected to protect the privacy of the constituency that we represent. But by and large, Madam President, this is the people's business. None of us owns this business in our own right, and therefore, we and the people of our constituencies have the right to know exactly what is taking place through the proper type of open records law, and I think we have taken a major step in the right direction.

Again, I want to thank both Senator Pileggi and Senator Anthony Williams for the tremendous amount of leadership and the hard work that they have done in getting us to this point today.

Thank you, Madam President. I hope we have an affirmative vote from every Member of this Senate.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Mary Jo White has returned, and her 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-48

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

NAY-1

Fumo

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 317 and SB 1000 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 778 and SB 838 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL OVER IN ORDER

SB 232 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 296 (Pr. No. 2873) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks and for the offense of debt pooling.

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

BILLS OVER IN ORDER

SB 428 and SB 1060 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1114 (Pr. No. 1474) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

SB 1121 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1125 (Pr. No. 1573) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the use of name, portrait or picture of a soldier in certain cases.

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

BILL OVER IN ORDER

SB 1129 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILL REREFERRED

**SB 1135 (Pr. No. 1563)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for tests of certain electronic devices.

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

## BILL OVER IN ORDER

**SB 1153** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 1159 (Pr. No. 1548)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating Long Pond Road in Tunkhannock Township, Monroe County, from the intersection with SR 115 eastward to the intersection with Stony Hollow Road, as Dr. Joseph Mattioli and Dr. Rose Mattioli Drive.

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

## BILL OVER IN ORDER

**HB 1235** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## BILL RECOMMITTED

**HB 1420 (Pr. No. 2602)** -- 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 the definitions of "case," "distributor" and "importing distributor"; providing for the definitions of "holiday package," "out-of-State small manufacturer" and "small manufacturer"; providing for Manufacturer's Packaging Equipment Grant Fund; further providing for sale of malt or brewed beverages by liquor licensees, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages alternating brewers' licenses, for sales and minimum quantities, for distributors' and importing distributors' restrictions on sales, storage, etc., for retail dispensers' restrictions on purchases and sales, for interlocking business prohibited and for breweries; providing for manufacturer grant program and for product rotation; and further providing for exchange of certain licenses and for moneys paid into the State Stores Fund for use of the Commonwealth.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was recommitted to the Committee on Law and Justice.

## BILLS OVER IN ORDER

**HB 1604** and **HB 1795** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE

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

MEMBER OF THE STATE  
CIVIL SERVICE COMMISSION

November 28, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 2007, for the appointment of The Honorable Frank J. Pistella, 359-A South Evaline Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2012, or until his successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, 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.

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 Mr. and Mrs. Robert Williamson and to Mr. and Mrs. Lawrence Winans by Senator Baker.

Congratulations of the Senate were extended to Robert G. Williamson by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Ernest Leh, Mr. and Mrs. Ron Shoemaker and to Scott Emrich by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Russell J. Dressler, Mr. and Mrs. Alfred B. Hughes, Mr. and Mrs. Glenn R. McNaughton, Dr. Edward H. Ridings III, Ashley Harshbarger, Donita R. Koval, Bill Thomas and to David K. Wagner by Senator Corman.

Congratulations of the Senate were extended to Dane P. Isaacs by Senator Costa.

Congratulations of the Senate were extended to the Honorable William F. Connor III, the Honorable William Wasch and to Jill Dougherty by Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. John R. Davidowski, Mr. and Mrs. Joseph Gillono, Mr. and Mrs. Samuel Gray, the Honorable Livingstone Morris Johnson and to the Honorable Cynthia A. Baldwin by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Deterick and to Mr. and Mrs. David Moore by Senator Gordner.

Congratulations of the Senate were extended to Ryan Colby McDonough by Senator Greenleaf.

Congratulations of the Senate were extended to Anetta Gowans by Senator Kitchen.

Congratulations of the Senate were extended to J. Lee Miller by Senator LaValle.

Congratulations of the Senate were extended to Anthony J. Reagan by Senator Madigan.

Congratulations of the Senate were extended to Carolina Loeffler Emert and to Gerald F. Wosewick, Jr., by Senator McIlhinney.

Congratulations of the Senate were extended to the Honorable Judith L. Schwank, Daniel Phillip Kline and to Michael Alan Krotulski by Senator O'Pake.

Congratulations of the Senate were extended to the principals and staff of Spotts, Stevens and McCoy, Incorporated, of Wyomissing, by Senators O'Pake and Folmer.

Congratulations of the Senate were extended to the Honorable Richard B. McClintock and to James S. Bratcher by Senator Pileggi.

Congratulations of the Senate were extended to the Honorable Justin M. Johnson and to the Mt. Lebanon Public Library by Senator Pippy.

Congratulations of the Senate were extended to Paul N. Myers, Jr., Cheryl S. Plummer and to G. Warren Elliott by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Tim Ansell and to Kelsey Landy by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Steve Woolf by Senator Tartaglione.

Congratulations of the Senate were extended to Dr. W. Sherrill Babb by Senator Tomlinson.

Congratulations of the Senate were extended to G. Ronald Darlington, Gary Dietz and to Daniel R. Schuckers by Senator Vance.

Congratulations of the Senate were extended to Robert Heindel by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Terry W. Miller and to James W. Douglas by Senator Wonderling.

Congratulations of the Senate were extended to the Emmaus High School Girls' Cross Country Team by Senators Wonderling and Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Clawson 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 Dorothy J. Cottle and to the family of the late Margaret T. Shaffer by Senator Baker.

### BILLS ON FIRST CONSIDERATION

Senator MUSTO. 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 486, SB 1019 and SB 1020.**

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 Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, with all due respect, I am not going to begin until we have order, because what I am about to read is significant.

Unfortunately, as many of us here have done over the past few years, I attended a Mass of Christian burial today for Captain David A. Boris, 30, formerly of Pottsville, who died November 12 in Bermel, Afghanistan, when the vehicle he was riding in was struck by an improvised explosive device.

Captain Morris was Commander of Alpha Troop, first squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team based in Schweinfurt, Germany. He was on a 15-month deployment and previously served a tour in Iraq in 2004. Born in Pottsville, he was a 1995 graduate of Pottsville Area High School.

I have seen, at least in the articles, that he was an outstanding student. He was a member of the National Honor Society, a member of the soccer team, and a member of the swimming team. He was editor of the Tide Lines, and I think he was even president of the National Honor Society. He was well-liked and respected by his teachers and his peers. In 1999, he graduated from the United States Military Academy at West Point, and he was also a graduate of the United States Army Armor School, where he was an airborne and air assault qualified soldier.

Surviving are his wife of 8 years, Jamie Pavao Boris; his parents, Albin and Diana Boris; a sister, Jennifer Possinger, and her husband and their two children. I will tell you, today it struck me when I saw all of his comrades who were there with him, who spoke about him being such a fine young man. I say we could have used him for the next 30 years here in America to provide leadership, but who, at the age of 30, was taken while defending the concept of democracy, a democracy which we enjoy and try to share with the rest of the world. I only hope that they would open their minds and their arms to the same process.

It amazed me, all of his colleagues and the other soldiers who were there with their wives and children. When you think of the horror of all this, you begin to shake inside. The only thing I can do is express my love and sentiment to his parents and his wife, because all I can give them are my prayers.

I ask that the Senate take a moment to remember this fine young man, a captain of our United States Army and a graduate of the United States Military Academy at West Point, that God will accept him with open arms and hold him near.

Thank you, Madam President.

The PRESIDENT. Will all of the Senators, staff, and guests please rise for a moment of solemn respect to the memory of Captain David Boris.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Captain DAVID A. BORIS.)

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### MONDAY, DECEMBER 3, 2007

|            |   |                          |
|------------|---|--------------------------|
| 12:30 P.M. | APPROPRIATIONS (to consider Senate Bills No. 711, 826, 880 and 1135; and House Bills No. 131 and 606) | Room 461<br>Main Capitol |
|------------|---|--------------------------|

#### TUESDAY, DECEMBER 4, 2007

|           |  |                        |
|-----------|--|------------------------|
| 9:30 A.M. | ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 497 and 1050; and House Resolution No. 410) | Room 8E-B<br>East Wing |
|-----------|--|------------------------|

|            |   |                          |
|------------|---|--------------------------|
| 10:00 A.M. | EDUCATION (public hearing on classrooms for the future) | Hrg. Rm. 1<br>North Off. |
|------------|---|--------------------------|

|            |  |                        |
|------------|--|------------------------|
| 10:30 A.M. | BANKING AND INSURANCE (to consider Senate Bills No. 483, 484, 487 and 488) | Room 8E-A<br>East Wing |
|------------|--|------------------------|

|            |   |                        |
|------------|---|------------------------|
| 11:00 A.M. | JUDICIARY ( public hearing on Senate Bill No. 1045 and prison reform) | Room 8E-B<br>East Wing |
|------------|---|------------------------|

#### WEDNESDAY, DECEMBER 5, 2007

|           |   |                        |
|-----------|---|------------------------|
| 9:30 A.M. | LOCAL GOVERNMENT (to consider Senate Bills No. 987 and 1141; and House Bills No. 1329 and 1330) | Room 8E-A<br>East Wing |
|-----------|---|------------------------|

|           |   |                          |
|-----------|---|--------------------------|
| 9:30 A.M. | FINANCE (to consider House Bill No. 1877) | Room 461<br>Main Capitol |
|-----------|---|--------------------------|

|            |   |                          |
|------------|---|--------------------------|
| 10:00 A.M. | PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 387; Senate Resolution No. 194; and an informational briefing on House Bill No. 614) | Room 461<br>Main Capitol |
|------------|---|--------------------------|

### 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, December 3, 2007, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:50 p.m., Eastern Standard Time.