

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, APRIL 7, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 21

SENATE

MONDAY, April 7, 2008

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 KENT BELL, of Bethel Life Worship Center, Greenville, offered the following prayer:

Let us pray.

Heavenly Father, we come before You today to give You thanks for the many blessings in each of our lives. You have poured out Your blessing upon our land, and for that, we are grateful. Father, we thank You for those who are serving in our Armed Forces, here at home and around the world. We ask for Your hand of protection to be upon them and their families. We pray that You give them comfort for today and courage for tomorrow.

Today, Father, as we open this Session of the State Senate, I thank You for our Senators, who are serving the citizens of Pennsylvania. I pray that You give them the wisdom that comes from above, wisdom that is, first of all, pure and gentle at all times, wisdom that is willing to yield to others, full of mercy and good deeds, and is sincere in serving the needs of the people.

Father, we thank You that Your word tells us that Your plans for us are good and not for disaster, that You give us hope and a future. Today we thank You for the unity in this body, that they may accomplish Your perfect plan for this day and for this time. We also know that Your hand controls power and might, and it is at Your discretion that men are made great and given strength. May we serve one another with a spirit of love and humility and the grace that comes only from You.

We pray these things today in Your wonderful name, knowing that you hear us. Amen.

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

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

CONTROLLER, LANCASTER

April 4, 2008

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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Controller, in and for the County of Lancaster, to serve until the first Monday of January 2010, vice Dennis Stuckey, elected as County Commissioner.

EDWARD G. RENDELL
Governor

CONTROLLER, LUZERNE

April 4, 2008

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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Controller, in and for the County of Luzerne, to serve until the first Monday of January 2010, vice Maryanne Petrilla, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

April 4, 2008

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 A. Dunlap, Esquire, 613

Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2010, vice The Honorable Cheryl L. Allen, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
BRADFORD COUNTY

April 4, 2008

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 A. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Bradford County, to serve until the first Monday of January 2010, vice The Honorable John C. Mott, lost retention.

EDWARD G. RENDELL
Governor

SHERIFF, SCHUYLKILL COUNTY

April 4, 2008

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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as Sheriff, in and for the County of Schuylkill, to serve until the first Monday of January 2010, vice Francis V. McAndrew, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Beaver, Magisterial District 36-1-01, to serve until the first Monday of January 2010, vice Harry E. Knafelc, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District,

for appointment as Magisterial District Judge, in and for the County of Butler, Magisterial District 50-3-04, to serve until the first Monday of January 2010, vice Kelly T.D. Streib, elected to Court of Common Pleas.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Dauphin, Magisterial District 12-3-05, to serve until the first Monday of January 2010, vice Roy C. Bridges, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, Eric Battisti, 515 Country Club Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Magisterial District Judge, in and for the County of Delaware, Magisterial District 32-1-31, to serve until the first Monday of January 2010, vice Gregory M. Mallon, elected to Court of Common Pleas.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, Eric Battisti, 515 Country Club Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Magisterial District Judge, in and for the County of Fayette, Magisterial District 14-1-01, to serve until the first Monday of January 2010, vice Ronald K. Machesky, deceased.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District,

for appointment as Magisterial District Judge, in and for the County of Lehigh, Magisterial District 31-1-03, to serve until the first Monday of January 2010, vice Michele A. Varricchio, elected to Court of Common Pleas.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 4, 2008

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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Venango, Magisterial District 28-3-03, to serve until the first Monday of January 2010, vice Robert L. Boyer, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE ARCHITECTS LICENSURE BOARD

April 7, 2008

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 A. Martine, AIA, 2122 Sarah Street, Pittsburgh 15203, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Architects Licensure Board, to serve until June 5, 2010, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jon W. Shimm, Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

April 7, 2008

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, Kerri Hample, OTD, OTR/L, 17 Laurel Ridge Lane, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Debra Zelnick, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

RECALL COMMUNICATIONS 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 PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

April 7, 2008

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 March 31, 2008, for the appointment of Ernest E. Jones, 2405 N. 52nd Street, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2009, and until his successor is appointed and qualified, vice Charles H. Simms, Jr., Lancaster, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

April 7, 2008

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 December 14, 2007, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice E. Douglas Newton, Evans City, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT CENTERS

April 7, 2008

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 December 14, 2007, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Sam Scialdone, New Castle, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

April 7, 2008

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 December 14, 2007, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 2010, and until her successor is appointed and qualified, vice Thomas Healy, Altoona, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

April 7, 2008

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 December 12, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2009, and until his successor is appointed and qualified, vice Jackson B. Thomas, Uniontown, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FRANKLIN COUNTY
BOARD OF ASSISTANCE

April 7, 2008

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 January 11, 2008, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Franklin County Board of Assistance, to serve until December 31, 2009, and until her successor is appointed and qualified, vice David McCleary, Chambersburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE NORTHAMPTON
COUNTY BOARD OF ASSISTANCE

April 7, 2008

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 December 14, 2007, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Northampton County Board of Assistance, to serve until December 31, 2010, and until her successor is appointed and qualified, vice Doris Lifland, Easton, resigned.

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:

April 3, 2008

HB 2233 -- Committee on Community, Economic and Recreational Development.

April 4, 2008

HB 982 -- Committee on Labor and Industry.

HB 2005 -- Committee on Banking and Insurance.

HB 2252 -- Committee on Judiciary.

April 7, 2008

HB 2098 -- Committee on Banking and Insurance.

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:

April 3, 2008

Senators D. WHITE, WOZNIAC, KASUNIC, REGOLA, BROWNE, GREENLEAF, ORIE, MUSTO, ROBBINS, M. WHITE, STOUT, MADIGAN, BAKER and FERLO presented to the Chair **SB 1330**, entitled:

An Act establishing the Coal Methane Review Board to resolve disputes between property owners over the location of coal bed methane wells and access roads.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 2008.

Senators BROWNE, ORIE, WOZNIAK, EARLL, WASHINGTON and FOLMER presented to the Chair **SB 1340**, entitled:

An Act providing for the establishment of investment trusts for certain postemployment benefits offered by certain governmental entities; and imposing powers and duties on the Board of Finance and Revenue.

Which was committed to the Committee on FINANCE, April 3, 2008.

Senators MUSTO, RAFFERTY, STOUT, ERICKSON, LAVALLE, FUMO, COSTA, WONDERLING, O'PAKE, TARTAGLIONE, WOZNIAK, FONTANA, BOSCOLA, GREENLEAF, MELLOW, KASUNIC, KITCHEN, WASHINGTON and STACK presented to the Chair **SB 1341**, entitled:

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$1,000,000,000 for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems; and providing for the powers and duties of the Pennsylvania Infrastructure Investment Authority.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 2008.

Senators GORDNER, COSTA, STOUT, RHOADES, FERLO, FONTANA, KITCHEN, STACK, TARTAGLIONE and WASHINGTON presented to the Chair **SB 1342**, entitled:

An Act amending the act of December 21, 1984 (P.L.1253, No.238), known as the Speech-Language and Hearing Licensure Act, further providing for definitions, for the board, for licensure, for applications, for examinations and for fees; providing for the use of a title; and further providing for waivers, for enforcement and for injunction.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 3, 2008.

Senators ERICKSON, WASHINGTON, MUSTO, RAFFERTY, ORIE, COSTA, WOZNIAK, LAVALLE, WAUGH, O'PAKE, ROBBINS, WONDERLING, LOGAN, TOMLINSON, GREENLEAF, BROWNE, STACK, KITCHEN, C. WILLIAMS, ARMSTRONG and FERLO presented to the Chair **SB 1343**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Health to provide notice of certified primary stroke treatment hospitals; and establishing the Cardiovascular Disease Advisory Committee and a Statewide stroke database.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1344**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Which was committed to the committee on APPROPRIATIONS, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1345**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Which was committed to the Committee on APPROPRIATIONS, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1346**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Which was committed to the Committee on APPROPRIATIONS, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1347**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Which was committed to the committee on APPROPRIATIONS, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1348**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Which was committed to the Committee on APPROPRIATIONS, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1349**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Which was committed to the Committee on APPROPRIATIONS, April 3, 2008.

Senator ARMSTRONG presented to the Chair **SB 1351**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Which was committed to the Committee on APPROPRIATIONS, April 3, 2008.

April 7, 2008

Senators PICCOLA, RAFFERTY, ORIE, GREENLEAF, PIPPY, GORDNER, CORMAN, BROWNE, BRUBAKER, VANCE, FOLMER, FERLO, ARMSTRONG, WONDERLING, M. WHITE, RHOADES, BAKER and REGOLA presented to the Chair **SB 1331**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for legislative intent; further defining "bureau"; defining "division"; further providing for Pennsylvania Gaming Control Board, for applicability of other statutes, for general and specific powers and for code of conduct; repealing provisions relating to licensed gaming entity application appeals from board; further providing for license or permit application hearing process, for board minutes and records, for regulatory authority of board, for collection of fees and fines, for slot machine license fee and for license or permit prohibition; providing for license disqualification criteria; further providing for slot machine license application, for slot machine license application character requirements, for additional slot machine license requirements, for licensing of principals and for licensing of key employees; repealing provisions relating to alternative Category 1 licensing standards; further providing for occupation permit application; repealing provisions relating to alternative manufacturer licensing standards; further providing for slot machine accounting controls and audits, for license renewals, for duty of licensees, key employees and gaming employees, for gross terminal revenue deductions and for itemized budget reporting; repealing provisions relating to investigations and enforcement; establishing and providing for the powers and duties of the Division of Gaming Enforcement; providing for criminal investigations and proceedings, for inspection, seizure and warrants and for information sharing and enforcement referral; further providing for prohibited acts and penalties and for duty to provide certain information; and repealing provisions relating to exclusive jurisdiction of Supreme Court.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, April 7, 2008.

RESOLUTIONS INTRODUCED AND REFERRED

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

April 3, 2008

Senators BRUBAKER, KASUNIC, DINNIMAN, WASHINGTON, STOUT, PIPPY, TARTAGLIONE, COSTA, ERICKSON, TOMLINSON, C. WILLIAMS, WOZNAK, GREENLEAF, A. WILLIAMS, PUNT, O'PAKE, FERLO, RAFFERTY, KITCHEN, WAUGH, PILEGGI, BOSCOLA, BROWNE and ARMSTRONG presented to the Chair **SR 283**, entitled:

A Resolution recognizing the accomplishments of Franklin & Marshall College Professors Robert C. Walter and Dorothy J. Merritts for their extensive research on legacy sediment and on the publishing of their findings in the journal Science.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 3, 2008.

Senators BRUBAKER, WAUGH, ERICKSON, RAFFERTY, FONTANA, TARTAGLIONE, LAVALLE, ROBBINS, O'PAKE, WOZNAK, FERLO, KASUNIC, KITCHEN, ORIE,

FOLMER, COSTA, PIPPY, GREENLEAF, BOSCOLA, DINNIMAN, REGOLA, EARLL, D. WHITE, BROWNE, M. WHITE, WASHINGTON, TOMLINSON and ARMSTRONG presented to the Chair **SR 284**, entitled:

A Resolution recognizing May 2008 as "Beef Month" in Pennsylvania.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 3, 2008.

April 4, 2008

Senators PILEGGI, MELLOW, ARMSTRONG and LAVALLE presented to the Chair **SR 285**, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2008, including any amendments offered to or for supplemental appropriations for prior fiscal years.

Which was referred to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 4, 2008.

BILLS REPORTED FROM COMMITTEE

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

SB 1344 (Pr. No. 1900)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

SB 1345 (Pr. No. 1901)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

SB 1346 (Pr. No. 1902)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

SB 1347 (Pr. No. 1903)

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

SB 1348 (Pr. No. 1904)

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

SB 1349 (Pr. No. 1905)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

SB 1351 (Pr. No. 1906)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Tomlinson.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Tomlinson.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Washington and Senator Connie Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Washington and Senator Connie Williams.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

SENATE CONCURRENT RESOLUTION**WEEKLY RECESS**

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

In the Senate, April 7, 2008

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, April 28, 2008, 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 Senate recesses the week of April 28th, it reconvene on Monday, May 5, 2008, 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, May 5, 2008, 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-48

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

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.

PERMISSION TO ADDRESS

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Madam President, last Thursday morning at approximately 2:30 a.m., a terrible tragedy hit my hometown of Brockway, a tragedy I assume most of you have seen in the news. A family of nine, the Petersons, and a friend from the Mowry family, were killed in a tragic house fire in Brockway.

Today, as we are on the floor of the Senate, those families are having services to bury their dead. I certainly would like to ask this body for a moment of silence in memory of those who lost their lives in that terrible fire.

Thank you, Madam President.

The PRESIDENT. Will the Senate please rise for a moment of silence for the family of nine and the friend who lost their lives last week.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of the PETERSON FAMILY and JASON MOWRY.)

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. It shows it is a special occasion, Madam President, when my Leader lets me come to the fancy podium. We have some very important guests. Madam President, I rise today to welcome an exceptional group of young men who are visiting here with us today in the Senate, and they are on the floor. They are members of the world-champion Model United

Nations team from Father Judge Catholic High School for Boys, located, coincidentally, in northeast Philadelphia.

The Model U.N. team simulates the real United Nations. Throughout the year, the team participates in various competitions where they are placed in delegations and debate issues of their designated countries. Students must also write position papers, consult with other U.N. members, and submit their solutions to international problems. Not only do the members learn about the workings of the U.N., but they also get real experience in diplomacy, foreign affairs, research, and public debate.

Under the instruction of their coach, Father John Hurley, this team has won numerous awards over the years. After competing against thousands of high school students from around the world, Father Judge Model U.N. teams have won first place in the Model United Nations World Championships in 2001, 2006, and 2007. They have also won numerous awards at regional competitions over the years. The championship team is made up of exceptional young men, Madam President. We have Chris Mallard, Bryan Barth, George Pinel, Dominic Mallon, Joseph McMonagle, Nick Imbrenda, Kevin Casey, Govind Kapoor, Joseph Sebastian, Steven Leslie, Matthew Danella, Michael Tori, Christopher Olley, and Lukasz Przychodzien.

So today, Madam President, I presented the team with a Senate citation for their award-winning efforts and their desire to learn more about the world around them by participating in Model United Nations. You know, we have had a lot of State champions here in Harrisburg. We have had a lot of division champions. I do not know if we have ever had a world champion, so we are really excited. I want all my colleagues to know that these young men may come from Father Judge in Philadelphia, but if you are a Pennsylvanian, these young men are your world champions. So we are very happy to have them here.

Madam President, I ask that we give them our usual warm welcome from the Pennsylvania State Senate.

The PRESIDENT. Will the Model U.N. World Champion team, Father John Hurley, the other priest, and the parents all please rise so we can welcome you to the Pennsylvania Senate. Congratulations.

(Applause.)

GUESTS OF SENATOR STEWART GREENLEAF PRESENTED TO THE SENATE

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

Senator GREENLEAF. Madam President, I rise to call the Senate's attention to a group of college kids from all over the Commonwealth of Pennsylvania, representing about 35 chapters and universities and colleges in Pennsylvania, and their title is Colleges Against Cancer. They have been involved in many, many projects involving the American Cancer Society, a lot of different issues concerning the raising of funds and monies, and they are very, very active on the issue. They are up here today having a rally in regard to the smoke-free workplace legislation. So I would like to introduce them and ask the Senate to welcome them.

The PRESIDENT. Will our college students representing 35 chapters across the Commonwealth of Colleges Against Cancer please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

GUESTS OF SENATOR ROBERT WONDERLING PRESENTED TO THE SENATE

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

Senator WONDERLING. Madam President, it was really great this morning to spend some time with a family from my Senate district who resides in Towamencin Township who spent some time not only here in the General Assembly, but over at the Treasury, and last evening at the Whitaker Center as well.

So indeed, Madam President, it is my distinct honor and pleasure today to introduce to the Senate the Cassar family. First, mom and dad, Bob and Melanie, both work for the North Penn School District in Montgomery County and just finished the arduous task of rehabbing and redoing a Cape Cod on a 2-acre plot of land that they just purchased. So we are delighted that they are here. They are joined by their two children. Joshua is currently an eighth grader, and their daughter, Casie, is in the fifth grade. Both are active in sports, Scouts, and music.

So, Madam President, it is indeed my honor to ask for a hearty welcome from the Senate for the Cassar family.

The PRESIDENT. Will the Cassar family, Bob, Melanie, Joshua, and Casie, please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing special guests who are visiting the State Capitol. First, let me introduce three students who are serving as guest Pages in the Senate today: Lauren Bell, Slava Vlasuk, and Andrey Bortnik.

Lauren is the daughter of today's guest Chaplain, Pastor Kent Bell, and his wife, Denise. She is currently a senior at the Living Word Christian Center, located in Greenville. Lauren's hobbies include music and dance, horseback riding, working with children, and missionary work through the local church.

Slava is a resident of the Ukraine and is studying in the United States as a participant in the Future Leaders Exchange Program (FLEX). During this school year, Slava is residing with her host family, Pastor and Mrs. Bell. She is currently a junior and is attending the Greenville Area High School. Her hobbies include music, classic movies, photography, serving as a peer tutor in the Gateways program, and sharing information with others about her home country of the Ukraine.

Andrey is a resident of Russia and is also studying in the United States as a participant in the FLEX program. Andrey is residing with his host family, Mr. and Mrs. Don Bowman, in Lordstown, Ohio. He is a junior attending Lordstown High School. His hobbies include dancing, guitar, soccer, and the Spanish language.

Lauren, Slava, and Andrey are accompanied here today by Lauren's parents, Pastor Kent and Denise Bell, and Arnie and Elizabeth Morris, who is the host coordinator for the FLEX pro-

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

The PRESIDENT. Will Reverend Kent Bell and his wife, Denise, Mr. and Mrs. Don Bowman, Arnie and Elizabeth Morris, and our three student Pages, the pastor's daughter, Lauren Bell, Slava from the Ukraine, and Andrey from Russia, all please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR MICHAEL J. FOLMER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Madam President, as we are all aware, America is presently engulfed in a war whose outcome is of critical importance. We are blessed to have our liberty and our security protected by the most courageous, patriotic, and well-trained men and women in the world, men and women who have pledged their lives for us. I am deeply honored to have as my special guests today some of these men and women who are Army personnel serving in units located at the Army Reserve Center in Harrisburg.

With us today from the headquarters detachment of the 3rd Brigade, 80th Division, are Lieutenant Colonel Robert Baumgardner, Sergeant Major Rosa Harmon, First Sergeant Tamara Edwards, Master Sergeant Andrew DiNunzio, Sergeant First Class Caseal Davis, Sergeant First Class James Fearn, Jr., Sergeant Teresa Kauffman, and Specialist Lisa Swann. With us from the 542nd Quartermaster Company are Sergeant First Class Elizabeth Limon, Staff Sergeant Kevin Davis, Staff Sergeant Gary Wright, and Specialist Crystal Fernandez.

Madam President, I know that every Member of this hallowed Chamber is grateful for their service to their countrymen and their dedication to liberty. Please join me in welcoming them and thanking them with a warm round of applause.

The PRESIDENT. Will the Army Reserve Center please rise. (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, first, of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator MELLOW. Madam President, I also request that, upon conclusion of the meeting of the Committee on Rules and Executive Nominations, the Democratic Members report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations and Republican and Democratic caucuses, 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

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

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Piccola. Without objection, the leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 822, SB 1020 and HB 1152 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

SB 1254 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL OVER IN ORDER

SB 1278 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1063 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1225 (Pr. No. 1876) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

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

BILL AMENDED

SB 9 (Pr. No. 1870) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCARNATI offered the following amendment No. A6614:

Amend Sec. 2, page 2, lines 2 and 3, by striking out ", loan, professional license or commercial license" and inserting: or loan

Amend Sec. 2, page 3, by inserting between lines 12 and 13:

(vi) Services provided to women, infants and children through the Special Supplemental Nutrition Program for Women, Infants and Children.

Amend Sec. 3, page 3, line 16, by inserting after "Provide": , in person, by mail or by electronic means

Amend Sec. 3, page 4, line 8, by inserting after "law.": The affidavit shall be provided, in person, by mail or by electronic means, to the agency.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

BILL AMENDED

SB 232 (Pr. No. 1572) -- 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 criminal history record expungement.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment No. A6439:

Amend Sec. 1, page 1, line 6, by striking out "and (b.1)" and inserting: , (b.1) and (c)

Amend Sec. 1 (Sec. 9122), page 2, lines 1 through 30, by striking out all of said lines and inserting:

information, petitions the court for the expungement of a summary offense and has been free of arrest or prosecution for five years following the conviction for that offense.

(ii) Expungement under this paragraph shall only be permitted for a conviction of a summary offense.

Amend Sec. 1 (Sec. 9122), page 3, by inserting between lines 17 and 18:

(c) Maintenance of certain information required or authorized.—Notwithstanding any other provision of this chapter, the prosecuting attorney and the central repository shall, and the court may, maintain a list of the names and other criminal history record information of persons whose records are required by law or court rule to be expunged where the individual has successfully completed the conditions of any pretrial or post-trial diversion or probation program or where the court has ordered expungement under this section. Such information shall be used solely for the [purpose] purposes of determining subsequent eligibility for such programs [and for], identifying persons in criminal investigations or determining the grading of subsequent offenses. [Criminal history record information may be expunged as provided in subsection (b)(1) and (2).] Such information shall be made available to any court or law enforcement agency upon request.

On the question,

Will the Senate agree to the amendment?

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

YEA-29

Armstrong	Erickson	Pileggi	Vance
Baker	Folmer	Pippy	Waugh
Boscola	Gordner	Rafferty	White, Donald
Browne	Greenleaf	Regola	White, Mary Jo
Brubaker	Madigan	Rhoades	Wonderling
Corman	McIlhinney	Robbins	
Earll	Orie	Scarnati	
Eichelberger	Piccola	Tomlinson	

NAY-19

Costa	Kasunic	Musto	Washington
Dinniman	Kitchen	O'Pake	Williams, Anthony H.
Ferlo	LaValle	Stack	Williams, Constance
Fontana	Logan	Stout	Wozniak
Fumo	Mellow	Tartaglione	

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

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1254 CALLED UP

SB 1254 (Pr. No. 1841) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1254 (Pr. No. 1841) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for marketing and administration of service contracts being distinct from the business of insurance.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-28

Armstrong	Erickson	Piccola	Scarnati
Baker	Folmer	Pileggi	Tomlinson
Browne	Gordner	Pippy	Vance
Brubaker	Greenleaf	Rafferty	Waugh
Corman	Madigan	Regola	White, Donald

Earll
Eichelberger

McIlhinney
Orie

Rhoades
Robbins

White, Mary Jo
Wonderling

NAY-20

Boscola
Costa
Dinniman
Ferlo
Fontana

Fumo
Kasunic
Kitchen
LaValle
Logan

Mellow
Musto
O'Pake
Stack
Stout

Tartaglione
Washington
Williams, Anthony H.
Williams, Constance
Wozniak

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 RESUMED

BILLS OVER IN ORDER

HB 239, SB 428, HB 675, HB 780, SB 820 and SB 906 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REVERTED TO PRIOR PRINTER'S No., ON SECOND CONSIDERATION

SB 998 (Pr. No. 1878) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for clinical social work services.

On the question,
Will the Senate agree to the bill on second consideration?

MOTION TO REVERT TO PRIOR PRINTER'S No.

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

Senator PILEGGI. Madam President, I move to revert to prior Printer's No. 1840 on Senate Bill No. 998.

On the question,
Will the Senate agree to the motion?

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

The PRESIDENT. The Senate now has before it Senate Bill No. 998, Printer's No. 1840.

On the question,
Will the Senate agree to the bill on second consideration?
It was agreed to.

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

BILL OVER IN ORDER

SB 1028 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1033 (Pr. No. 1880) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State Veterans' Commission.

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

BILLS OVER IN ORDER

HB 1044 and SB 1107 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1132 (Pr. No. 1887) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the collection and banking of placental and umbilical cord blood for therapeutic transplantation and research; and making an appropriation.

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 1149, HB 1214 and SB 1250 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 1269 (Pr. No. 1731) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; and further providing for other basic rights and for adjudications of juveniles.

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

BILLS OVER IN ORDER

SB 1332, SB 1334 and SB 1335 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 252, ADOPTED

Senator PILEGGI, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 252**, entitled:

A Resolution urging the citizens of this Commonwealth to participate in the In Case of Emergency campaign by entering information, under the acronym of ICE, into the memory of their cellular phones in order to assist medical and other emergency personnel in contacting designated persons in the case of an emergency.

On the question,

Will the Senate adopt the resolution?

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE CONSTABLES' EDUCATION AND TRAINING BOARD

March 11, 2008

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, Teresa J. O'Neal, 902 Cross Street, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve until June 4, 2010, and until her successor is appointed and qualified, vice Sandra Miller, Yardley, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MILK MARKETING BOARD

December 10, 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, Richard Kriebel, 4400 Red Rock Road, Benton 17814, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 2013, and until his successor is appointed and qualified, vice Boyd E. Wolff, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

March 10, 2008

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, Janet Schwartz, O.D., 1204 Weymouth Road, Wynnwood 19096, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State

Board of Optometry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES FOR SCOTLAND SCHOOL FOR VETERANS' CHILDREN

March 6, 2008

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, Isiah Anderson, Jr., 4260 English Way, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Board of Trustees for Scotland School for Veterans' Children, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice John W. Mason, Chambersburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

March 11, 2008

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, George M. Khoury, P.O. Box 531, 190 Grove Circle, Lemont 16851, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

March 11, 2008

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, Sharon L. Knoll, 955 Persimmon Court, Fairview 16415, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

March 10, 2008

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, Carolyn Hausman, 103 Steely Road, Sinking Springs 19608, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Barry Galley, Sinking Springs, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Madam President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE MILK MARKETING BOARD

December 10, 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, Richard Kriebel, 4400 Red Rock Road, Benton 17814, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 2013, and until his successor is appointed and qualified, vice Boyd E. Wolff, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

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

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

YEA-48

Armstrong	Folmer	Musto	Stout
Baker	Fontana	O'Pake	Tartaglione
Boscola	Fumo	Orie	Tomlinson
Browne	Gordner	Piccola	Vance
Brubaker	Greenleaf	Pileggi	Washington
Corman	Kasunic	Pippy	Waugh
Costa	Kitchen	Rafferty	White, Donald

Dinniman	LaValle	Regola	White, Mary Jo
Earll	Logan	Rhoades	Williams, Anthony H.
Eichelberger	Madigan	Robbins	Williams, Constance
Erickson	McIlhinney	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

UNFINISHED BUSINESS RESOLUTIONS REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following resolutions:

SR 264 (Pr. No. 1863)

A Resolution recognizing May 1, 2008, as the "National Day of Prayer" in Pennsylvania.

SR 285 (Pr. No. 1912)

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2008, including any amendments offered to or for supplemental appropriations for prior fiscal years.

SENATE RESOLUTIONS ADOPTED

Senators BAKER, M. WHITE, WASHINGTON, WOZNIAK, TARTAGLIONE, STOUT, RAFFERTY, ORIE, O'PAKE, MUSTO, MADIGAN, KITCHEN, KASUNIC, GREENLEAF, FUMO, FONTANA, FERLO, DINNIMAN, BRUBAKER, BOSCOLA, C. WILLIAMS, TOMLINSON, ROBBINS, PUNT, LOGAN, GORDNER, ERICKSON, EARLL, McILHINNEY, STACK, PILEGGI, LAVALLE, COSTA, D. WHITE, SCARNATI, RHOADES, ARMSTRONG, A. WILLIAMS and PIPPY, by unanimous consent, offered **Senate Resolution No. 286**, entitled:

A Resolution designating the week of April 13 through 19, 2008, as "Week of the Young Child" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator BAKER. Madam President, this resolution designates April 13 through 19 as the "Week of the Young Child" in Pennsylvania. The purpose of the week is to focus our attention on the

needs of children from birth through age 8, on the importance of laying a strong foundation for success in school, and on the early childhood programs and services that are available in Pennsylvania to meet their needs.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators TOMLINSON, BOSCOLA, STACK, ERICKSON, PUNT, RAFFERTY, FONTANA, FOLMER, COSTA, GREENLEAF, C. WILLIAMS, TARTAGLIONE, D. WHITE, DINNIMAN, BAKER, PILEGGI, MADIGAN, EARLL, ORIE, WASHINGTON, KASUNIC, WAUGH, WOZNIAK, McILHINNEY, O'PAKE, ROBBINS, FERLO, PIPPY, LOGAN, KITCHEN, WONDERLING, RHOADES and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 287**, entitled:

A Resolution designating the month of May 2008 as "Pennsylvania One Call System Month."

On the question,

Will the Senate adopt the resolution?

Senator PILEGGI. Madam President, I offer remarks for the record on behalf of Senator Tomlinson.

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

(The following prepared remarks were made part of the record at the request of the gentleman from Delaware, Senator PILEGGI, on behalf of the gentleman from Bucks, Senator TOMLINSON:)

Madam President, I rise to introduce this resolution and ask for unanimous consent to consider it. The resolution designates the month of May 2008 as "Pennsylvania One Call System Month." The Pennsylvania One Call System provides easy, one-call notification about construction and excavation projects that may endanger lives and jeopardize utility lines. The center has served the residents of Pennsylvania by promoting safety, reducing underground utility damages, minimizing utility service interruptions, and protecting the environment for over 35 years. It also serves more than 100,000 excavators and 3,100 critical infrastructure owners in the Commonwealth. The resolution encourages all Pennsylvania residents to call before digging to help protect underground utility lines.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Borton-Lawson of Wilkes-Barre by Senator Baker.

Congratulations of the Senate were extended to Andrew J. Miller by Senator Brubaker.

Congratulations of the Senate were extended to EdiS Company of West Chester by Senator Dinniman.

Congratulations of the Senate were extended to Michael Huczko, Jerry Gillen, Sean M. Clifton, Alyssa Bigbee, Lauren Longacre, Mary Ashmore, Sarah Sunshine, Kira White and to Sarah Anderson by Senator Erickson.

Congratulations of the Senate were extended to Robert B. Di Matteo by Senator Folmer.

Congratulations of the Senate were extended to Adrian Sebastian Smith and to Ray W. Rugh, Jr., by Senator Gordner.

Congratulations of the Senate were extended to Alex Jacobson, Andrew McLaughlin, Patrick McLaughlin, Nicholas Bookbinder and to St. John's Evangelical Lutheran Church of Ambler by Senator Greenleaf.

Congratulations of the Senate were extended to Master Sergeant Jeffery Huntley by Senator Kasunic.

Congratulations of the Senate were extended to Richaleen Atterbeary and to Pearl Banks by Senator Kitchen.

Congratulations of the Senate were extended to Norman A. Moorehead by Senator McIlhinney.

Congratulations of the Senate were extended to Evelyn Vitali and to The Wheatgrass Grower by Senator Mellow.

Congratulations of the Senate were extended to Courtney Everett, Alyssa Schoch and to Katie Kern by Senator Musto.

Congratulations of the Senate were extended to Barbara Casper by Senator O'Pake.

Congratulations of the Senate were extended to Jonathan Asher Davis, Benjamin William Holloway, Jonathan A. Hartley, Craig Stephen Johnsen, Genevieve Snyder, Kellin Casey, Katherine Muller, Bridget McLaughlin, Mary E. Torello, Kristin O'Shea, Rebecca Phillips, Danielle LaBarge, Lesley Harris and to Robert Wayne Wiechecki, Jr., by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Pavuchak by Senator Pippy.

Congratulations of the Senate were extended to CentiMark Corporation of Canonsburg by Senators Pippy and Fontana.

Congratulations of the Senate were extended to Lonnie W. Gullede, Brilliant Wedding Jewelry and to River Raider Snorkel Systems by Senator Punt.

Congratulations of the Senate were extended to Steven Watson, Bridgette West, Cornelia Bowers and to Felicia Handley by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence E. Burd, Jr., and to Mr. and Mrs. Jay D. Brunot by Senator Regola.

Congratulations of the Senate were extended to Leon A. King II by Senator Tartaglione.

Congratulations of the Senate were extended to Sage Technologies, Ltd., of Warminster by Senators Tomlinson and Greenleaf.

Congratulations of the Senate were extended to the Home Builders Association of Bucks/Montgomery Counties Charitable Foundation by Senator Tomlinson and others.

Congratulations of the Senate were extended to Congregation Adath Jeshurun of Elkins Park by Senator Washington.

Congratulations of the Senate were extended to Christopher Robert Stock, Jr., and to James D. Turner by Senator M.J. White.

Congratulations of the Senate were extended to Fred L. Seipt and to Robert C. Stevens by Senator Wonderling.

Congratulations of the Senate were extended to Allied Building Company of Center Valley, Sierra Management Company of Doylestown and to Diversified Capital of Bethlehem by Senator Wonderling and others.

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 Gertrude D. Eddleston, to the family of the late Raymond Spencer Martin, to the family of the late Raymond C. Goeringer and to the family of the late Joan Culver by Senator Baker.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1344, SB 1345, SB 1346, SB 1347, SB 1348, SB 1349 and SB 1351.

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 Allegheny, Senator Costa.

Senator COSTA. Madam President, I rise to again discuss an issue that I think has been very, very important to my colleagues and, most importantly, to the residents of this great Commonwealth. Madam President, the issue of healthcare and healthcare coverage for so many Pennsylvanians is still something that needs to be addressed by this General Assembly and, more specifically, needs to be addressed by this Chamber.

Madam President, just for a brief recap, I would like to cover who the uninsured are. In this Commonwealth, 71 percent of the uninsured are employed. Seventy-six percent of those individuals have incomes of less than \$60,000 per year for a family of four. Twenty-seven percent, more than one-fourth, have been without healthcare coverage for more than 5 years, and 49 percent of those, Madam President, are between 18 and 34 years of age. Finally, and most telling, is the fact that 70 percent of those individuals who have been surveyed and polled indicate that the cost of healthcare is the reason for not having healthcare. It is the cost.

Now, Madam President, more specifically, I have numbers that I would like to share with my colleagues from Allegheny County, the second-largest county in this Commonwealth and one of the largest counties in this country, as you well know. Madam President, in Allegheny County, there are over 108,000 uninsured adults residing in our county. That represents nearly 16 percent of the entire adult population of this county. We have the

10th-highest per capita rate of uninsured adults in Pennsylvania. There were 700,882 Allegheny County residents on the adultBasic waiting list in January of this year, and this March, 6,085 people are still on the list. Madam President, there is an average of 353 new people each month being added to the adultBasic waiting list.

Now, Madam President, as I indicated, this is an important issue to my colleagues, and it is an important issue to the people we represent in this Commonwealth. Legislation has made its way forward here to the Senate, and I again am asking my Senate colleagues to join me in asking that this piece of legislation be given consideration as soon as we possibly can. Madam President, we have a few days left in Session this week before we recess for a short period for the upcoming primary election. But, Madam President, we will be returning in late April, and my hope is that we will have an opportunity to discuss, specifically, House Bill No. 1137, which currently resides here in the Senate.

Now, Senate Bill No. 1137 is a different variation of the original legislation introduced by my colleague, Senator Hughes, also introduced on the House side as well, as well as the legislation that our Governor proposed earlier this year in February. Now, Madam President, it has been refined in a number of ways and has taken into consideration a number of the aspects, a number of the concerns, that have been raised by my colleagues both here on the Democratic side of the aisle and also on the Republican side of the aisle. Madam President, I am pleased to report that this version of the legislation is something that, I think, when reviewed, when given the opportunity to assess it and look at it and determine exactly what it does and what it needs to do, that we will be able to support such a measure.

Madam President, Senate Bill No. 1137 encompasses the new PA ABC program, and under this program, Madam President, within 90 days of our enactment here in the Senate and on to the Governor, or at least for its final enactment from the time the Governor signs it, within 90 days, we could possibly have 143,000 Pennsylvanians who will have access to healthcare, much-needed healthcare. And most importantly, Madam President, it also expands the level of services that are provided from the original adultBasic program but also will include prescription drug coverage. It would also include behavioral health benefits as well, something that is not offered today in the adultBasic program.

Those 143,000 individuals represent the current 55,000 people who are on the adultBasic program now, but also would bring in those 88,000 Pennsylvanians who, today, sit on the adultBasic waiting list, waiting and waiting and waiting to get healthcare coverage, who have stepped up and said, I am willing to pay a premium in order to get healthcare coverage. I want to be on the list. I want to be next in line to be able to get that coverage so that I can provide coverage for myself and for my family. And that is what this legislation would do, Madam President. But that is not the only thing that it does. Not only will it cover 143,000 individuals rather quickly, but within a year, we will be at 214,000, and within 2 years, 264,000 individuals will be eligible for healthcare in this Commonwealth.

But Madam President, there are a couple of other things that this legislation does, as I indicated. One of the concerns that we have seen is the concern about small businesses being able to

have resources to afford to participate in this program. And recognizing that, this legislation provides for a grant program to employers who fit the bill, who fit the criteria to want to be able to provide healthcare coverage for their employees. They would be able to draw down resources from our State government to protect those interests that they make and to protect the programs that they want to put into place for their employees. So we have measures in place with respect to that.

Madam President, we also have the issue of the Mcare fund, and there is a lot of discussion about the Mcare fund, particularly this month, but I think it is important that we address it head-on. Madam President, this legislation would extend for 10 years the Mcare Fund but will phase it out over the next 10 years. But most importantly, Madam President, it would lock into place, for a 10-year period, the Mcare abatement program, which has been a very successful program that has helped to maintain our doctors here in this Commonwealth and has been very successful to the extent that it is part of this particular program.

Now, Madam President, we have had an opportunity to look at some of these things. A number of us on this side of the aisle believe that Senate Bill No. 1137 is a measure that is appropriate for our further discussion, not to be placed into one of the committees and forgotten about. So I strongly encourage my colleagues to join me in asking that this legislation be considered sooner rather than later so that we have the opportunity to discuss exactly what we need to do to make certain that PA ABC is going to be something that the Members of this Senate can stand up and say they are proud to support and proud to move on to the Governor.

So, Madam President, I thank you for the opportunity to provide some remarks on healthcare, probably the single biggest issue that we need to deal with in this Commonwealth, and I ask my colleagues to join me to that end. Thank you, Madam President.

The PRESIDENT. Senator Costa requests that his colleagues consider his petition on Senate Bill No. 1137 for Pennsylvania healthcare.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 8, 2008

9:00 A.M.	AGING AND YOUTH (public hearing on efforts to rebalance the long term care system in the FY 08-09 budget)	Hrg. Rm. 1 North Off.
10:00 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 250)	Room 8E-A East Wing
11:00 A.M.	LABOR AND INDUSTRY (to consider House Bill No. 1096 and Senate Resolution No. 263)	Room 461 Main Capitol

WEDNESDAY, APRIL 9, 2008

9:00 A.M.	TRANSPORTATION (public hearing on Senate Bill No. 1158, Public-Private Partnerships for Transportation Project Development)	Hrg. Rm. 1 North Off.
9:30 A.M.	FINANCE (to consider Senate Bills No. 1297, 1314 and 1316)	Room 461 Main Capitol
9:30 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on PA Health Clinics)	Room 8E-A East Wing
10:30 A.M.	GAME AND FISHERIES (to consider House Bill No. 69) CANCELLED	Room 461 Main Capitol

THURSDAY, APRIL 10, 2008

9:30 A.M.	LOCAL GOVERNMENT and URBAN AFFAIRS AND HOUSING (joint hearing on Multi-Municipal Planning and Shared Services)	Greensburg Garden and Civic Center 106 N. Main St., Greensburg, PA
2:00 P.M.	JUDICIARY (to hear testimony on Senate Bill No. 1250)	Allegheny Cty. Courthouse Gold Rm.

TUESDAY, APRIL 15, 2008

10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on PA's Health Clinics)	Clark Center Auditorium Crozer Chester Med. Center 1 Med. Center Blvd., Upland
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RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Tuesday, April 8, 2008, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:07 p.m., Eastern Daylight Saving Time.