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WEDNESDAY, APRIL 30, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 26

SENATE

WEDNESDAY, April 30, 2008

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

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

PRAYER

The Chaplain, Reverend SCOTT LINGENFELTER, of New Life Lutheran Church, New Tripoli, offered the following prayer:

Peace to you. Let us pray.

Lord God, Your will is so simple and has been revealed throughout the ages. In the Forty Hadith from the Koran, Your will is reflected in the promise of Your blessing for all those who care for those in need around us. In the heart of the Tanakh and Leviticus of the Torah, You direct Your servants to love their neighbors as themselves. Indeed, in the letter to the Galatians from the Christian New Testament, Your will is conveyed that the whole law is summed up by the single commandment, you shall love your neighbors as yourselves.

So Lord, bring continuous renewal, then, to the hearts and minds of these Senators, that they would set their will upon the pursuit of goodness of life within this great Commonwealth in such a way that the needs of each neighbor could be met, the fundamental rights of each neighbor would be protected, and that peace for each neighbor might be secure, all in fulfillment of Your will, that these leaders whom You have called into service to their neighbors would promote and facilitate such mutual care and protection, that love for our neighbors might be realized in our land.

Indeed, Lord, reignite the passion of each man and woman of this Senate which led them to pursue this vocation of public service. Fan the flames of that first desire of their hearts to promote the common good, which filled them with awe and trembling when first they took their place on this floor. Even when there is disagreement over method or means, strengthen their mutual respect, personal humility, and a passionate unity of purpose in pursuing Your will of serving, caring for, yes, loving all those around us. Bless these servants, Lord, that through them, You might bring blessing to us all. In Your holy name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Scott Lingenfelter, who is the guest today of Senator Rhoades.

PLEDGE OF ALLEGIANCE

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

BILL REPORTED FROM COMMITTEE

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

SB 1373 (Pr. No. 1965)

An Act providing for an annual allocation of funds to county mental health and mental retardation programs.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 295 (Pr. No. 1969)

A Resolution designating the week of May 18, 2008, as "MRSA Awareness Week" in Pennsylvania.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Mary Jo White.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Mary Jo White.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

**SPECIAL ORDER OF BUSINESS
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of April 1, 2008, and April 2, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of April 1, 2008, and April 2, 2008.

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

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

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journals are approved.

SENATE RESOLUTION ADOPTED

Senators GREENLEAF, PILEGGI, STACK, C. WILLIAMS, COSTA, BOSCOLA, KASUNIC, FONTANA, PIPPY, STOUT, ERICKSON, ORIE, TOMLINSON, O'PAKE, PUNT, RAFFERTY, WASHINGTON, BRUBAKER, TARTAGLIONE, BAKER, ARMSTRONG, MUSTO, EARLL, FOLMER, LOGAN, FUMO, A. WILLIAMS and D. WHITE, by unanimous consent, offered **Senate Resolution No. 310**, entitled:

A Resolution designating the month of May 2008 as "Crohn's Disease and Ulcerative Colitis Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator GREENLEAF. Madam President, I rise to offer a resolution designating May 2008 as "Crohn's Disease and Ulcerative Colitis Awareness Month" in Pennsylvania. These diseases are chronic and cause inflammation and digestive and gastrointestinal tract difficulties. Crohn's and colitis are incurable conditions but are often controllable with the right treatment, diet regiment, and careful monitoring. These conditions affect Pennsylvanians of all ages and from all walks of life. As many as 1 million Americans suffer from these diseases, and 10 percent of those affected by them are children under the age of 18. Two-thirds of those

who suffer from Crohn's and colitis will have surgery at some point in their lives.

Research on these often painful and life-altering conditions support those who suffer with them and is provided through such organizations as the Crohn's and Colitis Foundation of America. The foundation is holding a new national walk called Take Steps for Crohn's and Colitis. As a matter of fact, the Take Steps event to raise awareness and money to find a cure for these diseases is being held on May 31 in Philadelphia. The Philadelphia area is a well-known center for research and development on these diseases, and adoption of this resolution will increase public awareness and circumstances acknowledging the impact these diseases have on patients and families and recognize the research for treatment and cure of these conditions. The resolution also urges all Pennsylvanians to learn more about these diseases. I ask unanimous consent for the adoption of this resolution.

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAMES J. RHOADES
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, we have, as you introduced previously in the day, Reverend Scott Lingenfelter, who is from New Tripoli. With him in the gallery is his father, Mr. Charles Lingenfelter, who is from the Sugarloaf, Hazleton area; and also Reverend Scott's son, Justin, who attends Northwestern Lehigh High School; and of course, a familiar face to us, the Reverend's brother, Marcus Lingenfelter, who is Vice President for University Advancement with Harrisburg University of Science and Technology. I would appreciate it if the Senate would extend its usual warm welcome to our guests.

The PRESIDENT. Would the Lingenfelters all rise. Welcome to the Pennsylvania State Senate.

(Applause.)

**GUEST OF SENATOR STEWART J. GREENLEAF
PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Madam President, seated in the gallery is a guest from my district, Mr. Ken Gioffre of Huntingdon Valley, who has traveled here today to witness the Senate's consideration of a resolution which I offered and we have already adopted that designates the month of May 2008 as "Crohn's and Ulcerative Colitis Awareness Month." In 2006, Mr. Gioffre shared with me his desire to help promote greater public awareness of these diseases, and his son, Nick, was diagnosed with Crohn's at age 10. Fortunately, in Nick's case, the disease was controlled through medication without surgery, and now he is a freshman at Drexel University in Philadelphia.

Crohn's and colitis are chronic diseases that cause inflammation of the gastrointestinal tract, and I mentioned that already in my previous remarks, and that many people in Pennsylvania and America are suffering from these diseases. Last year, we passed this resolution to draw attention to these conditions, and Mr. Gioffre has requested the adoption of this resolution again this year. I want to thank the Senate for its consideration of the resolution, and I would like to have the Senate recognize Mr. Gioffre for his efforts in regard to this issue.

The PRESIDENT. Will Mr. Gioffre please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 500 and **HB 501** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 820 (Pr. No. 1989) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions and for registration requirement; and providing for unwanted automatic political calls.

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, Senate Bill No. 820 would create a do-not-call list for political robocalls. A robocall is any prerecorded or synthesized call initiated by a computer or any other kind of automatic dialing device. Senate Bill No. 820 would allow any Pennsylvania resident who does not want to receive political robocalls to sign up for this new list. It would then be illegal for anyone to make robocalls on behalf of a political candidate, political party, political committee, or other political organization, including the so-called 527 organizations, to those residents who have signed up for that list. Those who violate the law could be fined up to \$1,000 per violation.

Madam President, it is important to emphasize that Senate Bill No. 820 would not make all political calls illegal. It would only prohibit making robocalls to people who have made the effort to sign up for a do-not-call list. Senate Bill No. 820 does not prohibit live political calls. Candidates and political organizations will still be able to contact voters by telephone as long as they have a real person making the call.

We just came through a hotly contested Presidential primary during which some people received four or more robocalls every day leading up to the election. A report in USA Today earlier this year quoted one robocall provider as saying, "People can get 25 automated calls on the day before an election." Robocalls are proliferating because they are so inexpensive, costing as little as 2 cents per call, and the volume is incredible. Some companies are equipped to make 200,000 robocalls per hour. That is more than 55 robocalls every second.

These calls are an intrusion into our homes. People are busier than ever, often working multiple jobs. If you do not want to receive these calls, you should have that option in Pennsylvania. In 1996, we created a do-not-call list for commercial telemarketers. Many Pennsylvanians have signed up to be on that list. It is time, today, to let them do the same for political robocalls. If Senate Bill No. 820 becomes law, the do-not-call provisions would be in place by October 15. That means that Pennsylvania families could go through this fall's Presidential election without being bombarded by political robocalls if they choose to sign up for the list. At least 19 other States have some restrictions on political robocalls. It is time for Pennsylvania to join these States.

Madam President, I would like to thank my colleague, Senator O'Pake from Berks County, for his assistance and work in developing this legislation. I ask for an affirmative vote.

Thank you, Madam President.

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

Senator O'PAKE. Madam President, for residents of Pennsylvania who have been complaining about the flood of political robocalls that already has started this campaign season, relief is on the way. I want to thank Senator Pileggi and his staff for bringing this to the front burner so that we could work together on this in a truly bipartisan way.

Senate Bill No. 820 is a true enhancement of the fundamental privacy rights of Pennsylvanians. What Senate Bill No. 820 offers is a very simple, very effective, and very familiar tool, a do-not-call or no-call registry to block political robocalls, automated calls on behalf of candidates and political committees and organizations, including the so-called independent 527 groups that are increasingly shaping the tone and sharpening the divisiveness of our elections.

When the current do-not-call registry was created for commercial telemarketers in 2002, political calls were exempted because we were looking at the campaign practices of the past. But robocalls are as different from calls made by living, breathing people, which would not be affected by this bill, as a drop of water is from a hurricane. Robocalls do not nourish the public interest and involvement that is vital to our political process. They are abusive, intrusive, and actually wash it away in anger and disillusionment.

Constituents have told me that during the 2006 elections they could not receive messages because their phones were so filled with robocalls. The irony is, with cell phones, it is the recipients who are paying for these phone calls. Some seniors complained to me that the frequency and tone of the calls even scared them away from answering the phone in the campaign's closing weeks. And as the very recent Presidential primary campaign shows, we

are again in a very competitive election cycle, and constituents are already complaining about new abusive intrusions into their private space and time.

Under our Constitution, one person's right to speak does not prohibit others from closing their windows against listening. This bill simply enables Pennsylvanians who want to, to sign on to a political no-call list to figuratively close their windows and not have to listen to political robocalls. By passing it today, we can get this bill over to the House, with the opportunity to offer that protection in this election year. We should do so without any hesitation, and I hope all our Members will support it.

Thank you, Madam President.

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

Senator LOGAN. Madam President, I ask if the Majority Leader would stand for brief interrogation.

Senator PILEGGI. I will, Madam President.

The PRESIDENT. He indicates he will.

Senator LOGAN. Madam President, the quick question is about membership organizations, if this bill would prevent a membership organization from making a robocall to their membership about a political candidate that they support, that the membership organization supports.

Senator PILEGGI. Madam President, the bill would not prohibit a membership organization from making calls, as long as those members who are being called are not members who have indicated that they do not wish to receive such calls. The second part of the question, whether or not they are on behalf of a political organization or candidate, is a question of interpretation of the definition of the bill and would depend on the nature of the call and how much it was an issue-related call as opposed to a direct support of a particular candidate call.

Senator LOGAN. Okay, thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Ferlo

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.

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1063 (Pr. No. 1988) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local tax, further providing for definitions, for delegation of tax powers and restrictions, for recapture of tax, for payroll tax, for nonresident sports facility usage fees, for vacation of tax ordinances and resolutions, for advertising tax ordinances, for second class city tax rates, for taxpayer appeals, for filing ordinances, for limitation on tax rates, for withholding of local services taxes, for administrative personnel and joint agreements, for audits of earned income and other taxes, for payment of tax to other taxing authorities as credits or deductions, for personal property, for assessment limitations and for tax limitations; providing for legal representation, for restricted use, for consolidated collection of local income taxes, for collection of delinquent taxes and for miscellaneous provisions; further providing for penalties and for repeals; and making editorial changes.

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 Montgomery, Senator Rafferty.

Senator RAFFERTY. Madam President, I am inquiring whether the prime sponsor of the bill will stand for brief interrogation.

The PRESIDENT. Senator Earll indicates she will.

Senator RAFFERTY. Madam President, since this affects local governments, it is very important for us, especially those of us with local government backgrounds, to know if those representative organizations of local governments are supportive of the bill. Madam President, I would like to ask the prime sponsor, the gentlewoman from Erie, if she knows if the Pennsylvania State Association of Boroughs is in support of this Senate Bill.

Senator EARLL. Yes, Madam President, the association is in support of the bill.

Senator RAFFERTY. Madam President, is the Pennsylvania League of Cities and Municipalities in support of the bill?

Senator EARLL. Yes, Madam President, the League of Cities and Municipalities also indicates support for the bill.

Senator RAFFERTY. Madam President, if the Pennsylvania State Association of Township Supervisors has indicated support of the bill?

Senator EARLL. Madam President, PSATS is also in support of the bill, and if I could, I would point out that all of these organizations had ample opportunity and much input as this bill continued to be modified and redrafted over the course of the past 3 years. Many of the suggestions from those three different organi-

zations were, in fact, incorporated into the body of the bill, and they all have indicated that they are satisfied with Senate Bill No. 1063 in its present form.

Senator RAFFERTY. Thank you, Madam President. I appreciate the work of the prime sponsor, Senator Earll, with these organizations and getting them to come on board.

Thank you, Madam President. That will end my interrogation.

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-41

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

NAY-8

Fontana	Logan	Regola	Robbins
Greenleaf	McIlhinney	Rhoades	Wonderling

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.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1107 (Pr. No. 1987) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for modification of existing custody orders; and providing for protection of deployed members of the Pennsylvania National Guard and reserve components in child custody arrangements.

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 Lebanon, Senator Folmer.

Senator FOLMER. Madam President, in advance, I just want to thank my fellow colleagues for passing this bill. I know our people who are in the military are going to greatly appreciate

this. Just because they go off and are overseas, they should not have to be worried about whether or not they will lose custody of their children. So I want to thank my colleagues for their unanimous aye votes, and I know our military personnel will be greatly appreciative.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL OVER IN ORDER

SB 1149 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

SB 684 (Pr. No. 1970) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for child death review.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 239, SB 428, SB 472, SB 615, HB 675, SB 731, HB 775, HB 776, HB 777, HB 1044 and SB 1062 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1250 (Pr. No. 1776) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for marriage between one man and one woman.

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 1283, SB 1285, SB 1312, SB 1315 and SB 1330 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 296, ADOPTED

Senator PILEGGI, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 296**, entitled:

A Resolution designating May 1, 2008, as "Loyalty Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED

Senators VANCE, RHOADES, MUSTO, BAKER, LAVALLE, BROWNE, TOMLINSON, ARMSTRONG, BOSCOLA, EARLL, ERICKSON, FERLO, FONTANA, GREENLEAF, KITCHEN, ORIE, PIPPY, RAFFERTY, WASHINGTON, A. WILLIAMS, WONDERLING, WOZNIAK and DINNIMAN, by unanimous consent, offered **Senate Resolution No. 311**, entitled:

A Resolution recognizing the importance of international education on the 60th anniversary year of NAFSA: Association of International Educators.

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

Senators EARLL, PILEGGI, STOUT, ROBBINS, WONDERLING, FONTANA, REGOLA, WASHINGTON, STACK, ERICKSON, PICCOLA, KASUNIC, GREENLEAF, O'PAKE, FERLO, WAUGH, BOSCOLA, RAFFERTY, PIPPY, DINNIMAN, FOLMER, ORIE and A. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 312**, entitled:

A Resolution recognizing the week of May 4 through May 10, 2008, as "National Charter Schools Week" in Pennsylvania.

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

Senators PIPPY, MUSTO, FERLO, COSTA, TARTAGLIONE, KASUNIC, BOSCOLA, WASHINGTON,

FONTANA, PILEGGI, C. WILLIAMS, WONDERLING, O'PAKE, GREENLEAF, BRUBAKER, ERICKSON, TOMLINSON, RAFFERTY, LOGAN, DINNIMAN, ORIE and A. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 313**, entitled:

A Resolution recognizing May 2008 as "Science: It's Elementary Showcase of Student Learning Month" in Pennsylvania and commending Science: It's Elementary for its outstanding contributions to the science education reform initiative.

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

Senators COSTA, ORIE, GREENLEAF, STOUT, BOSCOLA, STACK, FERLO, FONTANA, TARTAGLIONE, WASHINGTON, PUNT, PILEGGI, ERICKSON, KASUNIC, WONDERLING, O'PAKE, WAUGH, LOGAN, RAFFERTY, PIPPY, FOLMER, EARLL, A. WILLIAMS, BRUBAKER and DINNIMAN, by unanimous consent, offered **Senate Resolution No. 314**, entitled:

A Resolution designating the week of May 4 through May 10, 2008, as "Juror Appreciation Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Madam President, very briefly, as we all know in this Chamber, for more than 200 years, Americans have benefitted from the protection offered by the right to a trial by jury guaranteed by the Bill of Rights in the Constitution of these United States. This right, Madam President, has acted as an unbiased finder of truth in the most elemental representative body of all citizens. It has played a pivotal role in balancing the scales of justice.

Madam President, every year, more than 66,000 Pennsylvanians participate in the juror process, both in civil and criminal divisions of our courts across this Commonwealth. Only when citizens' support for the jury system is respected and honored, and individuals who are summoned appear, can this pillar of our democracy fully protect the rights of all citizens. Madam President, with this being stated, I ask my colleagues to join me in designating the week of May 4 through May 10, 2008, as "Juror Appreciation Week."

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 WOZNIAK, ERICKSON, LOGAN, STACK, RAFFERTY, FONTANA, COSTA, GREENLEAF, C. WILLIAMS, BOSCOLA, TARTAGLIONE, BAKER, FOLMER, KITCHEN, LAVALLE, PIPPY, FERLO, O'PAKE, DINNIMAN, D. WHITE, REGOLA, ORIE, KASUNIC, WASHINGTON, MUSTO, TOMLINSON, ROBBINS, RHOADES and

ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 315**, entitled:

A Resolution designating the month of May 2008 as "Sleep Apnea Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, there is an epidemic in this nation. You hear much about cancer, heart disease, and breast cancer, the whole litany of things you watch on television that they have a pill for. But there is an epidemic out there that we are becoming increasingly aware of, and it is called sleep apnea. I know because I had sleep apnea.

There are solutions for this, medical devices for breathing and surgical procedures. It is not just for the overweight guy sitting on the couch or a couch potato. Young people who are not even heavy can have this condition. It causes you to stop breathing at night. It causes high blood pressure. It causes strokes. It causes heart attacks. It has caused more automobile accidents than DUIs, because sleepy drivers are dangerous. I know because I had sleep apnea. I had it so bad that I would hallucinate in the daytime.

Folks, if your loved one or your significant other is not breathing at night, if you notice heavy snoring, if somebody is sleeping or falling asleep at the wheel, do not be ashamed. Do not be a stubborn male like I was and say, oh, I just do not sleep right, or every excuse except that I have something wrong. Go and get a sleep test. I can guarantee you that if you have sleep apnea, the day that you get the breathing device or the day that you have the operation, you will say, I should have done this 10 years ago.

It is not a laughing matter. It is not something to put to bed and sleep on. Sleep apnea is an epidemic. It is a disease, but it is treatable. Please, if you think you have that condition, go check yourself out, and then call my office and say, Senator, thank you very much, because you were right.

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 ORIE, BAKER, STACK, PUNT, PILEGGI, TOMLINSON, STOUT, FERLO, C. WILLIAMS, BRUBAKER, BOSCOLA, O'PAKE, FONTANA, GORDNER, TARTAGLIONE, MELLOW, KASUNIC, MUSTO, ARMSTRONG, ERICKSON, WASHINGTON, COSTA, PIPPY, REGOLA, WONDERLING, EARLL, FOLMER, GREENLEAF, SCARNATI, WAUGH, LOGAN, RAFFERTY, DINNIMAN, FUMO, KITCHEN, ROBBINS, A. WILLIAMS, D. WHITE and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 316**, entitled:

A Resolution recognizing and honoring firefighters throughout this Commonwealth for their bravery, dedication and heroism and designating May 4, 2008, as "Firefighters' Day" in Pennsylvania.

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

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. Frederick Favire, Sebastian Velez, Mark Arthur Evans, Jr., Jonathan Kessler, Michael A. Kretchmer and to William Edward Carroll by Senator Baker.

Congratulations of the Senate were extended to Marie C. Boltz, Susan McNamara, Nathaniel Lee Manis, Joseph Robert Pecca and to Advanced Door Technologies of East Stroudsburg by Senator Boscola.

Congratulations of the Senate were extended to Jeffrey Dale Hemnitz and to the Lions Club of Bath by Senator Browne.

Congratulations of the Senate were extended to Safe Kids Allentown-Bethlehem by Senators Browne and Boscola.

Congratulations of the Senate were extended to Dr. John Reynolds, Betsy Torrence, Bob Friedman, Share Care Faith in Action, Jewish Family Service of the Lehigh Valley, Diakon and Senior Corps Retired and Senior Volunteer Program, Just Born, Inc., United Way Team, and to the Dual Temp United Way Campaign Team by Senator Browne and others.

Congratulations of the Senate were extended to Christopher Crandall Orr, Matthew Alan Buffington, Alan Lloyd Eadline and to Patrick Edward Ireland by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Nevin Hoffman and to Graycen Hilbolt by Senator Corman.

Congratulations of the Senate were extended to Chief Henry James Ohrman by Senator Costa.

Congratulations of the Senate were extended to Anatol Rychalski by Senators Costa and Pippy.

Congratulations of the Senate were extended to Patricia Hagarman, Betty Thierry, Thomas E. Mitchell, R. James Macaleer, Velma Hilton, Scott Miller, Phoenix Village Art Center of Phoenixville, Molly Maguire's Restaurant and Pub of Phoenixville and to the Rivercrest Golf Club and Preserve of Phoenixville by Senator Dinniman.

Congratulations of the Senate were extended to Joshua P. Krupa by Senator Eichelberger.

Congratulations of the Senate were extended to Lyle J. Moffitt and to Cameron Troy Pierson by Senator Folmer.

Congratulations of the Senate were extended to Betty Arlene McCready and to Mary K. Lapotsky by Senator Gordner.

Congratulations of the Senate were extended to Christian Dean Frank by Senator Greenleaf.

Congratulations of the Senate were extended to the Reverend Steven McNeil Linen and to Brenda M. Brown by Senator Kitchen.

Congratulations of the Senate were extended to Rick Bufalini by Senator LaValle.

Congratulations of the Senate were extended to Charles Frederick Knowlden III and to Jesse Edward Knowlden by Senator Madigan.

Congratulations of the Senate were extended to Ryan Matthew Bender, Joseph F. Longmore III, Natalie Joy Kaye, Carmen Thome, Sara A. Stover, Alicia Taylor, Kimberly A. Murphy,

Elizabeth Fierce and to the Pennswood Friends of the YWCA by Senator McIlhinney.

Congratulations of the Senate were extended to Eric F. Schoellkopf, Jr., Jules Joseph Hull III, Salvatore M. Cutrona, Sr., members of the Earl Township Volunteer Fire Company No. 1 of Boyertown and to the members and friends of Lt. Gen. Hunter S. Liggett Veteran of Foreign Wars Post 38 of Temple by Senator O'Pake.

Congratulations of the Senate were extended to the 2008 Wilson High School Men's and Women's Swim Teams by Senators O'Pake and Folmer.

Congratulations of the Senate were extended to the coaches and members of the Carson Middle School National Academic League Team of Pittsburgh by Senator Orie.

Congratulations of the Senate were extended to Nicholas Alexander Legros and to Sean William McAnally by Senator Pileggi.

Congratulations of the Senate were extended to Bob Fischer, George Galbraith and to Charlie Wehrum by Senator Pippy.

Congratulations of the Senate were extended to Loretta Davis by Senator Punt.

Congratulations of the Senate were extended to Christopher Kepics and to James L. Eveland by Senator Rafferty.

Congratulations of the Senate were extended to Aerzen USA Corporation of Coatesville by Senator Rafferty and others.

Congratulations of the Senate were extended to Samuel Conyette, Thomas A. Kristoff, Gerald Lucia, Jr., Richard N. Loop, Paul A. Harenchar, David Bert and to Joseph G. Rudnik by Senator Regola.

Congratulations of the Senate were extended to Kayla Bashore, Tyler W. Krouse, Lehigh Area High School, Hazleton High School, MMI Preparatory School, Tamaqua High School, Marion Catholic High School, Carbon Career and Technical Institute, Panther Valley High School, Palmerton High School, Jim Thorpe Area High School, Weatherly Area High School and to West End Fire and Rescue of Mahanoy City by Senator Rhoades.

Congratulations of the Senate were extended to Ryan Daniel Zippie and to K.O. Greene's BBQ of Sharon by Senator Robbins.

Congratulations of the Senate were extended to Matthew Heer by Senator Scarnati.

Congratulations of the Senate were extended to Lois F. Leathers, Hazel Yeager and to Helen Madlock Jollick by Senator Stout.

Congratulations of the Senate were extended to Ryan Sweeney and to Daniel Price by Senator Tartaglione.

Congratulations of the Senate were extended to Matthew P. Gorman by Senator Tomlinson.

Congratulations of the Senate were extended to Annmarie W. Hamlin by Senator Vance.

Congratulations of the Senate were extended to Matthew McGovern, Mary Elizabeth Ballard Minor, Robert G. Gabage, Helen Haynes and to Elizabeth Albert by Senator Washington.

Congratulations of the Senate were extended to Bryan R. Bosley, Zachary R. Overmiller, Paul L. DeHart III, Troy A. Cromer, Trent Edward Buschman, Daniel C. Adams, Keith M. Insley and to Mae Hewitt Jenkins by Senator Waugh.

Congratulations of the Senate were extended to Dr. Nancy J. Vickers and to Dr. Antoinette Iadarola by Senator C. Williams.

Congratulations of the Senate were extended to Clifford W. Benner, Lois Sheldon Stein, Henry Beitler, Sandra G. Kreutzer, Pauline B. Haring and to Elaine Hanley by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Gibson, Lydia Wolfe, Shelby Williams, Stephanie Sanford, Kristina Scanlan, Caitlin Sowers, Lauren Simmons, Katie Summerson, Stephanie Barrick, Anita Balough, Torie Brodish, Tara Brodish, Katie Horner, Megan Roberts, Melissa Hunt, Caitlyn Robinson and to the Moshannon Valley Economic Development Partnership, Inc., 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 Aleda Mary Harmon by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Eleanor Wiley Tetterer by Senator McIlhinney.

BILL ON FIRST CONSIDERATION

Senator FERLO. Madam President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

SB 1373.

And said bill 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 Philadelphia, Senator Stack.

Senator STACK. Madam President, today, people are squeezed by increasing prices of gasoline and food, rattled by talk of recession, and people are beginning to do without. People forced to choose between food or gasoline and health insurance are gambling with their lives. This is a risk we cannot afford to take.

In Philadelphia, 139,000 adults do not have health insurance. More than 70 percent of these individuals are employed, and the majority of them say they do not have health insurance because of, you guessed it, the cost. Philadelphia hospitals provided \$162 million in uncompensated care in 2006. Healthcare should be affordable and available to all who need it. We have the money in place to get this done.

In 2007, Governor Rendell introduced his Cover All Pennsylvanians plan. The House and the Senate have each devised similar healthcare coverage packages called Pennsylvania Access to Basic Care, or PA ABC. This plan would make affordable healthcare coverage available to hundreds of thousands of uninsured Pennsylvanians. The Senate's proposed PA ABC plan would not only provide an opportunity for affordable health in-

surance to hundreds of thousands of Pennsylvanians, but it would also eliminate the lengthy adultBasic waiting list. It is a beneficial and necessary plan.

PA ABC is projected to provide healthcare coverage to 217,640 additional adult Pennsylvanians over the next 5 years, Madam President, which is 42 percent of the estimated 513,000 uninsured adults who would be eligible for the adultBasic program. The PA ABC plan would be funded by using half of the existing funding now generated from the 25-cent cigarette tax that is not needed for Mcare abatements, as well as existing adultBasic and uncompensated care funds. Over 10 years, PA ABC would phase out the Mcare abatement program, the Mcare program, and retire the program's \$2 billion unfunded liability.

In 2002, we were worried that sharply rising medical malpractice insurance rates would limit the access Pennsylvanians have to quality healthcare. The action we took back then was highly effective at reforming the malpractice system and stemming insurance rates. The Acting Insurance Commissioner stated in budget hearings that Mcare payouts have been reduced significantly. Some insurers have reduced their malpractice rates, more insurers are doing business in Pennsylvania, and medical malpractice lawsuits are down by a third. These results have reduced the amount of money needed for Mcare payouts.

While we have weathered the malpractice crisis, there is still a problem with access to healthcare going on here in Pennsylvania. In 2002, our access problem was that doctors could not afford medical malpractice insurance. Today, our access problem is that patients cannot afford doctors. That is why it is fitting and proper that we use this money, set aside to guarantee access to healthcare, to help uninsured working Pennsylvanians. The Mcare surplus is projected to exceed \$500 million. I ask my colleagues to seriously consider this strategy for funding a healthcare access plan that serves the needs of all Pennsylvanians.

We need to act to help our uninsured constituents obtain health coverage, Madam President. I urge the leadership and all of my colleagues to make this issue a priority and pass a solid healthcare improvement plan. Thank you, Madam President.

The PRESIDENT. Thank you so much, Senator Stack.

RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Monday, May 5, 2008, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:02 p.m., Eastern Daylight Saving Time.