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MONDAY, JUNE 30, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 50

SENATE

MONDAY, June 30, 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 ROBERT NUGENT, of Saint John the Baptist Catholic Church, New Freedom, offered the following prayer:

Source of life, whose designs are inscrutable, whose compassion is inexhaustible, whose will is our peace, some name You Yahweh Adonai, some name You Father, Lord, some name You Allah. Hear our prayer today, which rises from the tumult and desperation of a world in which You are often forgotten, ignored, pushed aside by other priorities, yet always present to people who struggle and suffer and seek to co-create with You a world of peace and justice for all the earth's inhabitants, to abolish war and poverty, to raise up the dignity of the most vulnerable among us, to care for and use wisely the goods of Your creation we all share - water and air and land. We are elected leaders of Your people who share in the reordering and re-creation of a State, a nation, and a world, according to Your original vision for the human garden and one family.

Give us insight to be leaders who can tell strength from power, growth from greed, leadership from dominance, and real greatness from the trappings of grandiosity. Make us responsible leaders who can lead this State to virtue without seeking to impose our kind of virtue on the virtues of others. Make us leaders of a government that provides for the advancement of our State, without taking resources from others to achieve it. Open our hearts to learn from those who speak in different tongues. Grant light, strength, and patience to all who work for a more just society, to this Assembly, to our President, our military forces.

Give us prudence and wisdom in proportion to our power. Give us wisdom in proportion to our science and technology. Give us humanness in proportion to our wealth and might. Bless our works and projects, and will to help our citizens travel in friendship with us along the road to justice and liberty and lasting peace. But above all, help us to see that our ways are not always Your ways, that we cannot fully penetrate the mystery of Your design, that we believe that our honest and faithful efforts to please You do, in fact, please You. And we hope to have this desire in all that we do in this Assembly.

We ask these things with minds open to Your word and hearts that trust in Your eternal care. Grant to us to seek peace where it is truly found. In Your will is our peace. Amen.

The PRESIDENT. The Chair thanks Father Robert Nugent, who is the guest today of Senator Waugh.

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

INSURANCE COMMISSIONER OF PENNSYLVANIA

June 30, 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, Joel S. Ario, 720 Cocoa Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as Insurance Commissioner of Pennsylvania, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable M. Diane Koken, Lancaster, resigned.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1346**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1000**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 1096**, in which concurrence of the Senate is requested.

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

BILLS SIGNED

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

SB 1346 and HB 2428.

LEGISLATIVE LEAVES

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

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

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

CALENDAR

SB 999 CALLED UP OUT OF ORDER

SB 999 (Pr. No. 2276) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 999 (Pr. No. 2276) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 26 in Centre County as the Marine Sergeant David "DJ" Emery, Jr. Highway; designating the bridge on State Route 322 joining Clearfield and Centre Counties as the Veterans' Memorial Bridge; designating a portion of State Route 850 in Marysville Borough, Perry County, as the Army Private David E. Dietrich Memorial Highway; and designating a portion of U.S. Route 322 in Centre County as the Thomas D. Larson Memorial Highway.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 999?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 999.

On the question,

Will the Senate agree to the motion?

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

Senator CORMAN. Madam President, I know it is unusual to speak on an opening-vote bill, but this is one of those bills that toward the end of the Session--

The PRESIDENT. Will the Senators please take their seats. Senator Corman is addressing you on Senate Bill No. 999. Would you please take your seats.

Senator CORMAN. Madam President, again, this is one of those bills that has a combination of language in it from a variety of namings of local things in our districts in transportation, and I did not want this to go by without mentioning that two of these highways are named after young men who sacrificed tremendously in the current Iraq conflict - D.J. Emery, who was gravely injured, has returned to Centre County, and is doing well but has had significant injuries; and also Private David Dietrich, from Perry County, who passed away in the conflict.

Madam President, this bill also names a highway in State College after the former Secretary of Transportation, Tom Larson. Tom Larson was a tremendous public servant who took over PennDOT at a time when PennDOT was, quite frankly, a mess. It was full of patronage, it was full of debt, and he really set us on a path, I believe, when he took over in the 1980s under Governor Thornburgh, where transportation became a transportation issue and not a partisan issue. He left a great legacy for Howard Yerusolim, who was Secretary under Governor Casey; Brad Mallory, who was Secretary under Governor Tom Ridge; and our current Secretary, Secretary Biehler, under Governor Rendell, where they really focus on transportation issues and not partisanship and patronage.

He really turned PennDOT around, and it became quite a success story. Unfortunately, Secretary Larson passed away a little while back, and we miss him terribly, but this particular piece of road, the Mount Nittany Expressway, was one that he helped put together that leads Route 322 into State College into a four-lane limited access highway.

So it is a fitting tribute to a wonderful man whom we miss dearly, who was a tremendous public servant, and I just did not want it to go by without saluting Secretary Larson here today.

Thank you, Madam President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the motion?

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

YEA-50

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR J. BARRY STOUT
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, the Canon-McMillan High School baseball team is here with us today. They are the 2008 PIAA Class AAAA Boys' Baseball Champions. It has been 16 years since Canon-McMillan High School has won a State championship. That changed on June 13 in Altoona, when they were the victors of the Class AAAA playoffs.

The Canon-McMillan team had an impressive record of 22 wins and 5 losses. This team captured the first State baseball championship in the school's history, under the guidance of head coach Steve Bucci; assistant coaches Tim Miller, Ken Barna, and Jordan Abromovitz; and senior captains Chris Dittmar, Chris Douglas, Charles Murphy, and Aaron Wiegel. Through personal sacrifice, teamwork, and with the support of their families, school administrators, and peers, they made a spectacular season. They all came together at the right time. They should be commended for their outstanding dedication and sportsmanship, and personal congratulations to the Big Macs.

Madam President, I would like to welcome the Canon-McMillan Big Macs baseball team and their staff, who are with us in the gallery. I ask that the Senate give its usual warm welcome to these outstanding Class AAAA baseball State champions, the Big Macs from Canon-McMillan High School.

Thank you, Madam President.

The PRESIDENT. Will Coach Bucci, the assistant coaches, and the whole team please rise. PIAA baseball champions. Thank you.

(Applause.)

**GUESTS OF SENATOR LISA M. BOSCOLA
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, I am honored to have several interns working throughout my various offices this summer. A few of those interns are in the gallery today, and I would like to formally recognize them.

Courtney Swett is spending her second summer in my Stroudsburg office. Courtney is currently in her senior year at East Stroudsburg University and is majoring in education with a concentration in English. She is looking forward to going on to law school after she receives her bachelor's degree from East Stroudsburg University. And I would like to point out that Courtney is the daughter of Sue Swett, who works in Senator Fumo's office. So there is a special affinity there.

I have another intern, Jonathan Allotey. He is in his senior year at East Stroudsburg University as well. At ESU, he is a political science major. And not only does he work in my Stroudsburg office, but he also comes to Bethlehem and works there a day a week.

Then we have Daniel Jurasits, who works in my Bethlehem office and just completed his junior year at West Chester University. He is a political science major as well, with a history minor.

Last but not least is Shannon McLanahan. She has been a tremendous asset to my Harrisburg office. She is going to be a sophomore at West Chester University, where she is a health science major. Another special note, Shannon is the daughter of Deb--stand, please, come on--working in the Senate. Yeah, there is mom.

So I just wanted to say, these interns have worked very hard to get where they are today. More importantly, they are devoted, and they work hard every single day in my offices for those people in the 18th Senatorial District. I am proud of them in all three of my offices, proud that they are represented today. These are dedicated, solid interns and great assets to my office. So please give them a warm round of applause.

The PRESIDENT. Will Courtney Swett, Jonathan Allotey, Daniel Jurasits, and Shannon McLanahan all please rise so we can welcome all of you.

(Applause.)

LEGISLATIVE LEAVE CANCELLED

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

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 Banking and Insurance to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room. I expect that the caucus will last approximately 1 hour.

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

Senator O'PAKE. Madam President, I request a Democratic caucus at the conclusion of the meeting of the Committee on Banking and Insurance.

The PRESIDENT. For the purpose of a meeting of the Committee on Banking and Insurance, to be followed by 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.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 2179**.

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:

June 30, 2008

HB 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2340, 2341 and 2342
-- Committee on Appropriations.

HB 2648 -- Committee on Public Health and Welfare.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings to occur during this evening's Session: the Committee on Appropriations, to consider House Bill No. 2313 through and including House Bill No. 2338, House Bills No. 2340, 2341, and 2342, and also House Bills No. 1116, 1788, 2458, and 2522; the Committee on Environmental Resources and Energy, to consider House Bills No. 1202, 2539 and 2546, and Senate Resolution No. 344; and the Committee on Public Health and Welfare, to consider House Bill No. 2648.

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

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

INSURANCE COMMISSIONER OF PENNSYLVANIA

June 30, 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 April 29, 2008, for the appointment of Joel S. Ario, 720 Cocoa Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, as Insur-

ance Commissioner of Pennsylvania, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable M. Diane Koken, Lancaster, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nomination will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations 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 PENNSYLVANIA PUBLIC UTILITY COMMISSION

June 19, 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, Wayne E. Gardner, 505 Buttonwood Drive, Downingtown 19335, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2013, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Wendell F. Holland, Bryn Mawr, 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-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Oric	Tomlinson

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

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.

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 PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

June 19, 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, Robert F. Powelson, 135 Viburnum Drive, Kennett Square 19348, Chester County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Terrance J. Fitzpatrick, Hummelstown, resigned.

EDWARD G. RENDELL
Governor

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

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

Senator PILEGGI. Madam President, I rise in support of Robert F. Powelson's confirmation to the Public Utility Commission. I am particularly pleased to support this nomination because Rob, who lives in Kennett Township in Chester County, is a resident of the Ninth Senatorial District whom I have known for many years.

The PUC deals with some of the most complex and important issues facing Pennsylvania today, including addressing electric rate mitigation, implementing the alternative energy portfolio standards, and increasing the public's focus on energy conservation. Rob brings to the job an in-depth knowledge of Pennsylvania's business climate, a concern for all utility ratepayers, and a creative and innovative mind. His point of view as someone who understands the perspectives of both job creators and consumers will be vital in making wise decisions. Rob is also committed to

the environment, and that commitment will be reflected in his work on the PUC.

I believe that Pennsylvania needs people with well-rounded perspectives to serve on the PUC, and Rob Powelson is such a person. He is the current president and CEO of the Chester County Chamber of Business and Industry, a position he has held since 1995. He has done an excellent job of leading the chamber, which serves businesses in one of our State's fastest growing areas. In his position at the chamber, Rob has worked aggressively to promote renewable and alternative energy here in Pennsylvania. He is well-versed on the kinds of issues which come before the Commission. Rob is also known for his ability to find solutions to often complex problems, a skill that will serve him well as Commissioner.

Rob is a fellow graduate of Saint Joseph's University and holds a master's degree in governmental administration from the University of Pennsylvania. Madam President, Rob Powelson will be an excellent addition to the Public Utility Commission. I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, I join with Senator Pileggi on this side of the aisle in endorsing the nomination of Robert Powelson. He will be an excellent member of the PUC, and I am very proud that both Wayne Gardner and Rob Powelson come from Chester County, and I want to assure the Senate that we are giving you two of our finest sons to do service here in the Commonwealth as we face the critical issues of rate regulation and other energy concerns.

Robert Powelson and Wayne Gardner are two of the best possible candidates for this position, and I am happy to join with Senator Pileggi in endorsing Mr. Powelson.

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

Senator RAFFERTY. Madam President, I want to echo the sentiments of Senator Pileggi and Senator Dinniman. We are making two fine choices here for the PUC in both Rob Powelson and Wayne Gardner. They are both very effective administrators. They are both very innovative in their fields, and they will continue to carry that forth on the Public Utility Commission, and I am happy to see Pennsylvania served by men of such integrity.

Thank you, Madam President.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEA-50

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

Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

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.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

June 17, 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, Norman Gavlick, MBA, CPRW (District 7), 388 N. Maple Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick Osifat, Tresckow, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

May 12, 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, Frank M. Snyder II, 420 Ann Street, Reynoldsville 15851, Jefferson County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until June 13, 2009, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John S. Detrick, Carlisle, resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson

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

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.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 949 (Pr. No. 2275) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for bituminous coal mines; and making a repeal.

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 949?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 949.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I rise to urge a "yes" vote for this historic piece of legislation, the Bituminous Coal Mine Safety Act. It is the first major revision of Pennsylvania's coal legislation in 50 years, sponsored by Senator Kasunic. It incorporates many of the recommendations that were made by the Quecreek Commission after the Quecreek incident, which was a miraculous rescue of nine miners from underground.

The principal and most important feature of this act is it creates the Board of Coal Mine Safety that has the power going forward to develop regulations and, where appropriate, make our regulations consistent with Federal mine regulations. The board

will consist of seven members: three owners from the mining industry appointed by the Governor, three from the miners appointed by the Governor, and it will be chaired by the Secretary of the Department of Environmental Protection.

It directs DEP to establish a mine rescue program. It creates and maintains, at DEP, a repository of maps. If you recall, one of the problems with Quecreek was that there was a breakthrough into a section of a mine that had not been shown on their maps. It establishes specifications for electrical and diesel-powered equipment that is used below ground and, for the first time, authorizes DEP to assess penalties against a mining official and up to \$200,000 against a mine owner for willful violation of safety standards.

I just have to thank so many people who worked on this. This has been a very, very long process. I think the bill is something like 250 pages. When Senator Musto and I convened the first meeting of the stakeholders, we left that meeting thinking that this was an impossible task. But it has come together today, and the Governor became personally involved in it, as did Secretary McGinty. They sat in on the negotiations at the end when we were at an impasse.

Scott Roberts of the Office of Mineral Resources Management at DEP was a phenomenal help, as well as Joe Scaffoni, Mark Roda, and Doug Brennan. Staff people - Richard Fox from Senator Musto's office, Will Dando from Senator Kasunic's office, and Tara Smith from Representative DeWeese's office - did a lot of the wordsmithing and language and difficult drafting on these very highly technical issues. George Ellis of the Pennsylvania Coal Association was wonderful. He sat, again, at the meetings, personally sat through hours of negotiation. And last but not least, Patrick Henderson of my staff kept this whole thing running and kept me informed and involved.

We always forget to thank the legislative drafting people upstairs. You know, they are hidden away, but when you hit them with a very large bill at this time of the year, when everything is a priority, they always come through. I do not have their names, but they know who they are, and I have a big thank you for them for getting such a big, massive piece of legislation ready to be voted on here today by this body.

Madam President, this is our thank you to the men and women who toil beneath the ground in the mines of Pennsylvania, who produce so much of the coal that makes our lives better. It keeps the lights on, it keeps the power flowing to our plants and businesses, and now, this is the very best we can do to give them a safe working environment and to protect them and to help their families have them come home safely from work every day.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Mary Jo White, for your comments on the bituminous coal mine industry.

The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Madam President, today is a historic day for the bituminous coal mining industry in the Commonwealth of Pennsylvania. The last time we rewrote the Commonwealth bituminous coal law was 1961, 47 years ago. I think everybody would agree with me that this is long overdue. Today, I am proud to say, with the enactment of Senate Bill No. 949, the Common-

wealth will have in place the best coal mine safety law of anywhere in the land.

Madam President, Senate Bill No. 949 will provide our bituminous coal mines with a law that will adapt as new technologies and safety measures are found. No longer will we be dealing with antiquated laws dealing with cleaning of stables, horses and mules in the mines, or open flames. Madam President, this bill brings us into the 21st century with the new mining technologies and the new mining ways. Longwall mining is a prime example of that. Most importantly, Madam President, Senate Bill No. 949 will provide those men and women who work underground with safety provisions that will reduce accidents and save lives.

Madam President, I would like to thank everybody who was involved in bringing this about. I would like to thank everybody who had anything to do with this on behalf of those men and women who work underground and, more importantly, or I should say also as important, for the families of those miners, the husbands and the wives and the sons and daughters of those coal miners who work in the most dangerous profession in the nation, Madam President.

Madam President, I was at Quecreek in 2002 when that miracle took place, and for those 70-some hours, Madam President, nobody was thinking in terms of a miracle. Although we were praying for that miracle, I am not sure anybody other than the families that prayed so hard believed that we would be able to save those nine miners. Madam President, I prayed with those families. I cried with those families at the Sipesville Fire Hall.

Madam President, I quickly recognized the need to update our mine safety laws. The question arose, how did we ever let this get into this situation, where we could not control what was actually happening? How could we break into an abandoned mine? The reason was we had no mine map repository on record, and unbeknownst to those miners, that wall of water was right in front of them when they broke in there, Madam President. This certainly led me to the idea that something needed to be done and had to be done quickly. When we can pinpoint a space on the moon or, a star in outer space, or something on Mars, why is it that we could not locate a man or a group of men 600 feet underground?

We needed to move forward, and some of the ideas that I was coming up with were: needing the ability to use GPS systems underground that work, underground-to-ground communications, safety chambers, and more oxygen caches. These were the things that I started thinking of immediately that we needed underground. Along with many other people who were doing research and development, we were able to formulate ideas. The idea we came up with was, instead of trying to write these all into the bill, we formed the Board of Coal Mine Safety, which will be made up of men and women from the industry and from the United Mine Workers, and the Secretary of the Department of Environmental Protection.

We need to also recognize the fact that we were very fortunate. We were very fortunate in recent times that no real accident or tragedy did take place while we were formulating this. It took us, Madam President, 6 years to get to this point, but we are here now, and I am proud to say that we do have that mine safety bill in place that is going to protect those men and women. My feelings were reinforced, Madam President, with the more recent

accidents that took place, the disasters that took place in West Virginia at the Sago Mine, and the Crandall Canyon Mine in Utah.

Madam President, Senate Bill No. 949 incorporates key recommendations from the Governor's Commission on Abandoned Mine Voids and Mine Safety, the DEP/MSHA Quecreek investigation team, and the Quecreek Grand Jury. Senate Bill No. 949 will provide better assurances that an accident like that does not repeat itself.

Madam President, I would like to first and foremost thank Governor Ed Rendell for the time that he spent with us on Thursday afternoon, several hours negotiating this. His presence certainly was felt there and gave a sense of reality to all of us that time was of the essence, and the urgency to get this done. Madam President, he played an instrumental role in reaching an agreement on this legislation. He kept all the parties at the table and made us work our differences out.

Additionally, Madam President, I would like to thank Secretary Kathleen McGinty and Deputy Secretary Scott Roberts and the staff in the Bureau of Deep Mine Safety. Their professionalism and expertise in this highly technical industry is unparalleled. I also would like to thank both Senator Mary Jo White and Senator Musto. It was with their persistence and patience that we reached a final agreement.

Madam President, I would like to also thank the members of the Department of Labor and Industry who participated, especially the president of United Mine Workers of America, Cecil Roberts, who got involved personally and also spent Thursday with us. His personal involvement in this was instrumental to the passage of this legislation. Also, I thank the Pennsylvania Coal Association for demonstrating its commitment to insuring that Pennsylvania mines are the safest in the nation, Madam President.

I would also like to take the opportunity to thank the staffs, here in the Senate, of Senator Mary Jo White, Senator Musto, and my chief of staff, Will Dando, who put in countless hours over the last year developing the language of this legislation.

Madam President, as we all know, coal is and will continue to be the Commonwealth's primary source of energy production. Recent statistics show that coal provides 55 percent of Pennsylvania's energy and over 50 percent nationally. The continuous production of coal in this State will allow us to further decrease our dependence on foreign oil. Senate Bill No. 949 is the first step to make certain that this happens.

Once again, Madam President, I would like to thank everybody who played a role in this, and once again, on behalf of the miners who are working in the most dangerous profession in this nation, I thank you on their behalf, and I thank you on behalf of all the families involved. Thank you.

The PRESIDENT. Thank you, Senator Kasunic, for clarifying that Pennsylvania now has the best coal mine safety law in the nation.

LEGISLATIVE LEAVES

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

Senator ORIE. Madam President, I request temporary Capitol leaves for Senator Piccola, Senator Punt, Senator Pileggi, and Senator Corman.

The PRESIDENT. Senator Orie requests temporary Capitol leaves for Senator Piccola, Senator Punt, Senator Pileggi, and Senator Corman. Without objection, the leaves will be granted.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-50

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 483 (Pr. No. 2163) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for definitions, for maximum lawful interest rates, for residential mortgage interest rates, for penalties and for enforcement.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 483?

Senator ORIE. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 483.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	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 inform the House of Representatives accordingly.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 484 (Pr. No. 2251) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for general scope of supervision and exercise of discretion; prohibiting disclosure of certain information; further providing for criminal history record information; and providing for conduct of administrative proceedings relating to institutions and credit unions.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 484?

Senator ORIE. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 484.

On the question,

Will the Senate agree to the motion?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance

Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 485 (Pr. No. 2252) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for certification renewal and records, for disciplinary and corrective measures, for reinstatement of certificate, for surrender of suspended or revoked certificate and for penalties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 485?

Senator ORIE. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 485.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 1510 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL OVER IN ORDER

HB 7 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL AMENDED

SB 903 (Pr. No. 2264) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for contracts relating to consulting; and making a repeal related to form and legality review of consulting contracts.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WOZNIAK offered the following amendment No. A8312:

Amend Sec. 2 (Sec. 1102), page 5, by inserting between lines 2 and 3:

"Commonwealth government." The government of the Commonwealth, including the courts and other officers or agencies of the unified judicial system, the General Assembly, and its officers and agencies, the Governor, and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth, but the term does not include any political subdivision, municipal or other local authority, or any officer or agency of any such political subdivision or local authority.

Amend Sec. 2 (Sec. 1103), page 5, lines 20 and 21, by striking out all of line 20 and "COMMONWEALTH" in line 21 and inserting: No agency of Commonwealth government

Amend Sec. 2 (Sec. 1104), page 6, line 20, by inserting before "NOTWITHSTANDING": (a) General rule.

Amend Sec. 2 (Sec. 1104), page 7, by inserting between lines 1 and 2:

(b) Applicability.—This section shall apply to executive and independent agencies of the Commonwealth.

On the question,

Will the Senate agree to the amendment?

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

Senator WOZNIAK. Madam President, I understand this is an agreed-to amendment. What it basically does is treat the three co-equal branches of government the same. Thank you.

And the question recurring,

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 ORIE

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for purposes of meetings of the Committee on Appropriations, the Committee on Public Health and Welfare, and the Committee on Environmental Resources and Energy.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations, the Committee on Public Health and Welfare, and the Committee on Environmental Resources and Energy, without objection, the Senate stands in recess.

AFTER RECESS

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

JUDGE, COMMONWEALTH COURT
OF PENNSYLVANIA

June 20, 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, The Honorable Johnny J. Butler, 7808 Caversham Drive, Elkins Park 19027, Montgomery County, Fourth Senatorial District, for appointment as Judge of the Commonwealth Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable James Gardner Colins, resigned.

EDWARD G. RENDELL
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

June 20, 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, The Honorable John M. Cleland, 446 Greendale Road, Kane 16735, McKean County, Twenty-fifth Senatorial

District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable Debra Todd, elected to the Supreme Court.

EDWARD G. RENDELL
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

June 20, 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, The Honorable Robert A. Freedberg, 434 Dogwood Terrace, Easton 18040, Northampton County, Twenty-fourth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable Seamus McCaffery, elected to the Supreme Court.

EDWARD G. RENDELL
Governor

JUSTICE, SUPREME COURT OF PENNSYLVANIA

June 20, 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, The Honorable Jane Cutler Greenspan, 7315 Elbow Lane, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 2010, vice The Honorable Ralph J. Cappy, resigned.

EDWARD G. RENDELL
Governor

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

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

Senator ORIE. Madam President, on behalf of the Majority Leader, Senator Pileggi, I would like to read his comments for the record. (Reading:)

I rise in support of these judicial nominations. It is gratifying that we are here today considering a group of four nominees who truly reflect our Commonwealth. I believe that all four judges - Judge Greenspan, Judge Freedberg, Judge Cleland, and Secretary Butler - will be tremendous jurists on our appellate courts.

These outstanding individuals have 18 months to make their mark as they deal with the many complex issues which will come before them. I have full confidence that they will serve the Commonwealth with distinction.

Madam President, I ask for an affirmative vote.

And the question recurring,
Will the Senate advise and consent to the nominations?

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

YEA-50

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

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 1067 and SB 1134 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1247 (Pr. No. 1690) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, further providing for appeals by municipalities.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Fumo	O'Pake	Stout
Baker	Gordner	Orie	Tartaglione
Boscola	Greenleaf	Piccola	Tomlinson
Browne	Hughes	Pileggi	Vance

