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No. 65

SENATE

THURSDAY, November 20, 2008

The Senate met at 3:30 p.m., Eastern Standard Time.

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend Monsignor WILLIAM F. GLOSSER, of Saint Clare of Assisi Catholic Church, Saint Clair, offered the following prayer:

For 14 years, I was Senator Rhoades' parish priest. But for 24 years, Jim Rhoades was my friend, my sounding board, and my confidant. Jim, for the past 10 years, has been after me to be able to come down here and say a prayer as I am doing today, and I wish I were here under happier circumstances. But I know that all of us are united with my friend, because Jim will always be a part of our lives, and all of us who loved him will always feel his presence in our midst.

Let us pray.

O God, who guides our hearts and minds, who has given us all the potential to be who we are and what we can be, enlighten us as legislators to be the voices of the poor, the unemployed, and the needy. Challenge us to be visionaries for the education of our youth and the continuing development of our Commonwealth. May we protect the interests of our elderly, whose lives have been our foundation stones. Help us, this day and every day, to never forget the ordinary people we have been elected to serve and whose interests we represent.

Lastly, Lord, as we in this Session of the Senate remember one who has been a part of these Chambers for the past 28 years, help us to remember Jim Rhoades as an advocate, a model of compassion and empathy, and one who challenged the status quo. Mostly, Holy God, may Jim's presence always be felt in our lives as a man of truth and faith, the one always first to extend a hand in service, forgiveness, and compromise. Amen.

The PRESIDENT pro tempore. The Chair thanks Monsignor Glosser, who is the guest today of the Rhoades family. The Chair might add that until recently, Monsignor was the pastor to the Rhoades family when he was assigned to their home parish.

PLEDGE OF ALLEGIANCE

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

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained leaves of absence for Senator FUMO and Senator C. WILLIAMS, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
JOURNALS APPROVED**

The PRESIDENT pro tempore. The Journals of the Sessions of October 6, 2008, and October 7, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of October 6, 2008, and October 7, 2008.

Senator PILEGGI. Mr. 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-47

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

NAY-0

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

The PRESIDENT pro tempore. The Journals are approved.

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

**SPECIAL ORDER OF BUSINESS
MEMORIAL SERVICE FOR FORMER
SENATOR JAMES J. RHOADES**

SENATE RESOLUTION No. 419 ADOPTED

Senator SCARNATI, by unanimous consent, offered **Senate Resolution No. 419**, which was read by the Clerk as follows:

A RESOLUTION

Honoring the life of Senator James J. Rhoades and extending condolences to his family.

WHEREAS, Senator James J. Rhoades, who contributed more than 40 years of his life as a public servant and outstanding educator, died on October 18, 2008, at the age of 66; and

WHEREAS, Senator Rhoades, a proud resident of Schuylkill County, began his professional career as a teacher and coach; and

WHEREAS, Senator Rhoades became the principal of Mahanoy Area Junior High School in 1971; and

WHEREAS, In 1980, Senator Rhoades was elected to the Senate from the 29th Senatorial District which is now comprised of Schuylkill, and parts of Berks, Carbon, Lehigh, Monroe and Northampton Counties; and

WHEREAS, Senator Rhoades was serving his seventh consecutive term as a Senator at the time of his death; and

WHEREAS, Senator Rhoades was known for his booming voice and his passionate advocacy for his constituents and, as a son of the coal region, his life embodied its values with focus on faith, family and community; and

WHEREAS, Senator Rhoades became chairman of the Education Committee in 1991, where his love of education and concern for students earned him the respect and admiration of all involved in education; and

WHEREAS, Senator Rhoades became one of the Senate's foremost authorities on education issues; and

WHEREAS, Through his leadership on the Education Committee, Senator Rhoades worked to enact several major educational reforms, such as the Safe Schools Act, the Pennsylvania Interscholastic Athletics Accountability Act, the Teacher Continuing Professional Education Act and the Head Start Supplemental Assistance Program; and

WHEREAS, Senator Rhoades was an integral and much respected part of the Senate for 28 years; and

WHEREAS, Senator Rhoades successfully strove for an expansion of PACE and PACENET benefits and was a leader on many issues impacting the economy and the lives of working Pennsylvanians; and

WHEREAS, Senator Rhoades was an affable man who always had a greeting for everyone he encountered; and

WHEREAS, Senator Rhoades was a devoted husband to his wife, Mary Edith Holland Rhoades; and

WHEREAS, Senator Rhoades was a proud father to daughter Alisa and sons James, Jr., and Michael and grandfather to Meredith, Logan, Porter, John, Caroline, Chase and Christopher; and

WHEREAS, Senator Rhoades, with his unique style and positive demeanor as a Senator, as well as his sense of decency and integrity, will be sorely missed; therefore be it

RESOLVED, That the Senate honor the life of Senator James J. Rhoades, express profound sorrow over the loss of this outstanding public servant and extend heartfelt condolences to his family.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Madam President, I want to first start off by thanking Ali, Chris, Colleen, Jim, grandchildren,

family, friends, staff, for being here with us for this difficult time. Today we gather to honor the memory of our colleague, James Rhoades, a great Senator, a great man, and a great friend to all of us.

Jim Rhoades was a regular guy from the coal country. He was never pretentious. He never minced words. He never forgot his small-town roots and where he came from. The ex-football coach, teacher, and principal fought for the boys and girls of Pennsylvania. He had a passion for education, and wanted every child to have the same opportunities he had so they could reach their potential. He was not afraid to fight for what he believed in, but he did so with decency, respect, and humor, and he never made it personal. Jim was beloved in his district by the working folks whom he represented so well: the firefighters, the small business owners, the coal miners, the factory workers, all who stood in line for hours to pay their respects at his funeral. They knew he was always on their side and that he understood their struggles.

Above all, Jim Rhoades was a man with a deep, abiding faith and a strong and loving family, who are here with us today to join in this tribute. At Jim's funeral, his son told us all that his father often said, life is not fair, but that is no excuse. It certainly is not fair that Jim Rhoades was taken from us so soon. He had so much to give to this Chamber, to his constituents, to this Commonwealth, and to his family, but he believed, and he lived a good life. He fought the good fight for those he represented. He raised a wonderful family, and he leaves behind so much to honor his name.

Jim never made excuses. He just did his job the very best he could and fought for what he believed in, whether it was making the property tax system more fair or working to make our schools better and more accountable. He had a passion for public service, and he loved every minute of his job. His passing leaves a huge void in this Senate, one that will never be replaced. We will all miss his smile, his laughter, and his larger-than-life presence.

Today we are here to honor and remember this wonderful man and his dedicated public service. Please join me in watching a tribute to the life and legacy of Senator Jim Rhoades, our friend and our colleague.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair requests that Senator Scarnati return to the rostrum to continue presiding over the balance of this ceremony.

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

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

Senator O'PAKE. Mr. President, on behalf of the Democratic Caucus, I extend my heartfelt condolences to Jim's wife, Mary Edith; his sons, Jim, Jr., and Michael; his daughter, Alisa; his seven grandchildren, all of whom were his top priority in this life; and to all of his family and friends here today. We have lost a colleague who not only had our admiration and respect, but whom I truly regarded as a friend.

Jim and I shared a very personal connection. He lived in, as well as represented, my father's hometown, Mahanoy City, in the

hard coal mining regions of Schuylkill County. Jim and I also represented neighboring districts for 28 years. Through all those years, there was never any doubt in my mind or in those of anyone who worked with him about whose interests Jim Rhoades represented. If you were a student, an educator, a parent, a worker, or a senior citizen, he was on your side. If you were from Schuylkill County, the odds were good that he knew you and much of your family.

The people he represented with commitment and vigor for nearly 30 years have lost a Senator whose passion in representing them was second to none. His constituents' regard and love for him was apparent in the willingness of so many of them to stand in line for over 2 hours on a Friday afternoon and evening to pay their respects at his viewing and by the need to hold his funeral Mass, appropriately enough, in the Mahanoy Area High School rather than in his parish church, Blessed Teresa of Calcutta, where Jim was a lector, as he was also at St. Canicus.

Jim's character reflected his roots, and like the throwback coal-region footballer of his youth, when he took a position, you had to be prepared to be stronger than he, faster than he, smarter than he. All three would be better, and none of them was easy. He was strong-willed but not closed-minded, tough-skinned but not hide-bound, and he was no ideologue. In a climate that often seems driven by or to division, Jim disliked dividing lines and had no problem crossing them when he thought the issue required it, and he encouraged others to do likewise. Jim had a saying I will always remember: Get used to it. His seat is now empty. Jim, we will get used to it, but it will never be the same here in the Senate.

The hole left among us by his passing will be filled with memories of him, that those of us who knew him and respected him will always carry. I pray that he will find peace and rest on the other side and trust that his family will find solace and comfort in the many, many lives that his dedicated service improved.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, we are here today with heavy hearts, mourning the loss of our good friend, Senator Jim Rhoades. He was a Senator like no other.

At a time when every American understands the concept of spin doctoring, Senator Rhoades always said exactly what was on his mind. It was a refreshing dose of candor in a world where we are too often fed sugarcoated sound bites. Senator Rhoades spoke forcefully on behalf of working Pennsylvanians and the boys and girls in our schools. He was a big man with a big voice, and he put that voice to good use, advocating for the residents of the 29th Senatorial District. Senator Rhoades had no hidden agendas. For him, the only agenda was to improve the lives of the people he represented.

Senator Rhoades never forgot his roots, not for a single second. He was raised and educated in Schuylkill County, and that is where he married Mary Edith, and together they raised three children. Senator Rhoades truly reflected the practical, hardworking communities of his home county. In caucus discussions, in committee meetings, and on the floor of this Senate, Senator Rhoades earned the respect of his colleagues.

His legislative accomplishments are too numerous to mention, but one of the many things we respected was his determination to represent his constituents, even if it meant swimming against the Harrisburg tide. For Senator Rhoades, his constituents always came first, ahead of party interests, special interests, and everything else. He set an example that we all seek to follow. On occasion, Jim would threaten to filibuster issues on the floor of the Senate by bringing packing boxes filled with material about a particular issue to read into the record. He did not have to follow through on those threats very often, because we knew that he always had his finger on the pulse of his constituency, and if he was serious enough to threaten to bring out the boxes, he had a point that we should all listen to very carefully.

Although there will be a special election sometime early next year, there is no way to replace Senator Jim Rhoades in the Pennsylvania Senate. I am grateful for having the opportunity to serve in the Senate with Jim, and I thank his family for the many sacrifices they made to support his service here.

Thank you, Mr. President.

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

Senator BAKER. Mr. President, I had the distinct honor of serving in this Senate with Jim Rhoades for just under 2 years, but I must tell you, I worked with him and watched him in vigorous action for nearly a quarter of a century. He was true to his background, true to his training, and true to his community. When you understood his deep commitment to personal faith, you also came to understand his fundamental faith in people. Jim Rhoades may have offered more life lessons and more words of wisdom from football than anyone in our experience. We will forever hear his trademark phrases that rolled out when he was wound up on a subject. He always preached playing offense in trying to create opportunities for communities, in trying to help people deal with their problems. He worked as hard to get the ball across the political goal line as he did on the gridiron. But he truly excelled in playing tenacious--tenacious and often immovable--defense, defending jobs, defending industries, defending institutions, defending local interests, defending a way of life that was important to him. And even if you did not agree with him, you had to respect his dogged determination.

He was proud of the special character of the region he represented. Whether the issue was jobs, education, or healthcare, he made sure that the coal region, his home, was always part of that discussion. He wanted to make sure that the people and the places who built Pennsylvania of yesterday would be part of the play in building Pennsylvania for tomorrow. And while his professional achievements were extensive and noteworthy, the stories that his children told at his funeral were profoundly affecting, about a father who struck the right balance in life and provided the right example.

Lee Iacocca said, "No matter what you've done for yourself or for humanity, if you can't look back on having given love and attention to your own family, what have you really accomplished?" With abundant love and affection, Jim Rhoades gave to his family, to his neighbors, to those he worked with. He left a legacy of substantial, admirable, and lasting gifts. It is with deep sympathy we stand here today. We will miss our dear colleague and friend. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, it is an honor to be a part of this tribute to the life and career of Senator Rhoades, and what I chose to share this afternoon is our relationship not around the water cooler but around the elevator. We always talked at the elevator. We always talked while walking to the Chamber, and no matter what, he always took that time to smile and say a couple of funny lines.

And yes, sometimes after Session, we would vent, but that is okay. One day, he was talking, and I said, are you venting, Senator? And he said, yes, are you? I said, yes, but it is okay to vent, because it is very different from complaining. People who complain talk and do nothing, but Senator Rhoades talked about what could be done, and a lot of those things he brought to fruition. And sometimes, he would inject it in a sarcastic kind of way, but it was always funny. He always could put a smile, I know, on my face after a hard day here.

Among the things we talked about were our districts. And I was telling him, you know, how the price of real estate was so high in Philadelphia, and he said, come up to my district, and I can show you some beautiful homes that are reasonably priced. So that was one goal that I looked forward to. I was going to come up and visit his district, because he said he could show me a beautiful house for much less than what they were going for in Philadelphia.

Senator Rhoades was a real soldier for the people, not only for his district but for the people of Pennsylvania. He was always looking for new ways to help people, always creating ideas that could be brought forth. And of course, his advocacy for education for all people, for all students in Pennsylvania, is one of the best ways to equalize the quality of life for all people.

We have a void here today. We will miss him, but we have to remember him for his good works, and I will always remember those discussions, not around the water cooler, but around the elevator.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, my condolences to the Rhoades family.

Jim was a man of unquestioned faith, as we have heard numerous times already. Jim was a man of sterling integrity. And as many of us saw firsthand at his funeral, Jim was a man 100-percent committed to his family. My prayer today is that everyone hearing my voice, on behalf of our good friend, Jim Rhoades, go home this evening, or whenever you can get home, and give your family an extra hug, and tell them how much you love them. It was perfectly clear at the funeral, Jim did that with his family as often as he could, and I know that many of us can do better, and by following Jim Rhoades' lead and his legacy, I pray that many of us will do better.

God bless Jim Rhoades, and God bless his family.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Erickson.

Senator ERICKSON. Mr. President, one of the joys of this job is having the opportunity to meet and work with some very fantastic people. Jim Rhoades was one of those fantastic people. He

was totally dedicated to improving the educational system in our Commonwealth and, of course, improving everything that dealt with life in his district and for his constituents. He was selfless in that pursuit.

He had varied interests that included sports and, particularly, football. I used to really enjoy sitting back here and watching Jim diagram plays. And I wonder whether some of those plays are still in his desk. What a fantastic playbook that would make. I will bet you some football team would kill for that. That would just be something that would be right up his alley.

I indicated he had many interests, but paramount among those interests was his family. He took great delight and pleasure in his family's attainments and successes. I guess you could even say he bragged about his family, but then after all, a father can do that. We thank Jim's family for sharing him with us. I consider myself a much better person for having known and worked and been in the presence of Jim Rhoades.

My thoughts are all positive, and even in tragedy, his memory elicits a smile and a very warm thought. Jim's successor has a daunting task: to fill the slot vacated by Jim, and then to carry on his work. He will be sorely missed in this Chamber and on a personal level. My condolences to the family.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I had the distinct honor of sharing an office with Jim, and many a time after leaving the floor, we would either sit in his office or my office and talk about the items of the day and debate a little bit more about what we did not quite finish here, and I really treasured those moments, those personal moments that I had with Jim.

He and I shared a couple of other things. We both played football. He obviously played for the wrong team at Stroudsburg, and I played for the right team at West Chester, although when he was at Stroudsburg, they won, and when I was as at West Chester, we won. But we shared that commonality of athletics and football.

And I think we also probably shared a little too much passion when we brought it onto the floor here in some of our arguments, but Jim was quite an advocate for his community, and he loved his community. It was so wonderful and heartwarming for me to go to the viewing and see people standing in line for 2 hours, go to the funeral, and I will never forget driving out of Mahanoy City after the funeral, in the center of town, every single house had a "Reelect Jim Rhoades" sign. Every single house on the way out. And I do not think there was a fire company or a firetruck for miles around that was not at Jim's funeral.

It was a tribute to a man who loved his community, was proud to be from his community, and told us every day how much he was proud to be from his community. He was proud to be a coal cracker, proud to be from Mahanoy City, proud to be from Schuylkill County, and came up here day after day, month after month, year after year, and fought for the people from his community. And he did it with great passion and did it with great honor, and he truly wore that on his sleeve. Truly, Jim was a big man, had big hands, big shoulders, a big heart, and a big love for his community.

He and I, a couple of times, talked about some old coaches, and one of the coaches whom we both admired was Vince Lombardi, and Vince Lombardi's tenets were God, family, country, team. Now, sometimes we mix that up a little bit and put the family in front of the team and community in front of the family, and we do that all the time, but Jim had his priorities right. Jim believed in his God strongly. He believed in his family and loved his family above anything else, and he loved his community and worked for his community as hard as any person I have seen in this Senate.

We are going to miss him. God bless you, and thank you for letting us have him for those few years we did.

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

Senator ORIE. Mr. President, there are no words to describe the loss we feel since Senator Rhoades was taken from us. We had the highest respect for him as a legislator, a colleague, and a friend. There is a void in the Pennsylvania Senate without Jim Rhoades, and there is a void in all of our hearts.

All of us in the Senate can attest to the magnificent way he carried out his duties as a State Senator. He was fully and completely dedicated to his constituents and the Commonwealth, always putting his legislative duties first. In addition to that, he was a friend, a dear friend, to many of us who served with him. He was admired, respected, and a professional of the highest caliber. Jim will be greatly missed by everyone who knew him on both sides of the aisle.

I had the privilege of sitting next to Jim Rhoades when we were in caucus for over 6 years, and I got to know the man Jim Rhoades. I saw firsthand how his life was devoted to his faith, his strong Catholic faith, and the people he served. The little cross he wore on the lapel of his blazer, the rosary he carried with him touched my heart. I saw him live his faith every day and knew how much it meant to him. His public service was an extension of his faith. He actually lived his faith.

There is one instance that touched me most, and it happened the last day we were in Session in October. A little boy was visiting the State Senate, a guest of Senator Eichelberger. He would go around to each of the Senators, asking for their autographs. When the time came to get to Jim Rhoades, Jim Rhoades took him aside over here in the corner and sat with this young boy for 45 minutes, asking him questions like he was his own grandson, asking him about school, athletics, even admonishing him to stay away from dating and girls and to stay focused. I know that this young boy will remember and cherish this autograph because of the special love that was put into that autograph. I think what is most important is it encapsulated the Jim Rhoades whom I sat next to for 6 years - his fondness for children and his love for education and the welfare of every child.

Now I look back on that day, and I see that God gave me a special gift. I was able to sit and talk with Jim Rhoades for over an hour that last day, and we often did not have an opportunity to do that. And I think that was God's way of giving me a way to say goodbye to a truly special friend. Words cannot express the impact or the influence his friendship has had on my life.

Jim will remain a part of our hearts and will always be remembered as a great public servant, a great mentor, and a special friend. He was an inspiration in his personal life and his profes-

sional life. His spirit will live on in the Senate Chamber for years to come, and his memory will forever be etched in all those who were privileged to serve with him and those who were honored to call him a friend.

I know our place is not to question why a special friend is taken from us. God has a divine plan that we cannot see or understand. But our faith tells us that we will see the shining face of God as we enter into our heavenly home. I have no doubt Jim Rhoades is seeing the face of God, and Jim is watching over all of us and is peacefully in the arms of his Savior. We will see him again, and all our questions will be answered. At that time, our tears will be gone, and joy will surround us.

In closing, Jim Rhoades was the largest leprechaun I ever met. He wore his Irish identity and his devout faith on his sleeve. This old Irish blessing sums up Jim Rhoades' joy-filled, love-filled, and faith-filled life. The old Irish blessing goes as follows: May you have warm words on a cold evening, a full moon on a dark night, and the road downhill all the way to your door. May the light of friendship guide your path. May the laughter of children grace the halls of your home. May the joy of living trip a smile from your lips, a twinkle from your eye. And when eternity beckons at the end of life heaped high with love, may the good Lord embrace you in the arms that have nurtured you the whole length of your joy-filled days.

May God bless Senator Jim Rhoades. May God bless the Rhoades family.

The PRESIDENT pro tempore. The Chair would now like to invite Mrs. Ali Rhoades Hobbs, the Senator's daughter, to address the Senate on behalf of her family.

Mrs. HOBBS. Good afternoon. Mr. President, thank you for welcoming our family here today to honor my dad. To my father's colleagues on both sides of the aisle, thank you for taking the time to remember your fellow Senator. To the staff of the Senate, thank you for being present today to honor the man who enjoyed working with each and every one of you. He often shared stories of talking with you and enjoying your company.

As you can imagine, this last month has been sad and surreal for our family. We are all here today wishing it were January and we were getting ready to pose for another family photo in the front of this great Chamber to celebrate the commencement of another term in office. This time, the photo would have been crowded, as five grandchildren have joined our family since the last swearing-in ceremony. My dad would have been so proud to hold his hand on the Bible, surrounded by all those sweet baby faces.

You see, that would have shown the essence of my dad: Family and service. There was nothing my dad was prouder of and loved more than his family. Of all his years of dedicated work and the resulting accomplishments, there was nothing he wanted to brag about other than his seven grandchildren. Three of them are here today: Meredith, the oldest, and Papa's biggest joy; Caroline, my 1-year-old, whom I am sure you have heard; and my newborn son, Christopher. My dad loved them intensely.

But as you all know and some of you have shared today, Senator Rhoades did everything intensely. That was his style. Growing up, he would challenge us to live by the mantra he did - if you are going to do something, do it right, or get out of the way.

And he made us understand, by his example, to do everything with honor, integrity, class, and humility.

My father came from a very humble background and always showed us that a strong work ethic and intense ability to overcome, to never quit, and to never make excuses can trump the stronger, the faster, the richer, and the better connected. He taught us that we can make the world a better place by taking care of each other and treating everyone you meet with genuine kindness and empathy. He listened when people spoke and believed that if you took care of the person next to you, your life would be better, too. But I do not have to tell anyone here that. You have witnessed it. For our family, he was a great husband, dad, and Papa, and our sorrow is overwhelming.

However, since October 18, we have learned how so many of you valued him, too, not only as a dedicated lawmaker, but also, and maybe more importantly, as a person. Having heard the many stories of work you have done together and ways he touched you personally has made our sorrow more bearable. Thank you for your sharing, and thank you for attending his funeral Mass. So many of you stood in line for hours in the cold to pay respects to him. One security guard who drove from the Capitol to Mahanoy City that night told me he was heartbroken. He said, your dad never passed me without asking me how I was and how my children were, and he knew them by name, and he remembered what they were doing in life. Your dad was a good man.

Speaking recently with Anna Fitzsimmons, I learned that upon hearing of my dad's tragic accident, many people came to the office right away. It was the support staff, she said - the Pages, the security guards, the secretaries, and all of the Chamber folks - who told stories, adding that Senator Rhoades was the nicest guy in the place, that he always held the elevators and doors, that he always was the first one to say hello, and that he would strike up a conversation in the elevator, no matter who you were.

I want you to know he believed in and appreciated every one of you and the work that you did, and we as a family thank you for your kindness. He believed in making everyone feel good about him or herself and making a positive difference in people's lives. This is evidenced by his passion for advancing the state of education in Pennsylvania. He lived to provide every boy and girl in the State a better opportunity to learn, no matter where you lived or what your socioeconomic status. It was his vision of boys and girls thriving in high-quality classrooms, laying the foundation to become the world's decisionmakers, that motivated him to become a "...tremendous fighter for schoolchildren," according to our Governor, who added, "No one cared more about advancing education in Pennsylvania than Jim." That made me so proud.

A few years ago, when I was a full-time doctoral student at Penn State University, I met my dad and two educational leadership professors for lunch on campus. During a break in the conversation when my dad stepped away, one professor, who I know is nationally renowned for his work, turned to me and said, your dad knows more about educational funding than anyone in the State of Pennsylvania. I was so proud, and a bit surprised.

My dad worked hard for the boys and girls, not for the glory. And as a result, the children of this State are better off. Advances in education, like full-day kindergarten, Head Start funding, Dis-

ance Learning, articulation agreements with colleges, and a more equitable and fair way to pay for public education, are some of his education achievements and now his legacy. We are so proud of that work.

Finally, as the days pass, we will no longer hear that familiar whistle in the hallway or that trademark jingle on the way to an important meeting, and I am sure it will be missed, but please do not let it be forgotten.

As a family, we challenge each of you who have the honor of serving the great people of this Commonwealth, from our youngest children to our most cherished elderly, to carry on my dad's character. Make life better for those around you by approaching your work with passion and preparedness. Put the people you represent first, even when it is not easy. Do it with honor and integrity, because remember, you speak for those who cannot speak for themselves. Approach each day with a plan to make the world a better place, whether it is by greeting kindly a new face, remembering a new name, appreciating those who help you do your work, or fiercely fighting for the rights and the livelihoods of others. Do it with class and humility. And finally, continue your dedicated work for the people of this great Commonwealth so each person can, as my dad would always say, live with roofs over their heads, food on their tables, clothes on their backs, and with a few bucks with which to enjoy life.

Thank you, and God bless.

The PRESIDENT pro tempore. The Chair would now like to invite all Members and guests to direct your attention to the various monitors in the room. We will now view a video tribute to former Senator Jim Rhoades.

(Whereupon, a video tribute of the career of the late Senator JAMES J. RHOADES was presented.)

And the question recurring,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. On the adoption of the condolence resolution, all those in favor will please rise in place for a moment of silence in memory of the late Senator Rhoades. Staff and guests, also please rise.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Senator JAMES J. RHOADES.)

The PRESIDENT pro tempore. The Chair declares the resolution unanimously adopted.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider certain executive nominations.

RECESS

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate stands in recess.

AFTER RECESS

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

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

JUDGE, PHILADELPHIA MUNICIPAL COURT

September 24, 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, Thomas Nocella, Esquire, 4000 Gypsy Lane, Apartment 113, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Deborah Shelton Griffin, removed.

EDWARD G. RENDELL
Governor

**COMMONWEALTH TRUSTEE OF THE
UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER EDUCATION**

October 8, 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, Ira J. Gumberg, 5222 Wilkins Heights Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

September 24, 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, Thomas W. Tartaglio, 628 Conestoga Road, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Chester, Magisterial District 15-1-02, to serve until the first Monday of January 2010, vice John F. Anthony, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

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. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**COMMONWEALTH TRUSTEE OF THE
UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER EDUCATION**

October 8, 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, Ira J. Gumberg, 5222 Wilkins Heights Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

September 24, 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, Thomas W. Tartaglio, 628 Conestoga Road, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Chester, Magisterial District 15-1-02, to serve until the first Monday of January 2010, vice John F. Anthony, 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-47

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

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

The Clerk read the nominations as follows:

JUDGE, PHILADELPHIA MUNICIPAL COURT

September 24, 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, Thomas Nocella, Esquire, 4000 Gypsy Lane, Apartment 113, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge, Philadelphia Municipal Court, to serve until the first Monday of January 2010, vice The Honorable Deborah Shelton Griffin, removed.

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-47

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

NAY-0

A constitutional two-thirds 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. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

ELECTION OF INTERIM PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The next order of business will be the election of an interim President pro tempore, as required by Article II, Section 9, of the Constitution of the Commonwealth of Pennsylvania, which requires, in part, quote, "The Senate shall, at the beginning and close of each Regular Session...elect one of its members President pro tempore...."

Before taking up nominations for the office, the Chair would again like to suggest that if there is no objection, in the event there is only one candidate nominated for the office, the Chair would dispense with the calling of the roll and ask for a voice vote on the nomination. Is there any objection?

The Chair hears no objection.

The Chair will now accept nominations for the office of President pro tempore and recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, it is my distinct honor today to nominate my friend, Senator Joseph B. Scarnati of Jefferson County, to serve as President pro tempore of the Senate for the interim. Over the past 2 years, I have worked closely with Senator Scarnati on many issues. Working in a bipartisan manner, we passed new rules making the Senate more accountable to the public. We did not suspend these rules even one time in 2007 or 2008. We passed two responsible State budgets, we passed a strong open records law, and we passed more than 475 other bills, most of which passed this Senate unanimously.

Senator Scarnati has demonstrated an ability to forge bipartisan consensus, even on difficult issues, while keeping the impact on taxpayers in clear focus. Madam President, for these reasons, it is my privilege to nominate for the office of President pro tempore of the Senate of Pennsylvania, for the interim, Senator Joseph B. Scarnati.

Thank you, Madam President.

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

Senator O'PAKE. Madam President, on behalf of my Caucus, it is an honor to second the nomination of Senator Scarnati. We are very impressed with his dedication to the Senate. Senator Scarnati has proven that he is hardworking, that he is fair, and that he is very practical. He is interested in getting things done, as we are. So it has been a pleasure to work with him, and we look forward to working with him in the new Session to face the many challenges that we here in Pennsylvania, I am sure, are

going to face. So it is an honor to second his nomination and to work with him in upholding the integrity and the respect of the Senate of Pennsylvania.

NOMINATIONS CLOSED

The PRESIDING OFFICER. Are there any other seconds or nominations?

The Chair hears none and declares the nominations closed.

The candidate for the office of President pro tempore is the Honorable Joseph B. Scarnati III of Jefferson County. All those in favor of the nomination say "aye"; those opposed, "no."

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

The PRESIDING OFFICER. The Chair takes great pleasure in announcing Senator Joseph B. Scarnati III unanimously elected as the new interim President pro tempore of the Senate.

It is now my privilege to present the President pro tempore of the Senate, the Honorable Joseph B. Scarnati III.

(Applause.)

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

REMARKS BY THE INTERIM PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Senator Pileggi, Senator O'Pake, Members of the Senate, it certainly has been and continues to be an honor and a privilege to serve the past 2 years and another round as President pro tempore of the Senate. I am proud to be reelected, and I thank my colleagues. We have had a civil approach in the Senate. We have had bipartisan cooperation. We have worked for our working families, and we are going to continue to work together for the many, many challenges that lie before us with the budget and fiscal matters, healthcare, and taxes. And certainly, I thank you for your confidence, and you have my support and my workability to make sure that we can overcome these challenges together.

Thank you, and God bless.

(Applause.)

COMMUNICATIONS FROM THE GOVERNOR

SENATE BILL RETURNED WITHOUT APPROVAL

The PRESIDENT pro tempore laid before the Senate the following veto message from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been returned without approval:

SB 740, entitled:

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and authorizing and directing the Department of General Services, with the

approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

The Clerk read the veto message as follows:

October 17, 2008

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

I am returning Senate Bill 740, which authorizes the Department of General Services (DGS) to take seven specific actions with respect to Commonwealth lands, without my signature.

Among the authorizations included in Senate Bill 740 are the conveyance of certain lands located in Benner Township, Centre County, the sale to the highest responsible bidder of three parcels of land located in Benner Township, Centre County, the release of Project 70 restrictions on certain lands located in Lackawanna County, and the conveyance to the Schuylkill YMCA for \$160,000 of a tract of land and a building located in Pottsville, Schuylkill County. All of these transfers would accomplish significant and positive goals.

Also included in Senate Bill 740 are authorizations for two transfers in the City of Philadelphia -- both located in or adjacent to the former United States Navy Base in South Philadelphia, which is currently undergoing a significant renaissance as a result of the efforts of the Philadelphia Industrial Development Corporation (PIDC).

The first of these authorizations allows DGS to deed for \$1 to the Philadelphia Regional Port Authority (PRPA) 16.89 acres of riparian rights in the Delaware River situated between Piers 122 and 124. This authorization will provide a vital piece of the land assemblage needed to develop "Southport" -- a several hundred million dollar state of the art container shipping terminal to be developed through a public-private partnership that is expected to support thousands of new jobs in the City of Philadelphia. Specifically, transfer of these riparian rights to the PRPA and their inclusion in the Southport land assemblage will allow the creation of marginalized berths for container vessels on the Delaware. Without these riparian rights, Southport is not viable and would have to be abandoned.

The second authorization allows DGS to deed for \$1 to PRPA 305 acres of land situated in the eastern end of the Navy Yard. The Bill includes statements of legislative intent suggesting that these lands were river bed turned into fast lands by having fill placed upon them, and therefore are titled in the Commonwealth. The Bill also provides that lands transferred pursuant to the authorization shall be subject to a deed restriction that limits activities on the lands to "maritime purposes," defined as "activities related to the handling, import, export and or transport of cargo or the transport of passengers within and through the Port of Philadelphia..."

I have been advised by DGS that it does not believe that the Bill's finding that the Commonwealth holds title to the 305 acres is correct. Rather, DGS believes that the Philadelphia Authority for Industrial Development (PAID) actually holds title to the 305 acres in question. In fact, last year when a portion of the property was under consideration as the site of the Food Distribution Center, DGS was in direct negotiations with PAID through PIDC for a lease of the property. Not surprisingly, PAID and PIDC agree with DGS's assessment and PAID has, over the course of the past couple of years, made transfers of land and has granted long-term leases and development contracts to private entities based on that belief. In addition, title companies have recently issued millions of dollars of title insurance with respect to those transfers and grants, also based upon PAID's title to the property.

PIDC and PAID further assert that if Senate Bill 740 becomes law, the title dispute and the deed restrictions the Bill requires will place a cloud on title to the 305 acres, invite litigation, and delay further development at the Navy Yard and perhaps Southport as well. PIDC and other entities involved in development activities at the Navy Yard have requested that I veto the Bill in light of these concerns. I agree that uncertainties concerning title to the Navy Yard lands in question could threaten current development plans and hamper future development and, therefore, I have no choice but to veto the Bill.

