

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, APRIL 22, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 27

SENATE

WEDNESDAY, April 22, 2009

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

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

PRAYER

The Chaplain, Reverend JERRY FORTUNATO, of Rhawnhurst Baptist Church, Philadelphia, offered the following prayer:

Shall we pray.

Almighty God, King of kings and Lord of lords, from whom proceeds power and dominion in heaven and earth, we ask that You look upon with favor this Senate, the President of the United States, the Governor of this State, and all others in authority. Give them the spirit of wisdom, goodness, and truth. So rule their hearts and bless their endeavors, that law and order, justice and peace, may everywhere prevail. Preserve us from all calamities. Help us, especially, as we seek to do Your will. Make us strong and great in the fear of God and in the love of righteousness so that being blessed by You, we may become a blessing to all peoples. We ask this through the graces and mercies of God, the Father. Amen.

The PRESIDENT. The Chair thanks Reverend Fortunato, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 21, 2009

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, Nancy Vasta, 62 Bellwood Drive, Langhorne 19053, Bucks County, Sixth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Robert Gibble, Fort Myers, Florida, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 21, 2009

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, Patrick W. Wilson, 810 Rural Avenue, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice A. William Kelly, Kingston, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

April 21, 2009

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, Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice William Zimmerman, Pottsville, deceased.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

April 21, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Delaware County, to serve until the first Monday of January 2012, vice The Honorable Kenneth A. Clouse, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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, Paul S. Dlugolecki, 303 Monroe Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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, Kenneth Jarin, One Greenbriar Circle, Newtown 18940, Bucks County, Tenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Kneedler, 1416 Newton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified, vice Kim Lyttle, Marion Center, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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, Marie A. Conley Lammando, 742 South 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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, Joseph F. McGinn, 150 Edward Street, Linwood 19061, Delaware County, Ninth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice R. Benjamin Wiley, Erie, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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, Celestino R. Pennoni, 411 Valley Glen Drive, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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, Guido M. Pichini, 24 Upland Road, Wyomissing Hills 19609, Berks County, Forty-eighth Senatorial Dis-

trict, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 22, 2009

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, Harold C. Shields, 2030 Piper Court, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice Daniel P. Elby, York, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 22, 2009

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 M. Sweitzer, 736 Harvard Avenue, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice David Holveck, Malvern, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 22, 2009

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, Christine J. Toretti, 2428 Oak Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 22, 2009

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, Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE
CIVIL SERVICE COMMISSION**

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Tara E. Reynolds, 732 Summerlea Street, 2nd Floor, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2012, or until her successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Paul S. Dlugolecki, 303 Monroe Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Kenneth Jarin, One Greenbriar Circle, Newtown 18940, Bucks County, Tenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Richard Kneedler, 1416 Newton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified, vice Kim Lyttle, Marion Center, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Marie A. Conley Lammando,

742 South 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Celestino R. Pennoni, 411 Valley Glen Drive, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Guido M. Pichini, 24 Upland Road, Wyomissing Hills 19609, Berks County, Forty-eighth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Harold C. Shields, 2030 Piper Court, Allison Park 15101, Allegheny County, Fortieth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice Daniel P. Elby, York, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Thomas M. Sweitzer, 736 Harvard Avenue, Swarthmore 19081, Delaware County, Ninth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice David Holveck, Malvern, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Christine J. Toretti, 2428 Oak Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

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

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

April 21, 2009

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

Please note the nomination dated April 20, 2009, for the appointment of John P. Kameen, 636 Main Street, Forest City 18421, Susquehanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2013, and until his successor is appointed and qualified, should be corrected to read:

John P. Kameen, 636 Main Street, Forest City 18421, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECREATARY**

The SECRETARY. Consent has been given for the Committee on Finance to meet during today's Session in the Rules room to consider Senate Bills No. 165, 207, and 601.

**SPECIAL ORDER OF BUSINESS
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of March 31, 2009, and April 1, 2009, are now in print.

The Clerk proceeded to read the Journals of the Sessions of March 31, 2009, and April 1, 2009.

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-50

Alloway	Ferlo	O'Pake	Vance
Argall	Folmer	Orie	Vogel
Baker	Fontana	Piccola	Ward
Boscola	Gordner	Pileggi	Washington
Browne	Greenleaf	Pippy	Waugh
Brubaker	Hughes	Rafferty	White, Donald
Corman	Kasunic	Robbins	White, Mary Jo
Costa	Kitchen	Scarnati	Williams
Dinniman	Leach	Smucker	Wonderling

Earll	Logan	Stack	Wozniak
Eichelberger	McIlhinney	Stout	Yaw
Erickson	Mellow	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

The PRESIDENT. The Journals are approved.

SPECIAL ORDER OF BUSINESS
2009 PENNSYLVANIA STATE FAIR QUEEN
PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, it is my privilege this morning to introduce the 2009 Pennsylvania State Fair Queen, Nicole Clemson. Nicole is the daughter of Trudy and Paul Clemson of Dallas in Luzerne County, my hometown, and she is also the Fair Queen for the Luzerne County Fair.

Nicole is a senior at Dallas High School, and she plans to study pre-veterinary medicine on her way to obtaining her goal of becoming a veterinarian. Nicole is in the top 5 percent of her class. She serves as the vice president of her class. She is also a talented and gifted athlete, participating in field hockey and on the Dallas High School soccer team, which were State champions. Nicole is also a Girl Scout, having achieved the Gold Award, the highest award that a Girl Scout can receive. She is also a hunter and an outdoorswoman.

Nicole was selected as the Pennsylvania Fair Queen several months ago, after 53 young women were judged by a team of officials, including one judge close to the heart of Senator Mike Waugh, his wife, Wanda. Nicole was selected based on her interview, her outstanding credentials, and her wonderful background.

It is my privilege to ask Nicole to come forward to the podium to speak to us about her experiences as the Pennsylvania Fair Queen. Nicole Clemson of Dallas in Luzerne County. Thank you, Mr. President.

(Applause.)

Miss CLEMSON. Thank you, Senator Baker, for that kind introduction.

Like she said, my name is Nicole Clemson. I am a senior at Dallas High School, and I am the 2009 Pennsylvania State Fair Queen. I was crowned at a 3-day competition in January that was held in Hershey. There were 53 competitors. Basically, my job as Fair Queen is to promote agriculture and its connection to tourism at county fairs all across the State of Pennsylvania. There are 117 county fairs across the State, and I hope to attend as many as I can this summer.

I was crowned the Luzerne County Fair Queen back in September. Since then, I have competed at the State level. At the State level, we had to give a speech on why you should come to our fair. We met with the judges, we had interviews, and we had our formal coronation ceremony on stage. After the whole competition was over, they narrowed it down to five finalists and asked us a final question. The final question was, if you were crowned the Pennsylvania State Fair Queen, what would you do

to promote agriculture? What have you learned? How will you get yourself out there?

So I answered that the 2008 Fair Queen had given me a pinwheel the night before. And the pinwheel, as I looked at it, had all the different colors swirled together and kind of represented all of my memories throughout my reign and what I learned since I was little at county fairs. And I wanted to get myself out there. I wanted to spread those pinwheels across the State of Pennsylvania and teach people what they can learn about agriculture, get those memories out there for friends and family. And if we get the word out, we can definitely all come together.

So I hope to see you all at county fairs across the State. I will be at as many as I can. And I hope you have a great day. Thank you.

(Applause.)

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ANDREW E. DINNIMAN
PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, it is my pleasure today to introduce members of Troop 166 of the Boy Scouts of America. This troop is chartered through the Charles A. Melton Arts and Education Center in West Chester. In our gallery, if we could welcome them, are Scouts Malcolm Samuel, Michael Pernesley, Tyrone Richardson, Jr., Tym Richardson, and Chucky Leathers. They are here with their Scoutmaster Tyrone Richardson and Assistant Scoutmaster Michael Steinberger.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Dinniman please rise to be welcomed by the Senate.

(Applause.)

GUEST OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE

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

Senator STACK. Mr. President, I just want to quickly say that I was happy to have another religious person from my district, Reverend Fortunato. He was tremendous. He gave a very brief prayer, and we really enjoyed it. He is very involved in the community in Philadelphia, including with La Famiglia dei Fratelli, a fraternal organization which helps kids go to college through private fundraising. I am involved with him with that as well. We enjoyed having him here, and I thank him.

Thank you, Mr. President.

The PRESIDENT. Will the Senate join Senator Stack in thanking the Reverend today.

(Applause.)

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate, first, for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room,

to be followed by a meeting of the Committee on Finance, also to be held in the Rules room.

The PRESIDENT. Senator Pileggi requests a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Finance. Without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 117 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 48, SB 115, SB 116 and SB 118 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 123 (Pr. No. 884) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I rise in support of Senate Bill No. 123 and appreciate the support that has come into this bill so far. This would provide significant consumer protection as it relates to spyware and the activities of nefarious entities that try to obtain our identity information, our Social Security numbers, and bank accounts through these means. Our State would join about 15 or 16 other States that have significant spyware protection laws in place. It is interesting that Dell Computer says that over 20 percent of the complaints they receive on a daily basis involve spyware, adware, and malware.

I do want to indicate on the record that the bill does not restrict or expand the rights of software vendors in any way. It is meant to provide further protection for us, the users, of our com-

puters in order to purchase items, to make payments, and to make sure that nefarious entities are not out there gaining our personal information and using it for criminal purposes. I rise to ask support of this legislation. Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

Alloway	Ferlo	O'Pake	Vance
Argall	Folmer	Orie	Vogel
Baker	Fontana	Piccola	Ward
Boscola	Gordner	Pileggi	Washington
Browne	Greenleaf	Pippy	Waugh
Brubaker	Hughes	Rafferty	White, Donald
Corman	Kasunic	Robbins	White, Mary Jo
Costa	Kitchen	Scarnati	Williams
Dinniman	Leach	Smucker	Wonderling
Earll	Logan	Stack	Wozniak
Eichelberger	McIlhinney	Stout	Yaw
Erickson	Mellow	Tartaglione	
Farnese	Musto	Tomlinson	

NAY-0

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

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

BILL OVER IN ORDER

SB 573 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 45, SB 88, SB 105, SB 142, SB 200, SB 211 and SB 212 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 275 (Pr. No. 279) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL REREFERRED

SB 351 (Pr. No. 755) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, in Title 15, making extensive revisions, additions and deletions to preliminary material on general provisions; to corporation material on general provisions, on incorporation, on corporate powers, duties and safeguards, on officers, directors and shareholders, on fundamental changes, on registered corporations, on insurance corporations, on foreign business corporations, on incorporation and on foreign nonprofit corporations; to partnership and limited liability company material on general provisions, on registered limited liability partnerships, on general partnerships, on limited partnerships and on limited liability companies; and to material on business trusts; in Title 54, further providing for general provisions and for corporate and other association names; and making related repeals.

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

BILLS OVER IN ORDER

SB 598 and **SB 624** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 674 (Pr. No. 737) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in high schools, further providing for academic degrees.

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

BILLS OVER IN ORDER

SB 687 and **SB 732** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE STATE
CIVIL SERVICE COMMISSION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Tara E. Reynolds, 732 Summerlea Street, 2nd Floor, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2012, or until her successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Paul S. Dlugolecki, 303 Monroe Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Kenneth Jarin, One Greenbriar

Circle, Newtown 18940, Bucks County, Tenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Richard Kneedler, 1416 Newton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified, vice Kim Lyttle, Marion Center, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Marie A. Conley Lammando, 742 South 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Celestino R. Pennoni, 411 Valley Glen Drive, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Guido M. Pichini, 24 Upland Road, Wyomissing Hills 19609, Berks County, Forty-eighth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Harold C. Shields, 2030 Piper Court, Allison Park 15101, Allegheny County, Fortieth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice Daniel P. Elby, York, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Thomas M. Sweitzer, 736 Harvard Avenue, Swarthmore 19081, Delaware County, Ninth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until his successor is appointed and qualified, vice David Holveck, Malvern, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Christine J. Toretti, 2428 Oak Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2010, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

April 22, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2009, for the appointment of Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2012, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

April 20, 2009

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 February 26, 2009, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2010, and until her successor is appointed and qualified, vice Norman Hetrick, Harrisburg, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations 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 nominations will be returned to the Governor.

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

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

MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY

January 6, 2009

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, Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

SECRETARY OF ENVIRONMENTAL PROTECTION

January 6, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hanger, 637 Zurich Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Kathleen Alana McGinty, Camp Hill, resigned.

EDWARD G. RENDELL
Governor

SECRETARY OF LABOR AND INDUSTRY

January 6, 2009

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 *[sic]* Sandi L. Vito, 258 Cumberland Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice The Honorable Stephen M. Schmerin, Gibsonia, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

February 12, 2009

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 reappointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2014, or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

January 6, 2009

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 A. Rovner, Esquire, 1124 Springmont Circle, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for reappointment as a Commonwealth Trustee of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2012, and until his successor is appointed and qualified.

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. 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.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I ask unanimous consent to call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SECRETARY OF ENVIRONMENTAL PROTECTION

January 6, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John Hanger, 637 Zurich Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Kathleen Alana McGinty, Camp Hill, resigned.

EDWARD G. RENDELL
Governor

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

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

Senator M.J. WHITE. Mr. President, I will be casting a "no" vote on the nomination of John Hanger as Secretary of the Department of Environmental Protection. And while I certainly respect the Governor's prerogative to select people who agree with his philosophy and his positions, I also take very seriously the Senate's role to advise and consent. I do not question this nominee's ability or intelligence. I do, however, question his temperament and his ability to forge consensus and to keep the very important environmental debate focused and factual.

For the past 10 years, Mr. Hanger has been the CEO of an advocacy group whose pronouncements have been anti-coal, anti-development, anti-farm, anti-business, and in the case of persons in this body who disagree with that group's positions, anti-Senate. Unlike advocacy, the people in this room do not have the luxury of being single-issue. Many of us care deeply about environmental issues, but we also have to worry about the cost of energy, the impact on business and people's pocketbooks, housing, jobs, economic development, and the viability of our farming community. The key here is balance. And while we might disagree with the pace and scope of some of these initiatives, this Senate has an enviable record on environmental issues. We pass legislation with deliberation and good bipartisan support.

But here is what Mr. Hanger had to say about us:

One would hope that lobbyists for mercury polluters would have gotten a cold reception from our legislators. But...too many...have rolled out the welcome mat to those...that pump...mercury into our air, water and into us. ...toxic dollars into the coffers of politicians. ...the utilities and the [PA] Chamber fertilized the political ground with at least \$804,000 in...contributions. They are now reaping the harvest of that generosity.

Mr. President, I find those remarks extremely offensive. You can say we are wrong, mistaken, wrong-headed, but this body is not corrupt, and these votes were not corrupt. Now, Mr. Hanger has graciously apologized for this and has attempted to disassociate himself from some of his prior statements concerning coal, farming, and business. And he makes the distinction between being an advocate and being a public servant. I am afraid I do not see that distinction. I hold advocates to the same truthfulness standard and fairness standard that I hold a public servant. Both have the obligation to tell the truth and to keep the debate honest. I will say that, in his time as Acting Secretary, Mr. Hanger has been balanced and accessible. But, of course, we have something

