

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, APRIL 28, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 29

**SENATE**

TUESDAY, April 28, 2009

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend JAMES CALLAHAN, of Christ the King Roman Catholic Church, Philadelphia, offered the following prayer:

Let us pray.

We pause in prayer at the beginning of this Session of the State Senate. To pause in prayer is the greatest compliment we give to our God in the midst of our busy lives. May this pause give tribute to our God, but also give tribute to these men and women whose deliberations live out the trust, the hope, the responsibility given to them by the citizens of Pennsylvania. Enable them, this day, and throughout these days of economic and political struggle, to work together for the common good of the people of the cities, suburbs, small towns, and rural areas of our State. May their leadership be strong, loving, and wise, always knowing that on earth and in this, our Keystone State, God's work must truly be our own. Amen, and amen.

The PRESIDENT. The Chair thanks Father Callahan, who is the guest today of Senator Stack.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATION  
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:

SECRETARY OF COMMUNITY AND  
ECONOMIC DEVELOPMENT

April 28, 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 23, 2009, for the appointment of The Honorable *[sic]* George E. Cornelius, 1058 Farmview Drive, West Chester 19382, Chester County, Twenty-sixth Senatorial District, as Secretary of Community and Economic Development, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Dennis Yablonsky, Harrisburg, resigned.

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:

SECRETARY OF CONSERVATION  
AND NATURAL RESOURCES

April 28, 2009

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

Please note the nomination dated April 27, 2009, for the appointment of The Honorable John H. Quigley, 527 Colony Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as Secretary of Conservation and Natural Resources, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Michael F. DiBerardinis, Philadelphia, resigned, should be corrected to read:

SECRETARY OF CONSERVATION AND NATURAL RESOURCES, The Honorable *[sic]* John H. Quigley, 527 Colony Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Conservation and Natural Resources, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Michael F. DiBerardinis, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

**BILLS REPORTED FROM COMMITTEES**

Senator EICHELBERGER, from the Committee on Local Government, reported the following bills:

**SB 144 (Pr. No. 115)**

An Act amending the act of May 1, 1933 (P.L. 103, No. 69), known as The Second Class Township Code, in corporate powers, further pro-

viding for real property and for personal property; and, in contracts, further providing for letting contracts.

**SB 172 (Pr. No. 142)**

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for definitions and for local taxing options.

**SB 282 (Pr. No. 284)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, providing for agreements with municipal authorities; and further providing for review of agreement by Local Government Commission.

**SB 283 (Pr. No. 285)**

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in Local Government Capital Project Loan Fund provisions, further providing for assistance to municipalities and for ranking of applications.

**SB 284 (Pr. No. 286)**

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for implementation agreements.

Senator McILHINNEY, from the Committee on State Government, reported the following bills:

**SB 6 (Pr. No. 940) (Amended)**

An Act establishing the Pennsylvania Commission on Stimulus Accountability; and providing for review and monitoring of funding being disbursed or made available to the Commonwealth under the American Recovery and Reinvestment Act of 2009.

**SB 33 (Pr. No. 17)**

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for restrictions on alteration of boundaries of election districts.

**SB 54 (Pr. No. 39)**

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Susquehanna Township a pedestrian easement through certain lands situate in Susquehanna Township, Dauphin County.

**SB 101 (Pr. No. 178)**

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for a penalty.

**SB 167 (Pr. No. 137)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for fees chargeable by Department of State; and providing for a uniform form.

**SB 817 (Pr. No. 896)**

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to East Pennsboro Township or its assigns certain lands situate in East Pennsboro Township, Cumberland County; and authorizing the Department of General Services, with the approval of the Governor, to remove and release the residential use and subdivision restrictions imposed on certain lands situate in East Pennsboro Township, Cumberland County.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 354 (Pr. No. 352)**

An Act providing for restroom access for certain customers of retail establishments and for a penalty.

**SB 753 (Pr. No. 848)**

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; and providing for registration, qualifications and supervision of pharmacy technicians and pharmacy technician trainees.

**HB 602 (Pr. No. 1153)**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; further providing for the State Board of Dentistry; and providing for scope of practice of expanded function dental assistant.

Senator WONDERLING, from the Committee on Transportation, reported the following bills:

**SB 110 (Pr. No. 181)**

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for logging of certain aircraft flights.

**SB 143 (Pr. No. 939) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for prohibiting the operation of motor vehicles while using electronic wireless communications devices.

**SB 152 (Pr. No. 122)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in special vehicles and pedestrians, providing for regulation and operation of neighborhood electric vehicles; and, in inspection of vehicles, further providing for operation of vehicle without official certificate of inspection.

**SB 380 (Pr. No. 378)**

An Act designating a bridge on that portion of Route 219 over the Little Toby Creek, Brockway Borough, Jefferson County, as the Christopher E. Loudon Memorial Bridge.

**SB 731 (Pr. No. 826)**

An Act designating Bushkill Drive, State Route 2019, Northampton County, as the Victor W. Anckaitis Memorial Highway.

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of April 20, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of April 20, 2009.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal 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 Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR DOMINIC F. PILEGGI  
PRESENTED TO THE SENATE**

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

Senator PILEGGI. Mr. President, it is my pleasure, this afternoon, to introduce 54 of my constituents who are visiting Harrisburg today with the Parks and Recreation Department of Middletown Township, Delaware County. The individuals visiting today are active members and volunteers in the community who are interested in learning more about State government. They are escorted today by trip planner Doug Berry of the Middletown Township Department of Parks and Recreation, who hosts over 70 trips in a calendar year, 12 of them overnight trips. All of the visitors today are seated in the gallery.

Mr. President, I ask that we extend our traditional warm welcome to these special guests.

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

(Applause.)

**GUESTS OF SENATOR CHARLES McILHINNEY  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, it is my pleasure to introduce a few of my constituents who have joined me in Harrisburg for the day. We are joined by Glenn and Risa Neiman, and their daughter, Alyssa. The Neimans won a day at the Capitol through a silent auction fundraiser for Temple Judea in Doylestown. Risa is a manager for the class action litigation division of RSM McGladrey, Inc., and Glenn is a partner at the law firm of Brilliant and Neiman, representing injured workers in Pennsylvania workers' compensation cases.

Alyssa is in third grade at Cold Spring Elementary School. She plays softball and field hockey, and she also sings, acts, and plays guitar. Please join me in giving the Neiman family a warm Senate welcome.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL BRUBAKER  
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is my privilege to introduce a delightful, professional young lady. Her name is Rachel Wenger. If anyone in the Chamber recognizes that last name, she is indeed a distant relative of our collective good friend, Senator Noah Wenger. She is a senior at Garden Spot High School, located in New Holland, Pennsylvania. She grew up on a farm with three siblings. Rachel is active in school work, loves history, is in the Honor Society, and is active in volleyball and FFA. Rachel, when not working with the FFA, is also a youth leader, and she works for Weaver's Orchard in Morgantown. It is a privilege for me to introduce Rachel, and she is accompanied by her mother.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, also in the gallery are a group of 40 high school students from the Antietam School District in Berks County. They are here with their moderator, Mr. James Gingrich. Also in the group is a group of students from Munich, Bavaria, in Germany. I ask the Chair to recognize these young leaders from the Antietam School District in Berks County.

The PRESIDENT. Would the guests of Senator O'Pake please rise to be welcomed by the Senate.

(Applause.)

**GUEST OF SENATOR PATRICIA H. VANCE  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, I am very pleased to introduce Brandon Conrad, who is a senior at Mechanicsburg High School, who is shadowing me for the day. He is going to go to YTI next year to become a golf course management specialist. I ask the Senate to give him a warm welcome.

The PRESIDENT. Would the guest of Senator Vance please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR ROBERT TOMLINSON  
PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, I would like to introduce some guests of mine from the Saint Charles Borromeo School. We have them here today with their parents, a parents' group led by a real dear friend of mine, Holly Visone, and some other parents who are very active in that school. It is a great Catholic school in my district, and they are here today to observe our legislative process and see this beautiful Capitol. Thank you.

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

(Applause.)

**GUESTS 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 recognize Father Callahan, who said our opening prayer today and is on the floor with us. Father Callahan recently visited Ireland, where he visited the Connemara Marble Factory. They had a picture of our State Senate on the wall there. And as many Members know, that is the kind of marble that we have here in the Senate Chamber. So I have postcards from Father Callahan, whoever wants one, from Connemara Marble.

With Father Callahan is his mother, who is the much, much younger sister of a former mayor of Philadelphia, Mayor Tate, and her daughter, who is a teacher at Our Lady of Calvary. So we are happy to have them with us in the Pennsylvania State Senate today. Thank you, Mr. President.

The PRESIDENT. Would the Father and his guests please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR STEWART GREENLEAF  
PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Mr. President, I rise to ask the Senate to welcome Twin Spring Farm Day School, with their teachers

and parents who are visiting here today. I ask that we give them a warm welcome. Thank you.

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

(Applause.)

**SPECIAL ORDER OF BUSINESS  
SESSION PHOTOGRAPH TAKEN**

The PRESIDENT. The Senate will be at ease while the official photograph is taken.

(The Senate was at ease.)

**RECESS**

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

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

The PRESIDENT. Senator Pileggi requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

Without objection, the Senate stands in recess.

**AFTER RECESS**

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

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**SECRETARY OF COMMUNITY AND  
ECONOMIC DEVELOPMENT**

April 28, 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 23, 2009, for the appointment of The Honorable *[sic]* George E. Cornelius, 1058 Farmview Drive, West Chester 19382, Chester County, Twenty-sixth Senatorial District, as Secretary of Community and Economic Development, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Dennis Yablonsky, Harrisburg, resigned.

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

EDWARD G. RENDELL  
Governor

**NOMINATION RETURNED TO THE GOVERNOR**

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

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

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

**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 STATE BOARD OF CRANE OPERATORS**

April 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, Linda Binstock (Public Member), 1150 Windermere Drive, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Crane Operators, to serve until December 8, 2011, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice new board.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF CRANE OPERATORS**

April 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, Raymond Feidt, 401 Berrysburg Road, Millersburg 17061, Dauphin County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Crane Operators, to serve until December 8, 2012, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice new board.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF CRANE OPERATORS**

April 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, Anthony J. Lusi, Jr., 65 Stratford Avenue, Aldan 19018, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Crane Operators, to serve until December 8, 2012, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice new board.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF CRANE OPERATORS**

April 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, Jack E. Pletcher, 107 Operators Way, New Alexandria 15670, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the State Board of Crane Operators, to serve until December 8, 2012, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice new board.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF CRANE OPERATORS**

April 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, Marty Qually (Public Member), 240 Confederate Drive, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Board of Crane Operators, to serve until December 8, 2010, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice new board.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF CRANE OPERATORS**

April 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, C. Randall Smith, 1742 E Caracas Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Crane Operators, to serve until December 8, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice new board.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

February 27, 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, James W. Freeman, M.D., 91 Fogelsonger Road, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL Governor

MEMBER OF THE STATE BOARD OF NURSING

April 9, 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, Joanne L. Sorensen, R.N., 27 Valley View Drive, R.D. 2, Box 57, Russell 16345, Warren County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL Governor

MEMBER OF THE STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

March 16, 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 S. Goldman, M.S., CCC, 219 Catharine Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

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.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 115 (Pr. No. 188) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for public review of State implementation plans.

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

On the question, Shall the bill pass finally?

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

YEA-50

Table with 4 columns of names: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earl, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, Logan, McIlhinney, Mellow, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Stack, Stout, Tartagliano, Tomlinson, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wonderling, Wozniak, Yaw

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.

SB 118 (Pr. No. 90) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for the fund and for civil penalties.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-50

Table with 4 columns of names: Alloway, Argall, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Ferlo, Folmer, Fontana, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, Leach, O'Pake, Orie, Piccola, Pileggi, Pippy, Rafferty, Robbins, Scarnati, Smucker, Vance, Vogel, Ward, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Wonderling

Earl	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.

**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 third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-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
Earl	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 LAID ON THE TABLE

**SB 573 (Pr. No. 757)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of failure to provide identification to law enforcement authorities.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was laid on the table.

**SB 573 TAKEN FROM THE TABLE**

Senator PILEGGI. Mr. President, I move that Senate Bill No. 573, Printer's No. 757, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

BILL OVER IN ORDER

**SB 674** -- 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 59, SB 105 and SB 142** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

**SB 211 (Pr. No. 790)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions, for prize limits, for insured games, for limited sales, for recordkeeping, for eligible organizations' use of locations for conducting small games of chance, for separate individual prize limitations and for advertising.

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

**SB 212 (Pr. No. 791)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for rules for licensing and operation.

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 446 and SB 531** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

**SB 598 (Pr. No. 888)** -- 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 pupils and attendance, further providing for liability for tuition and enforcement of payment and for cost of tuition.

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

**SB 601 (Pr. No. 651)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

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

**SB 624 (Pr. No. 889)** -- 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, further providing for school athletics, publications and organizations.

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

**SB 687 (Pr. No. 890)** -- 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, further providing for facilities.

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

**SB 732 (Pr. No. 891)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Governor's Schools of Excellence for programs offered in 2009.

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

### UNFINISHED BUSINESS RESOLUTION REPORTED FROM COMMITTEE

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

#### SR 98 (Pr. No. 932)

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2009, including any amendments offered to or for supplemental appropriations for prior fiscal years.

The PRESIDENT. The resolution will be placed on the Calendar.

### SENATE RESOLUTIONS ADOPTED

Senators ORIE, KITCHEN, ALLOWAY, BAKER, BOSCOLA, BROWNE, BRUBAKER, DINNIMAN, EARLL, FARNESE, FERLO, FONTANA, GREENLEAF, HUGHES,

KASUNIC, LEACH, LOGAN, MELLOW, MUSTO, O'PAKE, PIPPY, RAFFERTY, STACK, STOUT, TARTAGLIONE, WASHINGTON, WAUGH, M. WHITE, WILLIAMS and WONDERLING, by unanimous consent, offered **Senate Resolution No. 100**, entitled:

A Resolution designating April 28, 2009, as "Equal Pay Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, I would like to submit my remarks for the record and ask my colleagues for an affirmative vote.

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

*(The following prepared remarks were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)*

Mr. President, today marks Equal Pay Day in Pennsylvania.

Women have made great strides in all professional fields, from politics to medicine to teaching and technology. But the fact remains that they still do not receive equal pay for the work they do. This is something that should be remedied for the sake of economic fairness.

Fifty years ago, Pennsylvania's Equal Pay Act was signed into law, making it illegal to pay unequal wages to men and women who hold the same job and do the same work. At the time of the EPA's passage, women earned just 58 cents for every dollar earned by men. By 2006, that rate had only increased to 77 cents, an improvement of less than half a penny a year. Minority women fare the worst. African American women earn just 64 cents to every dollar earned by white men, and for Hispanic women, that figure drops to 52 cents per dollar. Equal Pay Day is a reminder that it takes the average woman nearly 4 months into the following year to catch up with what men earned the previous year. Weekly, women have to work until Tuesday of the following week to earn what a man earned in the prior week.

Wage discrimination costs women and their families thousands of dollars each year and thousands in retirement income. If working women earned the same as men--of the same education, age, and union status, living in the same region of the country--their annual incomes would rise by \$4,000, and poverty rates would be cut in half. Women work for pay in greater numbers, in more occupations, and for more years of their lives than ever before, yet still earn less than their male counterparts.

Efforts are underway at the Federal level to further enforce wage discrimination laws and to improve training for government agencies charged with enforcement. This is crucial, considering that women continue to earn less than men for work on jobs that require equal skill, effort, and responsibility and that are performed under similar working conditions. Full-time working women nationally earn 80 percent, or less, of what their male counterparts earn, according to a study by the American Association of University Women. The pay gap widens 10 years after graduation. After taking into consideration hours, occupation, family responsibilities, and other factors usually affecting earnings, there is still one-quarter of the pay gap unexplained. Pennsylvania falls somewhere in the middle of States nationwide for pay inequality between men and women.

The wage gap hurts women, their families, and children, and it is something we must do something about, because it flies in the face of fairness. As such, I am also sponsoring Senate Resolution No. 99, directing the Joint State Government Commission to study the issue of workplace pay disparity and reexamine existing laws relating to the



issue and to make recommendations to the General Assembly. Equal pay for equal work is something that we not only expect but deserve.

Mr. President, I ask for an affirmative vote for this resolution. Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator WASHINGTON, by unanimous consent, offered **Senate Resolution No. 101**, entitled:

A Resolution designating the month of May 2009 as "Foster Care Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Washington.

Senator WASHINGTON. Mr. President, May 2009 is "National Foster Care Month." Nearly half a million children in the United States are in foster care because their own families are in crisis and unable to provide for their well-being. It is fitting and appropriate to salute the dedicated men and women who serve as foster parents to Pennsylvania's children and youth in foster care.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators M. WHITE, MUSTO, FERLO, WILLIAMS, KASUNIC, STOUT, BAKER, TARTAGLIONE, RAFFERTY, PILEGGI, FOLMER, McILHINNEY, BRUBAKER, EARLL, ERICKSON, FARNESE, FONTANA, O'PAKE, COSTA, WOZNIAK, ALLOWAY, DINNIMAN, ROBBINS, WONDERLING, TOMLINSON, BROWNE, PIPPY, WARD and D. WHITE, by unanimous consent, offered **Senate Resolution No. 102**, entitled:

A Resolution designating the week of May 3 through 9, 2009, as "Drinking Water Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator M.J. WHITE. Mr. President, about 30 years ago, the American Water Works Association established "National Drinking Water Week" in an effort to call attention to water as a precious natural resource. We in Pennsylvania are blessed with abundant and good clean water.

The resolution recognizes the efforts of approximately 2,200 municipal and investor-owned utilities - water systems, community water systems - that provide safe, clean, and reliable sources of water to our residents.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators DINNIMAN, ALLOWAY, BAKER, BOSCOLA, BROWNE, ERICKSON, FERLO, FONTANA, HUGHES, KASUNIC, KITCHEN, LOGAN, MUSTO, O'PAKE, PILEGGI, RAFFERTY, STACK, STOUT, TARTAGLIONE, WAUGH, M. WHITE, WILLIAMS, WONDERLING, FARNESE, GORDNER, WASHINGTON, EARLL, PIPPY and COSTA, by unanimous consent, offered **Senate Resolution No. 103**, entitled:

A Resolution commending the 164 local YMCAs for providing outstanding community services and recognizing the month of May 2009 as "YMCA Appreciation Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, just a brief comment. There are 164 local YMCAs in the Commonwealth. They provide tremendous service to our local communities, so it is a pleasure to introduce this resolution in which May 2009 will be recognized by the Commonwealth as "YMCA Appreciation Month."

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Leslie Nicholas by Senator Baker.

Congratulations of the Senate were extended to Michael R. Harbove and to David A. Keck by Senator Boscola and others.

Congratulations of the Senate were extended to Mr. and Mrs. R. Edward Ream by Senator Brubaker.

Congratulations of the Senate were extended to Bruce E. Moroney by Senator Dinniman.

Congratulations of the Senate were extended to Stephen L. McFalls by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Huntingdon 911 Center's Public Safety Dispatchers, Public Safety Dispatchers of the Department of Transportation, Huntingdon, and to the Pennsylvania State Police Public Safety Dispatchers of Huntingdon, by Senator Eichelberger.

Congratulations of the Senate were extended to Wynne Levy by Senator Farnese.

Congratulations of the Senate were extended to Edward Joseph Gallagher and to Zachary K. Jesperson by Senator Gordner.

Congratulations of the Senate were extended to Caitlin Hughes by Senator Hughes.

Congratulations of the Senate were extended to Dr. Emanike Ukazim and to Chidi Ukazim by Senator Leach.

Congratulations of the Senate were extended to Albert R. Boscov by Senator O'Pake.

Congratulations of the Senate were extended to Richard D. Abbott by Senator Pileggi.

Congratulations of the Senate were extended to Deborah Weimerskir by Senator Robbins.

Congratulations of the Senate were extended to Benjamin Meeder and to Jonathan Rajaseelan by Senator Smucker.

Congratulations of the Senate were extended to Robert Mallace and to Marie Wisniewski by Senator Tomlinson.

Congratulations of the Senate were extended to Chief Oren H. Kauffman III, Frank A. Selgrath, Debra P. Diller, Scott M. Hammaker, Joe D. Garvey and to World Surgical Foundation, Inc., of Camp Hill, by Senator Vance.

Congratulations of the Senate were extended to Matthew DeFazio, Matthew Nicholas, Zachary Tanyer, Nicholas Ciccotelli, Daniel Lindgren and to Donald R. Green by Senator Ward.

Congratulations of the Senate were extended to Zane W. Deller, Isabella Spanswick and to Tanya Miller by Senator Waugh.

Congratulations of the Senate were extended to Adam Corey Peterson, Derek Robert Shick and to Dianne Rigby by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Lusher by Senator M.J. White.

Congratulations of the Senate were extended to Roberta Cobb Langston by Senator Williams.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Michael Gordon Ferguson by Senator Hughes.

Condolences of the Senate were extended to the family of the late Joseph Gabriel Clayborne by Senator Leach.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 6, SB 33, SB 54, SB 101, SB 110, SB 143, SB 144, SB 152, SB 167, SB 172, SB 282, SB 283, SB 284, SB 354, SB 380, SB 731, SB 753, SB 817 and HB 602.**

And said bills having been considered for the first time,

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

### PETITIONS AND REMONSTRANCES

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

Senator WOZNIAK. Mr. President, I rise to remind my colleagues that today, I have introduced Senate Bill No. 833 to begin the process of looking at and reconfiguring the artificial political boundaries of school districts.

Every once in a while, you will hear a stray statement from a politician or a policy expert about our cumbersome and balkanized school system, about how some places they came from or someplace they visited is doing it a better way. This is one of those issues that comes and goes around here, and before you know it, 50 years have come and gone since the last time we have looked at our school districts.

Mr. President, I do not know the most efficient and effective size of the optimal school district in Pennsylvania. But I do know one thing: it is time to find out. Our Constitution requires us to provide a thorough and efficient system of public education. While 501 school districts may seem thorough enough, I have my doubts about their efficiency. The process of finding an optimal size for school districts, and redrawing district lines to reach that optimal size, is certainly a complex and daunting task. But the legislation I have introduced is very simple. It says, let us get started.

In the next few years, we may journey a thousand miles across the Commonwealth to find the best way to run our schools, but it begins with this single step. In the end, the people of Pennsylvania might just tell us that they want things the way they are, and they want to keep their school system, whatever it costs them. We should be willing to accept that result, and we should be willing to consider dramatic changes in school boundaries if we can produce savings. However, Mr. President, we should not be willing to accept indecision. This is a task that will take years, and the more we procrastinate over the sheer size of it, the bigger it will get.

I know many in the Capitol have already said that we cannot take on anything new in this terrible budget year, but as we approach the difficult choices ahead of us, do we not wish someone had taken some kind of step and made choices years ago? Would our jobs be easier today if someone had done that? And will future Senators look back on us and say, why did they not do this a long time ago? I do not suspect that this is going to be an easy journey, but this legislation simply creates a commission, made up of very diverse folks and stakeholders, to take a look at the opportunities available to us to make our school systems more effective and more efficient, to save the taxpayers' dollars.

Mr. President, they were a little upset when Thomas Jefferson made the Louisiana Purchase through Napoleon. They laughed at Johnson, Seward, and Sumner when they purchased Alaska. And the taxpayers and the conservatives were chagrined about the amount of money that Dr. Jonas Salk spent on research and development, until he found that polio vaccine that saved the lives of millions of people.

History vindicated those people, and I am sure that if we take the emotion out of it, if we are serious about what we are about to do, we could save the taxpayers tens of millions of dollars. We could restructure an archaic system and make it prosperous and useful and very, very effective for our next generation and our most important product of Pennsylvania, its prodigy, and that is our children.

So I hope when this comes to the floor, I will get resounding support to create a commission to study the issue of the artificial boundaries of our school districts in Pennsylvania.

Thank you very much, Mr. President.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### TUESDAY, APRIL 28, 2009

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 98; and certain executive nominations)	Rules Cmte. Conf. Rm.
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#### WEDNESDAY, APRIL 29, 2009

9:00 A.M.	APPROPRIATIONS (Budget Hearing - PA Housing Finance Agency)	Hrg. Rm. 1 North Off.
9:30 A.M.	GAME AND FISHERIES (to consider Senate Bills No. 301, 302, 535 and 574; and House Bills No. 92 and 281)	Senate Maj. Caucus Rm.

#### TUESDAY, MAY 5, 2009

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 297, 617, 783 and 829; and House Bills No. 262 and 263)	Room 8E-B East Wing
10:00 A.M.	BANKING AND INSURANCE (public hearing to accept testimony on the Long Term Care Partnership Program)	Room 461 Main Capitol
10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on blighted property and Senate Bill No. 1291 of 2008)	Hrg. Rm. 1 North Off.
10:30 A.M.	EDUCATION (to consider Senate Bills No. 441, 736, 766 and 834)	Room 8E-A East Wing
11:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 196 and 303; Senate Resolution No. 32; and House Bill No. 718)	Room 8E-B East Wing
12:00 P.M.	GAME AND FISHERIES (public hearing to afford the Pennsylvania Fish and Boat Commission the opportunity to present its 2008 annual report)	Room 8E-A Main Capitol

#### WEDNESDAY, MAY 13, 2009

1:30 P.M.	EDUCATION (Public Hearing to consider Alternative Education Funding and Standards)	Polaris School 740 Willow St. Lebanon, PA
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### RECESS

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, April 29, 2009, at 11 a.m., Eastern Daylight Saving Time, and I request that the Republican Senators assemble in the Majority Caucus Room for a Republican caucus upon adjournment.

The motion was agreed to by voice vote.

The Senate recessed at 2:07 p.m., Eastern Daylight Saving Time.