

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, FEBRUARY 8, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 8

**SENATE**

TUESDAY, February 8, 2011

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

**PRAYER**

The Chaplain, Reverend JOHN M. GIBBONS, Pastor of Saint Margaret's Roman Catholic Church, Reading, offered the following prayer:

Let us pray.

God all loving, God all merciful, we trust in Your providential care these Senators today. We ask that You send Your spirit of wisdom and understanding upon them in all deliberations here today. We thank You for them. As they are here for the common good, Lord, continue to protect and guide them. We thank You for the sacrifices they make to be here, and their families as well. We are honored and blessed to live in this Keystone State. May all decisions and deliberations be made for Your greater honor and glory, based on Your care for us.

As we remember in a special way their colleague and their friend, Senator Michael O'Pake, may he rest in peace, we ask that You help us and guide us, as he has led so many people in Berks County through his service and care for others. Remember his final words to us as he prayed, "I hope tonight and tomorrow, when we all look back, we can answer this question in the affirmative: Has my life made a difference for good in the lives of others?" Lord, may these words inspire us to do the same. We ask that You help and guide these Senators today. We hope and pray in God's name. Amen.

The PRESIDENT. The Chair thanks Father Gibbons, who was the pastor for Senator O'Pake.

**PLEDGE OF ALLEGIANCE**

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

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

February 8, 2011

Senators VOGEL, ORIE, FONTANA, RAFFERTY, ROBBINS, FARNESE, TOMLINSON, D. WHITE, KASUNIC,

BAKER, TARTAGLIONE, PIPPY, ALLOWAY, WARD, EICHELBERGER, WAUGH, BREWSTER, SOLOBAY, MENSCH and M. WHITE presented to the Chair **SB 456**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in special powers and duties of counties, further providing for flags to decorate graves.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 8, 2011.

Senators VOGEL, KASUNIC, PICCOLA, FOLMER, ERICKSON, SMUCKER, ROBBINS, D. WHITE, TOMLINSON, PIPPY, ALLOWAY, ORIE, WAUGH, BOSCOLA, EARLL, BAKER, BREWSTER, FERLO and BRUBAKER presented to the Chair **SB 457**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, February 8, 2011.

**BILLS REPORTED FROM COMMITTEES**

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

**SB 9 (Pr. No. 152)**

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 42 (Pr. No. 442) (Amended)**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for registration of sexual offenders and for sentence for failure to comply with registration of sexual offenders.

**SB 58 (Pr. No. 43)**

An Act providing for the protection of victims of sexual violence, for duties of law enforcement agencies, for procedure and for penalties.

**SB 59 (Pr. No. 44)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in Judicial Conduct Board, providing for review of complaints, for criminal investigations and for target letters.

**SB 79 (Pr. No. 64)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bases of jurisdiction and interstate and international procedure, providing for foreign depositions and subpoenas; and repealing provisions relating to foreign depositions and evidence.

**SB 88 (Pr. No. 73)**

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, extensively regulating unincorporated nonprofit associations in the areas of organic nature, structure, formation, alteration, management, participation, functions, liability and dissolution.

Senator PICCOLA, from the Committee on Education, reported the following bills:

**SB 157 (Pr. No. 439) (Amended)**

An Act establishing a task force within the Department of Education, providing for its powers and duties and providing for administrative support.

**SB 159 (Pr. No. 440) (Amended)**

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form and enforcement of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact commissioner; and establishing the State Council on Interstate Educational Opportunity for Military Children.

**SB 200 (Pr. No. 441) (Amended)**

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

**SB 203 (Pr. No. 172)**

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 duties of public institutions of higher education and for the Transfer and Articulation Oversight Committee; providing for participation by State-related institutions and for retroactivity; and making a related repeal.

**SB 224 (Pr. No. 193)**

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 background checks of prospective employees and for conviction of employees of certain offenses.

**SB 244 (Pr. No. 210)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding a requirement relating to cardiopulmonary resuscitation.

**SB 251 (Pr. No. 359)**

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 district payments.

**SB 328 (Pr. No. 305)**

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 suspension of operating privilege.

**SB 343 (Pr. No. 335)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, providing for collection of identifying information of students attending institutions of higher education.

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

**SB 110 (Pr. No. 174)**

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

**SB 163 (Pr. No. 148)**

An Act designating a bridge on that portion of State Route 0006 over the Lackawaxen River, Honesdale Borough, Wayne County, as the Brigadier General Richard J. Tallman Memorial Bridge.

**SB 199 (Pr. No. 170)**

An Act designating a portion of Interstate 78 in Berks County as the CMSgt. Richard L. Etchberger Memorial Highway.

**SB 242 (Pr. No. 209)**

An Act designating the bridge that carries State Route 601 over Barclay Run in the Borough of Somerset, Somerset County, as the Trooper Stephen R. Gyurke Memorial Bridge.

**SB 344 (Pr. No. 438) (Amended)**

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for public-private transportation partnerships; and making a related repeal.

**LEGISLATIVE LEAVE**

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola. Without objection, the leave will be granted.

**LEAVES OF ABSENCE**

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

Senator COSTA asked and obtained leaves of absence for Senator DINNIMAN, Senator KITCHEN, and Senator WASHINGTON, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of January 19, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of January 19, 2011.

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-45**

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Waugh
Blake	Folmer	Rafferty	White Donald
Boscola	Fontana	Robbins	White Mary Jo
Brewster	Gordner	Scarnati	Williams
Browne	Greenleaf	Smucker	Wozniak
Brubaker	Hughes	Solobay	Yaw
Corman	Kasunic	Stack	Yudichak
Costa	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

**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 DONALD C. WHITE  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Mr. President, it is with great pleasure that I rise today and ask my colleagues to recognize a group of students from my home county, Indiana. These enthusiastic students helped to plan the Summit Fest of 2010 and 2011. A total of 25 youth from different school districts met regularly on Saturdays to discuss festival planning for children ages 5 to 12. It is coming up here shortly. These students are being honored today for their community service in helping Indiana earn the designation of being one of the 100 Best Communities for Young People in the country. Their names are Dalton Davis, Rebecca Donahey, Amanda Dunmire, Adam Fetterman, Amber Fetterman, Adrionna Gardner, Kaylee Maughan, Autumn Parks, and Brandi Powell. They are accompanied today by Bonni Dunlap and John Kanyan from the Indiana County Department of Human Services. I would like to thank these students for taking the time to come to Harrisburg today. I do not get many visitors down this way. I ask the Senate to give them its usual warm welcome.

Thank you very much, Mr. President.

The PRESIDENT. Would the guests of Senator Don White please rise so the Senate may give you its usual warm welcome. (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, I would like to introduce two teams of very talented young men and women from my district and submit each of their names individually for the record. These students currently attend Hempfield High School in Landisville, Pennsylvania. The Hempfield High School Black Knights Boys' Varsity Soccer Team and the Girls' Varsity Volleyball Team are seated in the gallery today. Through their hard work, much practice, and continued dedication, these extraordinary young people have greatly excelled in their sports.

The Hempfield High School Girls' Varsity Volleyball Team is being congratulated upon capturing the 2010 PIAA State Class AAA Girls' Volleyball Championship. Under the guidance of Head Coach Patrick Shawaryn and assistant coaches Tim Shawaryn, Matt Shawaryn, Allison Seldomridge, and Gary Dimm, the team was comprised of Lauren Beckett, Eliza Donohue, Brittani Young, Talia McMurtrie, Nicole Pyle, Rachel Lenz, Morgan Buterbaugh, Morgan Lowe, Maggie O'Hearn, Brittany McMullen, Kayla Gromen, Lauren Donato, Carlyn Marshall, Christine Rickert, Emily Zellers, and Katelyn Elliott.

Mr. President, the Hempfield High School boys are also here. Their varsity soccer team is being congratulated upon winning the 2010 PIAA State Class AAA Boys' Soccer Championship. Under the guidance of Head Coach Mark Ashley and assistant coaches Steve Klein, Doug Harris, and George Nimo, the team was comprised of Travis Worra, Kyle Rineer, Tyler Boruff, Dan Raymond, Connor Goldsmith, Kelvin Zambrana, Dylan Andrews, Zach Stoltz, William Gately, Jessie Thomas, Jason Bleacher, Alex Demascola, Brennan Goldsmith, Tyler Ashley, Drew Skundrich, Ben Hinkle, Kyle Bitterman, Jared Keifer, Zach Hollinger, Todd Pratzner, Troy Barr, Paul Carpenter and Billy Heavener.

Mr. President, I ask the Senate to give its usual warm greeting.

The PRESIDENT. Would the guests of Senator Brubaker please rise so the Senate may give you its usual warm welcome. (Applause.)

**SPECIAL ORDER OF BUSINESS  
MEMORIAL SERVICE FOR FORMER  
SENATOR MICHAEL A. O'PAKE**

**SENATE RESOLUTION No. 28 ADOPTED**

Senators COSTA, SCARNATI, PILEGGI, ALLOWAY, ARGALL, BAKER, BLAKE, BOSCOLA, BREWSTER, BROWNE, BRUBAKER, CORMAN, DINNIMAN, EARLL, EICHELBERGER, ERICKSON, FARNESE, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, LEACH, McILHINNEY, MENSCH, ORIE, PICCOLA, PIPPY, RAFFERTY, ROBBINS, SMUCKER, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON, VANCE, VOGEL, WARD, WASHINGTON,

WAUGH, D. WHITE, M. WHITE, WILLIAMS, WOZNAK, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 28**, which was read by the Clerk as follows:

#### A RESOLUTION

Honoring the life of Senator Michael A. O'Pake and extending condolences to his family, staff, constituents and many friends.

WHEREAS, Senator Michael A. O'Pake dedicated his life to public service and helping others and, at the time of his passing on December 27, 2010, was the longest-serving member of the Pennsylvania General Assembly and is fondly remembered by his constituents in the 11th Senatorial District as "the People's Senator"; and

WHEREAS, Senator O'Pake, who grew up in poverty in the Glen-side housing project in Reading, Berks County, gave voice to ordinary, hard-working citizens struggling to build a better tomorrow for their families and was always a champion for children, seniors, the disabled and all of society's vulnerable and less fortunate throughout his 42 years of distinguished service in the Senate and House of Representatives; and

WHEREAS, Senator O'Pake was valedictorian of the class of 1957 at his beloved Reading Central Catholic High School, where he won the national Optimist International Oratory contest, worked his way through college and law school with the help of academic scholarships, graduated summa cum laude from St. Joseph's University in 1961 and earned his Juris Doctorate from the University of Pennsylvania School of Law in 1964, where he received the Keedy Cup for best appellate advocacy; and

WHEREAS, Senator O'Pake, while a member of the House of Representatives, took up the fight to help seniors with the 1971 passage of the law that created the Pennsylvania State Lottery, after his election to the Senate in 1972, chaired a special Senate committee to tackle problems pertaining to Pennsylvania's youth and, in 1975, was named the first chairman of the Committee on Aging and Youth of the Senate; and

WHEREAS, To safeguard children from abuse and neglect and to assist the elderly, Senator O'Pake wrote Pennsylvania's 1975 Child Protective Services Law and in 1978, authored the legislation creating Pennsylvania's cabinet-level Department of Aging and system of county Offices of Aging to serve the multiple needs of Pennsylvania's older adult population; and

WHEREAS, Senator O'Pake successfully fought for property tax and rent rebates for seniors, PACE and PACENET prescription assistance for the elderly long before the Federal Government added a prescription benefit plan to Medicare and was a leading advocate of Pennsylvania's landmark Children's Health Insurance Program (CHIP), which became a model for the nation; and

WHEREAS, Senator O'Pake sponsored or played a critical role in the passage of many laws, including establishing the powers and duties of an elected Attorney General, the creation of programs and funding to ensure a quality education for all Pennsylvania students, the enactment of Pennsylvania's no-fault divorce law, juvenile justice reform to remove youthful offenders from adult prisons, the reenactment of Pennsylvania's death penalty law to meet United States Supreme Court objections, the Amber Alert System to enlist the public's help in locating abducted children and, most recently, the creation of the Missing Endangered Person Advisory Law to aid in the location of missing Alzheimer's sufferers and other vulnerable citizens; and

WHEREAS, Senator O'Pake strongly believed in the importance of encouraging Pennsylvanians to actively engage with their government and practice good citizenship in the historic tradition of neighbor helping neighbor and authored the law that created PennSERVE, a permanent office of citizen service in State government; and

WHEREAS, The recipient of awards and commendations too numerous to mention, Senator O'Pake recently was re-elected by his colleagues to the leadership position of Senate Democratic Whip, always using the positions of leadership and influence he had attained for the benefit of the people of this Commonwealth and especially for the residents of Berks County who had entrusted him with an overwhelming and unprecedented vote of confidence spanning five decades; and

WHEREAS, Senator O'Pake, just prior to his untimely passing, humbly accepted one last award on November 5, 2010, that, perhaps,

meant more to him than any other - the prestigious Shield of Loyola award from his alma mater, St. Joseph's University, which recognized Senator O'Pake's lifetime of service to others; and

WHEREAS, Senator O'Pake accepted the award with this challenging query: "I hope tonight and tomorrow when we all look back, we can answer this question in the affirmative: 'Has my life made a difference for good in the lives of others?';" therefore be it

RESOLVED, That the Senate memorialize and pay tribute to an exemplary Pennsylvania public servant, and answer the question with a resounding "Yes," our departed colleague and good friend, the Honorable Michael A. O'Pake indeed made a difference for good in the lives of all Pennsylvanians and will be sorely missed; and be it further

RESOLVED, That the Senate express its profound sorrow over the passing of Senator Michael A. O'Pake and extend its heartfelt condolences to his family, staff, constituents and many friends.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I rise to offer this resolution for a friend and colleague who was a shining example of how public service can have a lasting impact and truly promote the greater good. Senator Mike O'Pake was indeed the people's Senator. He devoted his life to public service, as we just heard. His exhaustive efforts and unwavering devotion to the citizens of the 11th Senatorial District in the Commonwealth of Pennsylvania made him truly inspirational. Mike was first elected to the State House in 1968, joined the Senate in 1972, and at his passing was the longest-serving Member of the Pennsylvania General Assembly.

The depth of Senator O'Pake's commitment to his work is illustrated in many areas where his legislation has made a difference. He took up the fight for seniors from the very beginning of his political career, as exhibited by the 1971 passage of the law creating the Pennsylvania State Lottery. He created the Pennsylvania cabinet-level Department of Aging, the system of county Offices of Aging, and worked to make sure senior citizens could get the property tax rebates and prescription drug assistance, as well as other programs, that they deserved.

He was also a voice for children. When child abuse was something that we did not feel comfortable talking about, Senator O'Pake did not shy away from these problems and instead worked to author the 1975 Child Protective Services Law. He worked to insure passage of the CHIP program, another opportunity to help insure that Pennsylvania's children are healthy and thriving.

And Mike O'Pake made his mark on the judiciary. He served as chairman of the Committee on Judiciary for a number of years, created the elected Office of State Attorney General, and also advocated successfully for juvenile justice reform in the creation of a separate juvenile justice system to adjudicate and also treat young offenders. As Democratic chair of the Senate Committee on Agriculture and Rural Affairs, he was always a friend to our farmers across the Commonwealth.

His constituents always knew that they had a friend in Senator Mike O'Pake. No project was too small, no request too trivial in the eyes of Senator O'Pake. Even with all of these noteworthy--even historic--legislative accomplishments, constituent service was unquestionably the number-one thing with Senator Mike O'Pake. Senator O'Pake always had his staff, many of whom are

here joining us from the district and Harrisburg offices, working diligently to insure that the legislation he championed was implemented effectively and properly. It was important to him that they follow through to make sure that government bureaucracy and red tape did not prevent the people from reaping the benefits of the laws that he helped to create for them.

The words of John F. Kennedy made an early impression on Mike O'Pake. He took them to heart and, coupled with his own very humble beginnings, was inspired to embrace government as a tool to address the problems faced by the poor and the powerless. This ability to make government work for our people was unrelenting and unparalleled. Senator O'Pake also felt strongly about encouraging others to do their part. In addition to everything we have heard about legislation Senator O'Pake sponsored and promoted, he also helped to create the PennSERVE office to promote volunteerism and community service throughout this Commonwealth--the volunteer spirit is something our national leaders today are relying upon to help address some of the problems we face not only in this Commonwealth but across this country--all in an effort to make our communities better places to live and to work.

For Mike, government was truly of, for, and by the people. I have talked a little bit about the accomplishments of Senator O'Pake. A number of us have had the opportunity, obviously, to work very closely with him over the last several years, and I will tell you--many of you know, while standing at this podium, he helped to articulate for our caucus a variety of issues in a very appropriate demeanor. Also, in our caucus room, as our Democratic Whip for so many years, Senator O'Pake was always one who would have a very calm demeanor, as I said, but most importantly, he was someone who was a voice of reason in our caucus. When things would get heated, whether it was here on the floor, whether it was in budget meetings, or whether it was in our caucus, Senator O'Pake was always someone who could cut through some of the B.S., if you will, and hone in on the point that was very important and be that voice of reason.

There is no question that he will be missed by our Caucus and the Members on this floor today. His leadership will be missed, as I said, not only here but also back in the 11th Senatorial District and this Commonwealth as well, not just now, but for many more years to come. Pennsylvania has lost a devoted leader, and we have lost a dear friend. Again, I would like to extend my heartfelt condolences to Senator O'Pake's family, his staff, his constituents, his colleagues, and many, many friends.

As Father Gibbons said, and as I think others have said, before Senator O'Pake's passing, he was honored with a very prestigious award by Saint Joseph's University, and he said, "Has my life made a difference for good in the lives of others?" I think for all of us who have had the opportunity to work with Mike, and the people he represented in the 11th Senatorial District, and the people of this Commonwealth, his life has in fact made a significant difference for good for the lives of others. We are proud to have called you a friend, and you will be missed, Michael.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes our President pro tempore, the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, to the family, to the friends, the staff, and all who are here today to mourn Mike O'Pake, the Senate gives our condolences. But while we are here to mourn, we have to celebrate his life. Mike O'Pake

was a great individual. I think we could tell story after story of everybody's life that he touched in some way. Whether it be someone in school, a senior citizen, a constituent in any way, Mike was truly, truly a public servant. And it was not just when the cameras were on, it was not just for the newspapers. It was because he cared. And his life is a good lesson for all of us here in this room, a good lesson for all of us to live every day the way Mike O'Pake lived. None of us are guaranteed tomorrow, and Mike made a difference.

For the 2 years that I was able to be at the rostrum, there was not a day that went by that Mike O'Pake, somehow in his candor, his wit, and a little bit of sarcasm, put a smile on my face. He was always, always up at that rostrum with something that made you smile. And he believed in what he did, but he did not take himself seriously. He was grounded and he knew why he was here.

So today as we celebrate his life, he is somewhere in heaven, I am sure; and if he has a job, it is with public relations. The good Lord has a good helper now and we wish him eternal life in our prayers.

Thank you, Mr. President.

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

Senator PILEGGI. Mr. President, Senator Michael O'Pake served as an exemplary Member of this body from his first election in 1972 until his passing late last year, nearly four decades as a State Senator. The changes he saw during his time in office are remarkable. When he was first elected to the Senate, Richard Nixon was our President, Milton Shapp was our Governor, the United States was in the middle of the Cold War with the Soviet Union, Germany was still divided by the Berlin Wall, and there were no such things as personal computers, cell phones, or the Internet.

Without question, Senator O'Pake had staying power. Every 4 years - in 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, and for the ninth and last time in 2008 - the residents of the 11th Senatorial District reelected Mike O'Pake as their Senator by overwhelming margins.

Probably as much as any Senator who ever walked this floor, Mike O'Pake never forgot the people who elected him. Mike's legacy can be summed up in one word: loyalty. He was loyal to his district, to his city of Reading, to his parish of Saint Margaret, and to his college of Saint Joseph's University. At Saint Joseph's, Mike was profoundly influenced by the Jesuit vision of becoming a man for others. To that end, Senator O'Pake was intensely loyal to his constituents. He worked tirelessly on their behalf, both to advance meaningful legislation here in Harrisburg and to provide personal assistance to those in need from his district.

Mr. President, we will all miss our friend Mike O'Pake. He was truly deserving of the title public servant. Thank you, Mr. President.

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

Senator STACK. Mr. President, I will be short. Thank you for the words that have been said previously and thank you to the loved ones of Senator Mike O'Pake for being with us today. We are happy to have you. Just one anecdote I can tell you about Senator O'Pake. It is hard to believe that I have served in this Senate for a decade. I have been here 10 years. In this great

body, we get to work with very talented people, and I have to say, I thought I knew Senator O'Pake very well, but over the last year, I got to know him better than I had ever imagined I would.

I had a wonderful opportunity, along with some of my Philadelphia colleagues, to attend the Shield of Loyola dinner, and what a great event that was. I was there with Senator Farnese, Senator Williams, Senator Kitchen, and Senator Washington. We were in our formal wear and were sitting at the table, and we could not believe how giddy and excited Mike was. I always knew him as a Saint Joe's guy because I grew up with Saint Joe's people in my house. My mom and dad are big Saint Joe's people, my brothers and sisters—I am the only LaSalle guy—but they were all Saint Joe's people, so I still went to the Saint Joe's events and I would see Mike there. But Mike, who would rarely tell you when he was accomplishing something, told me on the floor of the Senate, he said, I am going to get the Shield of Loyola. So I knew it was a very special thing. And when we were sitting there at the table, at the former Bellevue Stratford—now the Hyatt Regency—in Philadelphia, we Senate colleagues were amazed at all the people — of course, we knew Mike was popular -- but all the people who loved him in such a special way, and how honored he was. And then to hear about Mike's background, that he grew up in poverty, that he lived in public housing, that he took care of his family, that that was always something that drove him. The way he strove in his educational background really came from that motivation for trying to get out of poverty. It gave us, in that one brief night together, a better understanding of Mike O'Pake than we ever had before. And we have all heard those words about the question that Mike asked that evening, whether all of us, in our lives, have been a force for good in people's lives. We looked at each other at the table that night and I think we looked at Mike O'Pake and almost simultaneously we all said Mike O'Pake really has. He has really made a difference in the lives of people.

You know, 70 years old, particularly today, is a very young age to pass away, especially when you have everything that Mike had to offer. But for the impact Mike made, he had an extraordinarily full life. We will miss him greatly, but we can also celebrate what a huge impact he has had. I can tell you, personally, I was blessed to be a friend of Mike O'Pake's and to know him. So we miss him, and we are positive he is in heaven, and we thank Mike O'Pake for everything. We know that he will be watching over us to make sure that we continue to do the right thing.

Thank you, Mr. President.

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

Senator RAFFERTY. Mr. President, for two terms sitting in the front seat, Senator O'Pake would walk by me and say, howdy neighbor, and we would have a chance to sit and chat with one another. The reason why he did that, I represent the southeastern section of Berks County, Senator O'Pake represents the adjoining portion and a larger portion of Berks County. We shared the common issues of Berks County, and regardless of Republican and Democrat, whose district it may have been, if it benefitted Berks County, Senator O'Pake would lend his support and assistance. Recently, we were working on a project in his district where I was helping Senator O'Pake with an economic development project that the three commissioners were supportive of, and Senator Argall weighed in as well and helped out, and we

were able to deliver the project to Berks County in honor of Senator O'Pake and his assistance and his leadership in that effort. A public servant puts the needs and wants of those people he serves first. Mike O'Pake lived that lesson and left it as a legacy for all of us to follow.

Thank you, Mr. President, for this time. Farewell, neighbor.

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

Senator BRUBAKER. Mr. President, it is a real honor to stand to very briefly pay tribute to a very good friend, Senator Mike O'Pake. Those of us who are in the Chamber are looking at a picture of Senator O'Pake and it says, Senator Michael A. O'Pake, 1940-2010, and there is a picture of him in a red tie and blue coat, eyes wide open and a big smile, and that is how I remember him. It was referenced that he was the Democratic chair of the Senate Committee on Agriculture and Rural Affairs, and I had the fortunate opportunity to be the Republican chair of that committee, so we did a good bit of Senate work together. As was referenced earlier, never one time did he see an issue in all of our conversation as Republican versus Democrat. He saw the issues as what was right for the people of Pennsylvania.

There is no doubt in my mind that I can answer the question, from my perspective, that has been asked many times in his own words. The answer is affirmative, that his life did indeed stand for something. I believe that his life had a positive impact on every Member of the Chamber in one way or the other. I also watched him when times were tough, when there was a difficult issue, and he handled the tough times with the kind of faith and diplomacy that you would expect of someone given all the tributes that have been made to him. So it is an honor for me to stand here today, Mr. President, to say good-bye to a very good friend. I agree with what was said earlier, that he is indeed in heaven, and I wish he and his family and colleagues all the best. God bless you, Senator O'Pake.

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

Senator BOSCOLA. Mr. President, it is always difficult and sad at a time like this to speak from the heart about a colleague that I personally respected and admired as much as I respected and admired Mike O'Pake. All of the heartfelt words and gracious sentiments that are spoken today cannot come close to filling the void that will remain with us in this Chamber and all of us following his death. All of us, his colleagues in the Senate and House, his constituents in Reading and Berks County, and his vast family of friends across Pennsylvania have experienced the terrible loss of a very special person and politician.

This Senate floor is where Mike O'Pake stood and fought so passionately for his strong convictions. And regardless of whether he had the votes or not, that day it did not matter. No matter what the odds or the issue was, he never wavered, he never gave up, and he gave his constituents everything they deserved, nothing less. For Mike O'Pake, that meant working 24 hours a day, 7 days a week.

Senator O'Pake's life defined public service. Did you ever see Mike O'Pake work a room? If you are smiling—and you are, a lot of you—you know what I am talking about. He did not just work a room, he touched every single person in that room with a kind word or a caring gesture. To watch him shake a hand in every room, whether it was 12 people or 200 people, was impressive. He did it in my district routinely, and a lot of my constituents

said, oh, we are lucky to have two great Senators in the Lehigh Valley and Pocono area. It was so good and many people in the Lehigh Valley knew Mike O'Pake. He talked to everybody like they were the most important person in the world at that moment, and with Mike O'Pake, that was not work. It was not politicking, it was caring, really caring about people. Caring about people goes beyond government programs, it goes beyond just cutting some ribbon, or photo opportunity, or cutting through red tape. Caring is what epitomized the life of Mike O'Pake.

There was so much to admire in this man, the State Senator, the friend, the colleague, both personally and professionally. Mike O'Pake had many admiring friends, and I am proud to have been one of them. Our Commonwealth has lost someone very, very special. Mike O'Pake was a wise, principled, good natured, caring Senator and a constant gentleman.

And for me, he was a mentor, a personal friend. Maybe because our districts were so close together and we shared some of the same constituencies, I always felt that we shared the same amount of friends as well. And at times, when difficult times occurred here--he being a leader in this Caucus and me a rank-and-file Member, there were times when he would ask me, Lisa, can you make this vote for our Caucus? And I would say, sorry, Mike, just cannot do it this time, maybe next. And even though it might have disappointed him at the time, I always found the next day or a couple hours later he would always put his arm around me and say, you know what, Lisa, I believe you made the best vote for what you believe for your constituents. I could always count on that with him.

Mike showed all of us, with the greatest affection and respect, what it meant to be a public servant. What we do in this building, this Capitol, this Chamber is so important, and you must remember that the people have entrusted each of us with great responsibility and even greater expectations. So as even Senator Scarnati had said, may God bless him and may the good Lord smile as much as we did, when God watches him work that room in heaven. Thank you.

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

Senator WILLIAMS. Mr. President, the comments that I will make are consistent and reflective of those comments before, but I will confess to the family--I want you to understand something, family and friends. You know, my Leader, Jay Costa, made mention of this. There are frequent times when people come to the Capitol, to the Senate, and watch us perform, and I will tell you, I thank the Members on the Republican side of the aisle for packing those seats. We are here in collective unity because we think so much of Mike O'Pake. I will tell the folks from both sides of the aisle that it means a great deal to me personally--I have actually taken on the responsibility of Minority Whip--to see us collectively honor a person who deserves this type of honor.

For those of us who listened to the resolution today and heard the comments about his extraordinary legislative and public accomplishments--and that is necessary to comment for the record--but for those of us who think, in this small body of 50, that we get to know someone, and we do, we get to know if they have a family, if they have a favorite hobby, if they have a favorite book. Unfortunately, sometimes we greet death with them and grieve with them, but I will tell you that frequently, too frequently, we do not really know what drives the heart and soul of a person who serves here publicly. Mike O'Pake wore that on his

sleeve. Mike O'Pake was the complete, complete gentleman, and I mean a gentle man. I do not mean a weak man. I mean a gentle person, a humane spirit, one who treated all differences and all commonality with the same consideration and compassion. He was a person who truly represented the elite within this Commonwealth, the common person.

Mike O'Pake carried himself with an air of dignity and, frankly, with a level of regalness. He was a person who dressed impeccably and looked the part of the Senate on a daily basis. That housed the drive, that covered the cruel poverty that he later talked about in terms of his public service.

That night that Senator Mike Stack talked about, I truly wish that all of us could have been there. It was a moment that we all would have relished for Mike O'Pake. It was a night that I truly learned what made Mike O'Pake a man, the type of man that he was and, ultimately, the public servant that we all came to know. He talked glowingly about Archbishop Schulte, a teacher whom he met early in his life, he and his brother, who understood the cruel poverty that had captured them, the indignities that had been part of their lives, and cultured them and nurtured them to men of consequence who strove toward academic excellence when so many were shutting the door on them. He talked about a mother who protected them, who raised them by herself in times when it was not known to have single parents, as we have commonly addressed today. Mike O'Pake took all of that.

Unfortunately, we see today in society an angry young generation, those who feel denied and put aside and feel they have the right to rob and pillage others because they have been denied and treated cruelly. Mike O'Pake served notice to all of us, that if he could turn it around, there should not be a question mark for any of us turning it around. Frankly, for many of us--and I will tell you publicly today, I serve as the Minority Whip for the Democratic Caucus, but I will never ever, ever, ever, ever on my best day come close to Mike O'Pake. Mike O'Pake could meet a difference, greet that difference, turn it on its head, and make you babble as you argue back what you thought to be right. Me, I do not come anywhere close to that, and I meet them head on and argue publicly about them.

That said, Mike O'Pake taught us a lesson, a lesson that there is not only a purpose to one's life, but there is a consequence to one's life. Those of us who want to measure the significance only need to know what Mike O'Pake has done. It does not rest in all the things that we talk about publicly today, about all the extraordinary public accomplishments, but it talks about his private soul, his rendering, his being, and who he is, translating that, and then turning it around and giving it to all of us.

On a daily basis, Mike O'Pake made it here, served his family, served his mother, served the public, and served his private, private, private pains with the same level of adjustment: 100 percent of him, 100 percent of his heart, and 100 percent of who he was. We will miss Mike O'Pake. We love you, Michael. God bless.

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

Senator TARTAGLIONE. Mr. President, to the family, friends, and staff of Senator O'Pake, where do I begin? Mr. President, it is not surprising, given the traditions and decorum of the Senate, that the Members would rise to say something about the admiration and respect they felt for Mike O'Pake. I am sure he would be moved by the remarks offered in his memory today.

But what makes Mike's passing so unique and so moving is the reaction of the public that he served.

As we have learned by now, commentary across the political landscape some time ago departed from tradition and decorum and thoughtfulness, especially when it comes to an elected official and the ideals they represent. That is why the reaction by the people who sent Mike O'Pake back here decade after decade is something to behold and consider, and it would have meant more to him than any award or citation.

I came to the Senate in 1994, and I knew Mike O'Pake. I knew Mike O'Pake. I did not know him really, as Mike the person, until my accident in 2003. Through some of the darkest nights and the worst of times, Mike was there. When I questioned my faith, Mike was there. When I lost my father, Mike was there. I am going to miss Michael so much. I do not know if his family knows, but I know his staff does, he would bring me fresh mushrooms and tell me that he was up at 4 o'clock in the morning picking those mushrooms. Instead of Godiva chocolate, I wanted mushrooms, and Mike O'Pake gave me both.

I am going to miss him, and I am sure he is up there, looking over my shoulder telling me, go ahead, kid. Go get them. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I did not have the distinct honor, I am new to this floor, new to this Chamber, but I know one thing for sure, I knew Mike personally before my arrival here in the Senate. Several years ago, back in the 1990s, I worked at HUD and was delegated the responsibility for Berks County. I spent an awful lot of time there and met Mike at that time. As was said by our Republican Leader, the fact that Mike came from the public housing project, I had the chance to present publicly with him on fair housing and equal opportunity issues in his county, again advocating on behalf of people in need. When a retailer located in his district was trying to get out of bankruptcy to save 5,000 jobs, Mike called on me and said, how about remembering those 5,000 Pennsylvanians? It was an awful a lot of learning for me.

The biggest and saddest thing for me is that I cannot go down the hall and knock on the door and say, hey, Mike, how about some help on this? But I want to extend condolences to his family, friends, and staff. Mostly, I want to thank my Leader, and also Senator Williams, for giving me the opportunity to vote for Mike in the leadership vote that occurred prior to his passing. Thank you, Mr. President.

The PRESIDENT. The Chair calls your attention to the video monitors. We now have the opportunity to view a video tribute of our late colleague.

(Whereupon, a video tribute of the career of the late Senator MICHAEL A. O'PAKE was presented.)

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

The PRESIDENT. All those in favor of this condolence resolution will please rise for a moment of silence in memory of the late Senator O'Pake. Staff and guests, please rise as well.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Senator MICHAEL A. O'PAKE.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

(Applause.)

## CALENDAR

### SECOND CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**SB 3** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

### UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators HUGHES and ALLOWAY, by unanimous consent, offered **Senate Resolution No. 29**, entitled:

A Resolution supporting "National Black HIV/AIDS Awareness Day" on February 7, 2011, in Pennsylvania.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Kistler Buildings of Fogelsville by Senator Browne.

Congratulations of the Senate were extended to the Allentown Central Catholic High School Football Team by Senator Browne and others.

Congratulations of the Senate were extended to Leon O. Anderson, Jr., and to David John McConaghy by Senator Dinniman.

Congratulations of the Senate were extended to Dr. Frank Tursi by Senator Earll.

Congratulations of the Senate were extended to Stephen X. Treacy by Senator Greenleaf.

Congratulations of the Senate were extended to Ruthann Golembeski by Senator McIlhinney.

Congratulations of the Senate were extended to Mr. and Mrs. James Stark, Zach Schwartz and to St. Gregory School of Zelenople by Senator Orie.

Congratulations of the Senate were extended to Veda M. Brown and to Elaine R. Smeltz by Senator Piccola.

Congratulations of the Senate were extended to Ethan Michelini by Senator Scarnati.

Congratulations of the Senate were extended to Richard P. Raab by Senator Tomlinson.

Congratulations of the Senate were extended to Travis Scott Dorian by Senator Wozniak.

Congratulations of the Senate were extended to Tracey Scott LaFrance and to the Pennsylvania College of Technology School of Construction and Design Technologies Team by Senator Yaw.

Congratulations of the Senate were extended to John C. Livingston, James McNulty, Charles Waznakowski, Christopher Hughes and to Richard H. Powell by Senator Yudichak.

### BILLS ON FIRST CONSIDERATION

Senator FOLMER. 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 9, SB 42 SB 58, SB 59, SB 79, SB 88, SB 110, SB 157, SB 159, SB 163, SB 199, SB 200, SB 203, SB 224, SB 242, SB 244, SB 251, SB 328, SB 343 and SB 344.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY FEBRUARY 9, 2011

9:30 A.M. URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 353) Room 461 Main Capitol

TUESDAY FEBRUARY 15, 2011

9:00 A.M. JUDICIARY (public hearing on Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs) Hrg. Rm. 1 North Off.

10:00 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 357 358, 359 and 360) Rm. 8E-A East Wing

10:30 A.M. GAME AND FISHERIES (to consider Senate Bills No. 284 and 387) Room 461 Main Capitol

12:30 P.M. CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 325 and 342) Rm. 8E-A East Wing

WEDNESDAY FEBRUARY 16, 2011

9:00 A.M. EDUCATION (public hearing to discuss Senate Bill No. 1) Hrg. Rm. 1 North Off.

WEDNESDAY MARCH 16, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - Governor's Budget Office/Executive Offices and Office of the Governor) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Treasury Department) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Labor & Industry) Hrg. Rm. 1 North Off.

THURSDAY MARCH 17, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - Department of General Services) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Public Utility Commission) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Insurance Department) Hrg. Rm. 1 North Off.

MONDAY, MARCH 21, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - SERS/PSERS) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Office of Attorney General) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Military & Veterans Affairs) Hrg. Rm. 1 North Off.

TUESDAY MARCH 22, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - PA Liquor Control Board) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - PA State Police) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Conservation & Natural Resources) Hrg. Rm. 1 North Off.

WEDNESDAY MARCH 23, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - Department of Revenue) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Health) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - PA State System of Higher Education) Hrg. Rm. 1 North Off.

THURSDAY MARCH 24, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - Department of Environmental Protection) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Transportation) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Aging) Hrg. Rm. 1 North Off.

MONDAY, MARCH 28, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - Office of Auditor General) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Judicial Department) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - State Related Universities) Hrg. Rm. 1 North Off.

TUESDAY MARCH 29, 2011

9:30 A.M. APPROPRIATIONS (Budget Hearing - Department of Education) Hrg. Rm. 1 North Off.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Corrections/Probation & Parole) Hrg. Rm. 1 North Off.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Community & Economic Development/PA Housing Finance Agency) Hrg. Rm. 1 North Off.

WEDNESDAY MARCH 30, 2011

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Hrg. Rm. 1 North Off.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Hrg. Rm. 1 North Off.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.

THURSDAY MARCH 31, 2011

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Hrg. Rm. 1 North Off.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - PEMA/Homeland Security)	Hrg. Rm. 1 North Off.

**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, February 9, 2011, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 2:27 p.m., Eastern Standard Time.