

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, APRIL 30, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 30

**SENATE**

MONDAY, April 30, 2007

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

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

**PRAYER**

The Chaplain, Reverend JEAN GOMOLA, of Mars Presbyterian Church, Mars, offered the following prayer:

Please pray with me.

Gracious God, I lift before You the men and women of this place who give themselves in service to our great State. Bless them as they go about their work. Keep them mindful of the purpose for which You have established all governments. Give them clarity of mind and sincerity of heart to seek the good of the people. There is much we have to be thankful for: our beautiful mountains, our fresh streams, our rich forests, our rolling hills, our prosperous cities, and our strong, loving families.

You have blessed us with such a rich heritage, those who have gone before us who have sacrificed much for us. Impress upon these folks here today, Lord. Impress upon their hearts the decisions that they are making are important. Help them to seek the higher ground in all the decisions as they decide the future, future laws that govern our Commonwealth.

Lord, I do not pretend to understand the complexity of law-making or the responsibilities of representing those who have elected them, but I do know that my son, who turns 17 years old today, will need their help to have a good life, a life where he is protected from evil and rewarded for doing what is good, as will all the young people of our State. For this reason, You have established government, and You have set apart these individuals to serve the common good. Bless them as they gather this day. May they make good and wise decisions.

I pray all this in the name of the One who has taken upon himself my debt, paid my penalty for my sins, my Lord and my Savior. Amen.

The PRESIDENT. The Chair thanks Reverend Gomola, her husband, Reverend Gomola, and their son, Randy, who are the guests today of Senator Orié.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**SECRETARY OF CONSERVATION  
AND NATURAL RESOURCES**

April 26, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Michael F. DiBerardinis, 1536 East Montgomery Avenue, Philadelphia 19125, Philadelphia County, 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.

EDWARD G. RENDELL  
Governor

**SECRETARY OF ENVIRONMENTAL PROTECTION**

April 26, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Kathleen Alana McGinty, 126 North 26th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MAGISTERIAL DISTRICT JUDGE**

April 27, 2007

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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of

Pike, Magisterial District 60-3-02, to serve until the first Monday of January 2010, vice William N. Sanquilly, deceased.

EDWARD G. RENDELL  
Governor

### CORRECTIONS TO NOMINATIONS REFERRED TO COMMITTEE

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

#### SECRETARY OF CONSERVATION AND NATURAL RESOURCES

April 27, 2007

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

Please note the nomination dated April 26, 2007, for the appointment of The Honorable Michael F. DiBerardinis, 1536 East Montgomery Avenue, Philadelphia 19125, Philadelphia County, 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, should be corrected to read:

The Honorable Michael F. DiBerardinis, 1536 East Montgomery Avenue, Philadelphia 19125, Philadelphia County, First Senatorial District, for reappointment as Secretary of Conservation and Natural Resources, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

#### SECRETARY OF ENVIRONMENTAL PROTECTION

April 27, 2007

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

Please note the nomination dated April 26, 2007, for the appointment of The Honorable Kathleen Alana McGinty, 126 North 26th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, should be corrected to read:

The Honorable Kathleen Alana McGinty, 126 North 26th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Environmental Protection, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 27, 2007

- HB 60** -- Committee on State Government.  
**HB 111** and **503** -- Committee on Education.  
**HB 112** -- Committee on Banking and Insurance.

- HB 202** -- Committee on Transportation.  
**HB 331** -- Committee on Labor and Industry.  
**HB 642, 675** and **688** -- Committee on Judiciary.

April 30, 2007

- HB 272** -- Committee on Local Government.  
**HB 347** and **840** -- Committee on Transportation.  
**HB 896** -- Committee on Law and Justice.

### 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:

April 27, 2007

Senators ARMSTRONG, ORIE, RAFFERTY, FERLO, COSTA, EARLL, RHOADES, WAUGH, MADIGAN, STOUT, WONDERLING and STACK presented to the Chair **SB 778**, entitled:

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 27, 2007.

Senators STACK, RAFFERTY, STOUT, TARTAGLIONE, FONTANA, WASHINGTON, LOGAN, C. WILLIAMS, COSTA, VANCE, KASUNIC and BROWNE presented to the Chair **SB 785**, entitled:

An Act providing for the electronic monitoring of controlled substances dispensed by a pharmacist and for the powers and duties of the Office of Attorney General; and prescribing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 27, 2007.

Senators STACK, RAFFERTY, STOUT, TARTAGLIONE, FONTANA, WASHINGTON, LOGAN, C. WILLIAMS, COSTA, KASUNIC, BROWNE and RHOADES presented to the Chair **SB 786**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of theft of prescriptions or prescription order forms.

Which was committed to the Committee on JUDICIARY, April 27, 2007.

Senators STACK, RAFFERTY, STOUT, TARTAGLIONE, FONTANA, WASHINGTON, LOGAN, C. WILLIAMS, COSTA, KASUNIC, BROWNE and RHOADES presented to the Chair **SB 787**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of theft of controlled substances.

Which was committed to the Committee on JUDICIARY, April 27, 2007.

Senators STACK, RAFFERTY, STOUT, TARTAGLIONE, FONTANA, WASHINGTON, LOGAN, C. WILLIAMS, COSTA, KASUNIC, BROWNE and RHOADES presented to the Chair **SB 788**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for fraudulent practices relating to prescriptions and prescription drugs.

Which was committed to the Committee on JUDICIARY, April 27, 2007.

Senators RHOADES, MADIGAN, TOMLINSON, KITCHEN, LOGAN, TARTAGLIONE, COSTA, FONTANA, ERICKSON, MUSTO, M. WHITE, GORDNER, FERLO, CORMAN, LAVALLE, O'PAKE, WASHINGTON and BOSCOLA presented to the Chair **SB 790**, entitled:

An Act providing for a shared-ride program for persons with disabilities; ensuring Statewide coverage; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, April 27, 2007.

Senator BOSCOLA presented to the Chair **SB 801**, entitled:

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining "crimes related to public office or public employment."

Which was committed to the Committee on FINANCE, April 27, 2007.

Senator BOSCOLA presented to the Chair **SB 802**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the termination of telecommunications service used for unlawful transportation service for property or passengers.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 27, 2007.

Senators BOSCOLA, WOZNAK, WAUGH, FONTANA, RAFFERTY and FERLO presented to the Chair **SB 803**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for depositing waste and other material on highway, property or waters.

Which was committed to the Committee on TRANSPORTATION, April 27, 2007.

Senator ERICKSON presented to the Chair **SB 804**, 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 background checks of prospective employees.

Which was committed to the Committee on EDUCATION, April 27, 2007.

Senators FOLMER, RHOADES, RAFFERTY, CORMAN, FONTANA, ARMSTRONG, TARTAGLIONE, TOMLINSON, EARLL, M. WHITE, GREENLEAF, ORIE, WONDERLING and REGOLA presented to the Chair **SB 805**, 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 the educational assistance program.

Which was committed to the Committee on EDUCATION, April 27, 2007.

Senators BROWNE, RHOADES, RAFFERTY, CORMAN, FONTANA, ARMSTRONG, TARTAGLIONE, TOMLINSON, EARLL, M. WHITE, FOLMER, WAUGH, GREENLEAF, BRUBAKER, ORIE and REGOLA presented to the Chair **SB 806**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for an annual report on the technology grant program.

Which was committed to the Committee on EDUCATION, April 27, 2007.

Senators RHOADES, TARTAGLIONE, RAFFERTY, CORMAN, FONTANA, ARMSTRONG, TOMLINSON, EARLL, M. WHITE, FOLMER, GREENLEAF, ORIE and REGOLA presented to the Chair **SB 807**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for an annual report on the elementary science curriculum grant programs.

Which was committed to the Committee on EDUCATION, April 27, 2007.

Senators RHOADES, TARTAGLIONE, RAFFERTY, CORMAN, FONTANA, ARMSTRONG, TOMLINSON, EARLL, M. WHITE, FOLMER, ORIE and REGOLA presented to the Chair **SB 808**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for an annual report on the high school curriculum enhancement grant programs.

Which was committed to the Committee on EDUCATION, April 27, 2007.

Senators C. WILLIAMS, COSTA, TARTAGLIONE, WASHINGTON, STOUT, FONTANA, BROWNE, EARLL, LOGAN, O'PAKE, MUSTO, WOZNAK and FERLO presented to the Chair **SB 809**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for making information available to consumer reporting agency.

Which was committed to the Committee on JUDICIARY, April 27, 2007.

Senator MUSTO presented to the Chair **SB 810**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the City of Pittston, Luzerne County, to the Redevelopment Authority of the City of Pittston.

Which was committed to the Committee on STATE GOVERNMENT, April 27, 2007.

Senators TOMLINSON, RHOADES, RAFFERTY, CORMAN, FONTANA, ARMSTRONG, TARTAGLIONE, EARLL, M. WHITE, REGOLA, FOLMER and ORIE presented to the Chair **SB 813**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for an annual report on the Education Technology Program.

Which was committed to the Committee on EDUCATION, April 27, 2007.

Senators MUSTO, BOSCOLA, PUNT, LAVALLE, FONTANA, TARTAGLIONE, FOLMER, ERICKSON, M. WHITE, GORDNER, O'PAKE, LOGAN, COSTA, McILHINNEY, WAUGH, CORMAN, RAFFERTY, ROBBINS, STOUT, WASHINGTON, MELLOW, EARLL, BROWNE, KASUNIC and WONDERLING presented to the Chair **SB 815**, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for underground storage tank environmental cleanup program and for underground storage tank pollution prevention program.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 27, 2007.

Senators ROBBINS, PILEGGI, GREENLEAF, COSTA, ARMSTRONG, LAVALLE, WAUGH, WOZNIAK, M. WHITE, BOSCOLA, RAFFERTY, STACK, BROWNE, LOGAN, FOLMER and FONTANA presented to the Chair **SB 818**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of disarming law enforcement officer.

Which was committed to the Committee on JUDICIARY, April 27, 2007.

Senators WONDERLING, ERICKSON, WASHINGTON, FUMO, RAFFERTY, MELLOW, FOLMER, C. WILLIAMS, BROWNE, MADIGAN, CORMAN and BOSCOLA presented to the Chair **SB 819**, entitled:

An Act regulating certain services provided by a nonresident physician.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 27, 2007.

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Senators FUMO, COSTA, LOGAN, FERLO, BOSCOLA, TARTAGLIONE, WASHINGTON, FONTANA, KASUNIC, HUGHES, MELLOW, O'PAKE, MUSTO, STACK, C. WILLIAMS, STOUT, KITCHEN, LAVALLE, A. WILLIAMS, WOZNIAK, DINNIMAN, ORIE, BROWNE, RHOADES and GREENLEAF presented to the Chair **SB 104**, entitled:

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, providing for legislative process.

Which was committed to the Committee on JUDICIARY, April 30, 2007.

Senators GORDNER, WONDERLING, ARMSTRONG, BOSCOLA, BRUBAKER, CORMAN, COSTA, ERICKSON, FERLO, FOLMER, FONTANA, KASUNIC, LAVALLE, LOGAN, O'PAKE, ORIE, PIPPY, RAFFERTY, STACK, TARTAGLIONE, VANCE, WASHINGTON, WAUGH, C. WILLIAMS, WOZNIAK and GREENLEAF presented to the Chair **SB 711**, entitled:

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

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, April 30, 2007.

Senators EICHELBERGER, FOLMER, REGOLA, PICCOLA and PIPPY presented to the Chair **SB 814**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for terms of members.

Which was committed to the Committee on STATE GOVERNMENT, April 30, 2007.

### **RESOLUTION INTRODUCED AND REFERRED**

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

April 27, 2007

Senators BRUBAKER, LAVALLE, KASUNIC, BOSCOLA, C. WILLIAMS, FONTANA, ARMSTRONG, MELLOW, ERICKSON, TARTAGLIONE, MUSTO, RAFFERTY, O'PAKE, WOZNIAK, COSTA, PUNT, GREENLEAF, BROWNE, FERLO, LOGAN, EARLL, WONDERLING, STACK, McILHINNEY, TOMLINSON, PILEGGI, PIPPY and WASHINGTON presented to the Chair **SR 101**, entitled:

A Resolution designating May 8, 2007, as "Early Care and Education Action Day."

Which was committed to the Committee on EDUCATION, April 27, 2007.

### **APPOINTMENT OF MEMBER TO STANDING COMMITTEE OF THE SENATE**

The PRESIDENT. The Chair wishes to announce that the President pro tempore has made the following appointment:

Senator Vincent J. Hughes as a member of the Committee on State Government.

### **APPOINTMENT BY PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Jane Clare Orie as a member of the Interbranch Commission for Gender, Racial and Ethnic Fairness.

### GENERAL COMMUNICATION

#### AUDITED FINANCIAL STATEMENTS OF THE INTERGOVERNMENTAL COOPERATION AUTHORITY

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

INTERGOVERNMENTAL COOPERATION AUTHORITY  
435 Sixth Avenue  
Pittsburgh, PA 15219

April 20, 2007

Honorable Dennis M. O'Brien  
139 Main Capitol Building  
P.O. Box 202169  
Harrisburg, PA 17120-2169

Honorable H. William DeWeese  
110 Main Capitol Building  
P.O. Box 202050  
Harrisburg, PA 17120-2050

Honorable Robert J. Mellow  
535 Main Capitol Bldg.  
Senate Box 203022  
Harrisburg, PA 17120-3022

Honorable Joseph B. Scarnati III  
292 Capitol Bldg.  
P.O. Box 203025  
Harrisburg, PA 17120-3025

Secretary Michael Masch  
Office of the Budget and Administration  
238 Main Capitol  
Harrisburg, PA 17120

In accordance with the provisions of Act 11 of 2004, enclosed please find audited financial statements of the ICA as prepared by outside independent auditors, for fiscal years 2003-04, 2004-05 and 2005-06.

If you have any questions, please contact me at 610-889-0312.

By:

HENRY SCIORTINO  
Executive Director

The PRESIDENT. This report will be filed in the Library.

#### BILLS REPORTED FROM COMMITTEE

Senator ARMSTRONG, from the Committee on Appropriations, reported the following bills:

##### SB 105 (Pr. No. 922) (Amended) (Reported)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, authorizing the members of the Environmental Quality Board to retain independent legal counsel to the performance of its duties.

##### SB 729 (Pr. No. 797) (Rereported)

An Act requiring the posting of certain State salary information on the Internet.

##### SB 791 (Pr. No. 883)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees'

Retirement Board for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

##### SB 792 (Pr. No. 884)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

##### SB 793 (Pr. No. 885)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

##### SB 794 (Pr. No. 886)

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

##### SB 796 (Pr. No. 888)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

##### SB 797 (Pr. No. 889)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

##### SB 798 (Pr. No. 923) (Amended)

An Act providing for the capital budget for the fiscal year 2007-2008.

#### LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request a temporary Capitol leave for Senator McIlhinney, and a legislative leave for Senator Tomlinson.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator McIlhinney, and a legislative leave for Senator Tomlinson.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

### LEAVE OF ABSENCE

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

### SENATE CONCURRENT RESOLUTION

#### WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate April 30, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, May 7, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, May 7, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

#### YEA-49

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

#### NAY-0

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

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

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, today I have the distinct honor of introducing to you the Girls' Squash Team from the Episcopal Academy in Merion, Pennsylvania. This is the

girls' squash team which this year captured not only their league championship and regional championship, but also the United States National High School Championships held at Yale University in February 2007. This is an incredible accomplishment for which we are very proud, and one that is very well-deserved. They worked hard all season with both physically and mentally demanding schedules. They would have practice in the morning before school from 6 to 7:45 a.m., and on some evenings they would practice from 8 to 10 p.m.

I would like to introduce co-captains Logan Greer and Anne Madeira, who will be playing respectively next year for Yale University and the University of Pennsylvania. Joining them are senior Liza Walling, who will be attending Southern Methodist University, Lexi van Arkel, Sarah Mumanachit, Libby Eyre, Emily Halpern, Monica Stone, and Kim Kirkpatrick, who is not here today. Accompanying them are their coaches, Erika La Cerda and Dawn Gray. I am delighted that they are here, and I request that the Senate give them a round of applause for their incredible accomplishment.

Thank you, Madam President.

The PRESIDENT. Would the United States national champions, the Girls' Squash Team from the Episcopal Academy in Merion, their co-captains, and their coaches all please rise so we can welcome you.

(Applause.)

#### GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE

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

Senator GREENLEAF. Madam President, we have in the gallery today Nick Gioffre and his father, Ken Gioffre, from Huntingdon Valley in my senatorial district. They are here in the Senate on behalf of the resolution to designate May 2007 as Crohn's Disease and Ulcerative Colitis Awareness Month in Pennsylvania. In fact, the resolution is being introduced thanks to the efforts of Mr. Gioffre, whose son was diagnosed with Crohn's disease at the age of 10, and has been dealing with this inflammatory disease since that time with daily medication and biennial infusion treatments at Children's Hospital in Philadelphia. Nick is currently a senior at Archbishop Wood High School in Warminster, and plans to attend Drexel University in the fall, where he will major in a very selective program there in entertainment and arts management. I would like to ask Nick and Ken to stand so that the Members can extend their congratulations.

The PRESIDENT. Will Nick and Ken Gioffrie from Huntingdon Valley, Pennsylvania, please rise so we can give you a nice warm welcome.

(Applause.)

Senator GREENLEAF. Madam President, also seated in the gallery is the winning team from the Pennsylvania MATH-COUNTS competition, which is coordinated with the help of the Pennsylvania Society of Professional Engineers and represented here today by Jennifer Summers. I am proud to note that our State leads the nation in the number of students and schools that participate in MATHCOUNTS, and I have my button on today representing MATHCOUNTS.

These excellent students from Sandy Run Middle School in Dresher in my senatorial district are coached by Sandra Van Horn, who deserves special recognition for coaching perennial winners in the State MATHCOUNTS competition. The students are here today with parents and family members who have supported them through all of their hard work. These students have competed against almost 3,000 students in the competition by solving problems in algebra, probability, statistics, and geometry. Several members of the team will be competing individually in the national MATHCOUNTS competition next month.

The Sandy Run Middle School team consists of Michelle Eng, Ben Kraft, Keenan Monks, Matthew Rauen, Ben Zauzmer, Andrew Zeng, and Kevin Li. I now ask that the members of the State championship Sandy Run Middle School MATHCOUNTS team please stand with your coach so the Senate may recognize your great achievement in mathematics excellence.

The PRESIDENT. Will the Pennsylvania MATHCOUNTS competition coaches, Jennifer Summers and Sandra Van Horn, the Sandy Run Middle School team members, and their parents all please rise.

(Applause.)

**GUESTS OF SENATOR ANDREW E. DINNIMAN AND SENATOR MICHAEL W. BRUBAKER PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Madam President, it is my pleasure to introduce to the Senate Pauline Rottman of my district office, who is here with her grandson, Derrick Mitnacht, who, I believe, resides in Senator Brubaker's district. I ask the Senate to extend its usual warm welcome.

The PRESIDENT. Will Derrick Mitnacht and Pauline Rottman please rise.

(Applause.)

**LEGISLATIVE LEAVE CANCELLED**

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

**RECESS**

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Republican Caucus.

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

Senator MELLOW. Madam President, I ask all Democrats to report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE**

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

Senator PILEGGI. Madam President, I request a temporary Capitol leave for Senator Baker.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Baker. Without objection, the leave is granted.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 73 and SB 354** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 623 (Pr. No. 677)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; and further providing for use of force in law enforcement.

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-49**

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

**NAY-0**

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

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

**BILLS AMENDED**

**SB 635 (Pr. No. 597)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for officers to be elected and for filling vacancies in elective borough offices; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A0501:

Amend Title, page 1, line 4, by striking out "and" and inserting: , for election of assessors,

Amend Title, page 1, line 5, by inserting after "offices": , for powers of assessors and for duplicate assessments

Amend Title, page 1, line 5, by inserting after "making": related  
Amend Bill, page 6, by inserting between lines 1 and 2:  
Section 6.1. Repeals are as follows:

(1) The following provisions of the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, are repealed insofar as they relate to assessors in boroughs:

- (i) The definition of "assessor" in section 102.
- (ii) Section 502.
- (iii) Section 506.
- (iv) Section 610.

(2) The General Assembly declares that the repeals under paragraph (3) are necessary to effectuate the amendment or repeal of sections 806, 851, 901, 1081 and 1306 of the act.

(3) Section 501(a)(2) and (3) of The Fourth to Eighth Class County Assessment Law are repealed.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

**SB 636 (Pr. No. 598)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for definitions, for powers and duties of the board, for preparation of assessment roll, for abstracts of building permits and information on improvements to be furnished board, for valuation of mobilehomes or house trailers, for report to assessors of mobilehomes or house trailers and for assessment where township line passes through mansion house; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A0577:

Amend Title, page 1, lines 22 through 29, by striking out "further" in line 22, all of lines 23 through 28 and "through mansion house" in line 29 and inserting: eliminating office of assessor in boroughs and townships of the first class; making conforming amendments

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

**SB 709 (Pr. No. 860)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for elected officers enumerated, for vacancies in general, for the corporate power of first class townships being vested in the board of township commissioners, for elected officers in townships of the first class and for additions and revisions to duplicates; and making related repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A0498:

Amend Bill, page 5, by inserting between lines 29 and 30:

Section 6.1. Repeals are as follows:

(1) The following provisions of the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, are repealed insofar as they relate to assessors in townships of the first class:

- (i) The definition of "assessor" in section 102.
- (ii) Section 502.
- (iii) Section 506.
- (iv) Section 610.

(2) The General Assembly declares that the repeals under paragraph (3) are necessary to effectuate the amendment or repeal of sections 228, 503, 515, 530, 1502 clause III and section 1709.1 of the act.

(3) Section 501(a)(5) and (b) of The Fourth to Eighth Class County Assessment Law are repealed.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

## SECOND CONSIDERATION CALENDAR

### BILL REREFERRED

**SB 8 (Pr. No. 896)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Medical Safety Automation Account; and providing grants to implement medical safety automation systems.

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

### BILL OVER IN ORDER

**SB 34** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

### BILL ON SECOND CONSIDERATION

**HB 85 (Pr. No. 109)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of



Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

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

#### BILLS REREFERRED

**SB 90 (Pr. No. 897)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for charitable contributions by taxpayers.

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

**SB 167 (Pr. No. 204)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for an intergenerational family care pilot program which seeks to aid persons who are not the biological or adoptive parents in raising children; and providing a model for a possible full-scale intergenerational family care program.

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

#### BILLS ON SECOND CONSIDERATION

**SB 318 (Pr. No. 760)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police; and making a repeal.

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

**SB 331 (Pr. No. 366)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of robbery.

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

#### BILL REREFERRED

**SB 352 (Pr. No. 391)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for Low-Income Home Energy Assistance Program eligibility, allocation of funds and resources; imposing duties on the Department of Public Welfare; and providing for compliance and fraud prevention procedures.

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

#### BILLS ON SECOND CONSIDERATION

**SB 450 (Pr. No. 497)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal homicide; and providing for criminal homicide of a law enforcement officer and for violence against a law enforcement officer.

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

**SB 467 (Pr. No. 512)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### BILLS REREFERRED

**SB 491 (Pr. No. 532)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for exemptions from taxation.

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

**SB 492 (Pr. No. 533)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for exemptions from taxation.

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

**SB 493 (Pr. No. 534)** -- 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 on taxing powers.

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

#### BILL AMENDED

**SB 537 (Pr. No. 581)** -- 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 relating to fabricated airbags and fabricated airbag compartments.

On the question,

Will the Senate agree to the bill on second consideration?

Senator Greenleaf offered the following amendment No. A0508:

Amend Title, page 1, lines 2 and 3, by striking out "an offense relating to" in line 2 and all of line 3 and inserting: the offense of fraudulent airbags.

Amend Sec. 1 (Sec. 7331), page 1, line 8, by striking out all of said line and inserting:

§ 7331. Fraudulent airbags.

Amend Sec. 1 (Sec. 7331), page 1, line 11, by striking out all of said line and inserting: fraudulent airbag.

Amend Sec. 1 (Sec. 7331), page 1, line 13, by striking out "first" and inserting: third

Amend Sec. 1 (Sec. 7331), page 1, line 17, by striking out ""Fabricated airbag." Any item" and inserting: "Fraudulent airbag." Any item or object

Amend Sec. 1 (Sec. 7331), page 1, line 17, by inserting after "airbag" where it appears the second time and inserting: that was

Amend Sec. 1 (Sec. 7331), page 2, line 1, by striking out "a given" and inserting: the

Amend Sec. 1 (Sec. 7331), page 2, line 2, by striking out "a motor vehicle" and inserting: the

Amend Sec. 1 (Sec. 7331), page 2, line 3, by inserting after "system": for the motor vehicle

Amend Sec. 1 (Sec. 7331), page 2, lines 4 through 11, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 580 (Pr. No. 625)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, permitting use of dogs in hunting for wild turkeys.

Considered the second time and agreed to,

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

#### BILL REREFERRED

**SB 638 (Pr. No. 690)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy and the Department of Health.

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

#### BILLS ON SECOND CONSIDERATION

**SB 650 (Pr. No. 680)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for special occasion permits.

Considered the second time and agreed to,

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

**SB 699 (Pr. No. 745)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in child victims and witnesses, for admissibility of certain statements.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 704 and SB 726** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL REREFERRED

**SB 763 (Pr. No. 840)** -- 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.

#### BILL OVER IN ORDER

**SB 777** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

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

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

MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION

April 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 13, 2007, for the appointment of B.J. Clark, (District 6), 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Stephen Mohr, Bainbridge, whose term expired.

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

EDWARD G. RENDELL  
Governor

MAJOR GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD

April 25, 2007

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 March 20, 2007, for the appointment of Brigadier General Herbert H. Hurst, Jr., 12103 Plantation Boulevard, Goshen, Kentucky 40026, for appointment as Major General, LINE, with assignment as National Guard Bureau Special Assistant position, Air Headquarters, Pennsylvania Air National Guard, to serve until terminated.

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

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

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

MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING BOARD

March 20, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Richard G. Opiela, 970 Perry Highway, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified, vice The Honorable James Russo, Leetsdale, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CORONERS'  
EDUCATION BOARD

March 22, 2007

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, Michael L. Norris, 405 Fairway Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER

January 29, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman E. Dresher, 140 Valley Road, Hamburg 19526, Berks County, Twenty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

March 23, 2007

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, Colleen Kopp, 301 Manchester Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, whose term expired.

EDWARD G. RENDELL  
Governor

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

March 23, 2007

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, Carolyn P. Snyder, 1005 Route 268, Cowansville 16218, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Kim E. Lyttle, Pittsburgh, resigned.

EDWARD G. RENDELL  
Governor

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

March 23, 2007

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, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD

March 20, 2007

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, Colonel Frank J. Sullivan, 105 Willow Lake Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, LINE, with assignment as Chief of the Joint Staff, Joint Force Headquarters, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Herbert H. Hurst, reassignment.

EDWARD G. RENDELL  
Governor

STATE TREASURER

February 13, 2007

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, Robin Wiessmann, One Greenbriar Circle, Newton 18940, Bucks County, Tenth Senatorial District, for

appointment as State Treasurer, to serve until the third Tuesday of January 2009, vice The Honorable Robert P. Casey, Jr., resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
WARREN STATE HOSPITAL

February 28, 2007

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, Michael A. Hostovich, 35 Elmwood Drive, Warren 16365, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

*NOMINATIONS LAID ON THE TABLE*

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

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

**EXECUTIVE NOMINATIONS**

*EXECUTIVE SESSION*

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

*NOMINATIONS TAKEN FROM THE TABLE*

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

The Clerk read the nominations as follows:

MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING BOARD

March 20, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Richard G. Opiela, 970 Perry Highway, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified, vice The Honorable James Russo, Leetsdale, deceased.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CORONERS'  
EDUCATION BOARD**

March 22, 2007

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, Michael L. Norris, 405 Fairway Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER**

January 29, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman E. Drescher, 140 Valley Road, Hamburg 19526, Berks County, Twenty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF INDIANA UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 23, 2007

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, Colleen Kopp, 301 Manchester Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF INDIANA UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 23, 2007

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, Carolyn P. Snyder, 1005 Route 268, Cowansville 16218, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Kim E. Lyttle, Pittsburgh, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF INDIANA UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 23, 2007

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, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD**

March 20, 2007

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, Colonel Frank J. Sullivan, 105 Willow Lake Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, LINE, with assignment as Chief of the Joint Staff, Joint Force Headquarters, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Herbert H. Hurst, reassignment.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS**

March 20, 2007

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, Laura L. Hinds, MSW, LSW, 2329 Christian Street, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Domingo Quintero-Martinez, Carlisle, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
WARREN STATE HOSPITAL

February 28, 2007

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, Michael A. Hostovich, 35 Elmwood Drive, Warren 16365, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

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

YEA-49

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.  
Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

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

The Clerk read the nomination as follows:

STATE TREASURER

February 13, 2007

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, Robin Wiessmann, One Greenbriar Circle, Newton 18940, Bucks County, Tenth Senatorial District, for appointment as State Treasurer, to serve until the third Tuesday of January 2009, vice The Honorable Robert P. Casey, Jr., resigned.

EDWARD G. RENDELL  
Governor

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

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

YEA-49

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

NAY-0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.  
Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED**

Senators PIPPY, BAKER, KASUNIC, STACK, STOUT, FONTANA, FERLO, BOSCOLA, TARTAGLIONE, FOLMER, PILEGGI, PUNT, O'PAKE, GREENLEAF, ORIE, MUSTO, ERICKSON, EARLL, PICCOLA, McILHINNEY, ROBBINS, BRUBAKER, RAFFERTY, COSTA and MELLOW, by unanimous consent, offered **Senate Resolution No. 103**, entitled:

A Resolution designating May 1, 2007, as "Loyalty Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator PIPPY. Madam President, many people are familiar with Veterans Day, Memorial Day, and Labor Day, but in 1958, President Eisenhower signed into law designating May 1 as Loyalty Day. Tomorrow, the Veterans of Foreign Wars State Commander will be conducting a program on the grounds of the State Capitol commending all veterans for their service to this nation. It is the 49-year anniversary of Loyalty Day, and given the world we live in today, I think it is very appropriate that we in Pennsylvania also remember Loyalty Day on the first of May.  
Thank you, Madam 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 GREENLEAF, PILEGGI, FOLMER, LOGAN, McILHINNEY, FONTANA, RAFFERTY, C. WILLIAMS, COSTA, D. WHITE, ERICKSON, ROBBINS, WONDERLING, STACK, FUMO, EARLL, ARMSTRONG, LAVALLE, FERLO, TARTAGLIONE, PUNT, BOSCOLA, MUSTO, O'PAKE, KASUNIC and BROWNE, by unanimous consent, offered **Senate Resolution No. 104**, entitled:

A Resolution designating the month of May 2007 as "Crohn's Disease and Ulcerative Colitis Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator GREENLEAF. Madam President, these diseases are incurable conditions that are often controllable with the right treatment, diet regimen, and careful monitoring. These conditions affect Pennsylvanians of all ages and all walks of life. As many as a million Americans suffer from these diseases, and 10 percent of those afflicted by Crohn's disease and ulcerative colitis are children under the age of 18. Two-thirds of those who suffer from Crohn's disease and ulcerative colitis will have to have surgery at some point in their lives.

In addition to this resolution, I will be introducing legislation today that will assist people with Crohn's disease and ulcerative colitis in their need for access to public facilities. Research on these often painful, life-altering conditions, and support for those who suffer with them, is provided through such organizations as the Crohn's and Colitis Foundation of America. The Philadelphia area is a well-known center for research and development, and we hope that with the new therapies, it will be found that one of these days there will be a cure. So, I ask unanimous consent for the adoption and consideration of this resolution.

Thank you, Madam 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 Jordan Franssen, Mary Burry and to Kelle Lainhoff by Senator Armstrong.

Congratulations of the Senate were extended to Alexander T. Rohoman and to the Northampton Community College Softball Team of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to William J. Worthington III, Kathryn S. Robinson and to Daniel K. Williams by Senator Dinniman.

Congratulations of the Senate were extended to Curiosity Corner of Parkesburg by Senators Dinniman, Rafferty, and Pileggi.

Congratulations of the Senate were extended to the Bishop Guilfoyle High School Girls' Basketball Team by Senator Eichelberger.

Congratulations of the Senate were extended to Phillip English by Senator Erickson.

Congratulations of the Senate were extended to Brian Cooper, Christopher Ondo, Fannie Spang and to Joshua Arnold by Senator Folmer.

Congratulations of the Senate were extended to Adam Jeffrey Bossert, Jonathan Hibbert and to Benjamin Morgan by Senator Greenleaf.

Congratulations of the Senate were extended to Margaret Conaway by Senator Kasunic.

Congratulations of the Senate were extended to Marion Brown Allen Lent by Senator Madigan.

Congratulations of the Senate were extended to the Susquehanna County Historical Society and Free Library Association by Senators Madigan and Baker.

Congratulations of the Senate were extended to Matthew Rauen, Stephen Sooy, John Mayer, Jr., Drew Callaghan, Rachael Adamski and to Lauren Pitler by Senator McIlhinney.

Congratulations of the Senate were extended to Sister Mary Reap, IHM, Ph.D. by Senator Mellow.

Congratulations of the Senate were extended to Robert T. Doble and to Stephen Shimko by Senators Mellow and Musto.

Congratulations of the Senate were extended to Gyuldzhan Osman by Senator Musto.

Congratulations of the Senate were extended to Scott J. Wilson by Senator O'Pake.

Congratulations of the Senate were extended to Hersheypark by Senator Piccola.

Congratulations of the Senate were extended to Douglas Albert Rosenberg and to Alex Douglas Martyn by Senator Pileggi.

Congratulations of the Senate were extended to Mt. Lebanon Township by Senator Pippy.

Congratulations of the Senate were extended to the Record Herald of Waynesboro by Senator Punt.

Congratulations of the Senate were extended to the Taffetas by Senator Regola.

Congratulations of the Senate were extended to Sarah Elizabeth Lutz Keilman by Senator Rhoades.

Congratulations of the Senate were extended to Daniel R. Campbell, Kyle Steven Wolf, Benjamin J. Andres and to the Keystone Area Council of the Boy Scouts of America of Mechanicsburg by Senator Vance.

Congratulations of the Senate were extended to Rebecca Berg Nissenbaum and to the First Baptist Church of Crestmont of Willow Grove by Senator Washington.

Congratulations of the Senate were extended to Alicia Berkoski by Senator Waugh.

Congratulations of the Senate were extended to Eric Walter Yenser by Senator Wonderling.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Vincent J. Yannis by Senator Baker.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Henry J. Hicks was extended to the family by Senator Tartaglione.

### BILLS ON FIRST CONSIDERATION

Senator FERLO. Madam 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 791, SB 792, SB 793, SB 794, SB 796, SB 797 and SB 798.**

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

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

### BILLS SIGNED

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

**HB 195 and HB 294.**

### ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 1, 2007

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 782 and 815)	Room 8E-B East Wing
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9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider the promotion of Brig. Gen. Herbert H. Hurst, Jr., as Major General of the PA Air National Guard as well as other related business of the Committee) <b>CANCELLED</b>	Room 8E-A East Wing
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10:30 A.M.	APPROPRIATIONS (to consider the Governor's Education Agenda)	Hrg. Rm. 1 North Off.
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10:30 A.M.	EDUCATION (to consider Senate Bills No. 805, 806, 807, 808 and 813; and Senate Resolutions No. 91 and 101)	Room 8E-A East Wing
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11:30 A.M.	GAME AND FISHERIES (to afford the PA Game Commission the opportunity to present their 2006 annual report)	Room 8E-A East Wing
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12:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 721 and 755)	Room 8E-A East Wing
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WEDNESDAY, MAY 2, 2007

9:00 A.M.	EDUCATION (public hearing on security at Pennsylvania's institutions of higher education)	Hrg. Rm. 1 North Off.
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10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 317, 431 and 740)	Room 8E-A East Wing
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TUESDAY, MAY 8, 2007

9:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 69, 137, 248, 346, 468 and 814)	Room 8E-A East Wing
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10:00 A.M.	LABOR AND INDUSTRY and LOCAL GOVERNMENT (joint hearing related to the Uniform Construction Code)	Sen. Maj. Caucus Rm.
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10:00 A.M. to 12:00 P.M.	PUBLIC HEALTH AND WELFARE (public hearing to consider Health Care Acquired Infections)	Hrg. Rm. 1 North Off.
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### RECESS

Senator ORIE. Madam President, I move that the Senate do now recess until Tuesday, May 1, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 3:40 p.m., Eastern Daylight Saving Time.