

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, FEBRUARY 4, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 9

**SENATE**

WEDNESDAY, February 4, 2009

The Senate met at 10 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend DAVID HESS, Pastor of Christ Community Church, Camp Hill, offered the following prayer:

I am here today with pastors from eight counties around central Pennsylvania. We are representative of a growing number of pastors and churches who pray for you regularly and stand with you, and we wanted you to know our support today. We, as pastors, just came through our budgeting processes, and we cannot imagine what you are feeling and facing today, but we are so glad to know that there is a God who is bigger than all of this and able to help us, so we call upon Him together with you today.

Let us pray together.

Our Heavenly Father, we thank You that You hear the cry of our hearts. We thank You for being a very present help in times of great need and times of great difficulty and pressure. We are grateful that Your strength knows no limits and Your love has no end. We thank You for the men and women who fill this room today, who serve Your purposes in this State, who lead and serve Your people in this Commonwealth.

We ask You to be their help. We ask You to be their strength. We ask You to fill them with wisdom, which You promise to give generously. We ask You to refresh them, to pour out Your spirit upon them today. We ask You to let the knowledge of Your presence fill this room like water covers the sea. We ask You to help them to hear Your voice and to know Your heart in these difficult times. In the words of William Penn, we ask that You would reveal to us the exceeding riches of Your grace, that it may provoke us and constrain us to love You, fear You, and serve You in our generation.

It is in Your mighty name that we pray, O Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Hess, who is the guest today of Senator Vance.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Greenleaf.

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

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Greenleaf.

Senator O'Pake requests a legislative leave for Senator Stout. Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

Senator PILEGGI asked and obtained leaves of absence for Senator D. WHITE and Senator WONDERLING, for today's Session, for personal reasons.

Senator PILEGGI asked and obtained a military leave of absence, pursuant to Senate Rule XXI(3), for Senator PIPPY.

**SPECIAL ORDER OF BUSINESS  
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of January 27, 2009, and January 28, 2009, are now in print.

The Clerk proceeded to read the Journals of the Sessions of January 27, 2009, and January 28, 2009.

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

On the question,  
Will the Senate agree to the motion?

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

YEA-46

Alloway	Ferlo	Musto	Tomlinson
Baker	Folmer	O'Pake	Vance
Boscola	Fontana	Orie	Vogel
Browne	Gordner	Piccola	Ward
Brubaker	Greenleaf	Pileggi	Washington
Corman	Hughes	Rafferty	Waugh
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earl	Leach	Smucker	Wozniak
Eichelberger	Logan	Stack	Yaw

Erickson  
Farnese

McIlhinney  
Mellow

Stout  
Tartaglione

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR MICHAEL BRUBAKER  
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Mr. President, it is a distinct honor and privilege for me to introduce some special guests in the gallery: Perry Babb, Steve Blayer, Ian Campbell, Bryan Corl, Darrell Fields, Lorrie Fields, Denny Finnegan, Dan Fox, Fred Garber, Karen Gierhart, Rob Gillen, Jeremiah Grube, Jim Herbert, Dennis Hunsinger, Don Lamb, Nanette Lamb, Jason Lamer, Terry Lamer, Wayne Lawton, John Leach, Pete Logan, Tammy Logan, John March, Max Myers, Anna Peachey, Joe Pickens, Douglas Pyszka, Louise Riekert, Jack Roth, Therese Roth, Al Sones, Tim Spirk, Charles Stock, Herb Stoner, Robert Straub, Gary Tryon, Mel Weaver, Ted Yohe, Lou Yohe, Matthew Zang, and Bethany Zang. They are part of the Pastors Network, of which Pastor Hess, the Senate Chaplain of the day, is also part of. Attending with the pastors are Abby Abildness and Karen Gierhart. They come from eight different counties, they are multid denominational, and they are here to pray over the government officials for today.

So at this time, I ask you to offer our usual warm greeting from the Senate.

The PRESIDENT. Would the guests of Senator Brubaker please rise so the Senate may welcome you.

(Applause.)

**CALENDAR**

**BILLS OVER IN ORDER**

**SB 23, SB 47 and SB 57** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators FONTANA, COSTA, FERLO, LOGAN, ORIE, PIPPY, STOUT, VOGEL, ALLOWAY, BAKER, BOSCOLA, BRUBAKER, CORMAN, DINNIMAN, EARLL, GORDNER, KITCHEN, PILEGGI, RAFFERTY, ROBBINS, STACK, WARD, M. WHITE, WILLIAMS, TOMLINSON, WAUGH, ERICKSON, GREENLEAF and WONDERLING, by unanimous consent, offered **Senate Resolution No. 19**, entitled:

A Resolution congratulating the National Football League champion Pittsburgh Steelers for winning Super Bowl XLIII and becoming the most successful franchise in NFL history with their record sixth Super Bowl title.

On the question,  
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, I rise today to ask the Senate to join our colleagues in the House of Representatives in congratulating the Pittsburgh Steelers on their record-breaking sixth Super Bowl victory and title. I ask you to leave this resolution at the desk for additional cosponsors.

Thank you very much, Mr. President.

The PRESIDENT. The gentleman requests that the resolution lay open at the desk. Without objection, the resolution will remain at the desk for additional cosponsors.

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 Cora Barber by Senator Baker.

Congratulations of the Senate were extended to Dennis J. Conway and to Charles A. Deremer by Senator Boscola.

Congratulations of the Senate were extended to Deborah J. Freeman and to Ethan M. Alderfer by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Wood, Mr. and Mrs. Blake Marles and to Jacqueline G. Mock by Senators Browne, Boscola, and Wonderling.

Congratulations of the Senate were extended to Carol Stark and to the Manheim Central High School Girls' Soccer Team by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Norman R. Metz, the Honorable Anna B. Lose, Steph Zewe and to Joshua Allen Coggins by Senator Corman.

Congratulations of the Senate were extended to John P. McBlain by Senator Erickson.

Congratulations of the Senate were extended to Theresa Campana by Senator Farnese.

Congratulations of the Senate were extended to Joshua B. Shartle, Michael Thomas Brown, Michael Steven Lebo and to Andrew Cameron Zaleski by Senator Folmer.

Congratulations of the Senate were extended to Jonathan Andrews by Senator Fontana.

Congratulations of the Senate were extended to Mr. and Mrs. Glenn A. Dressler and to Mr. and Mrs. E. Lee Meiser by Senator Gordner.

Congratulations of the Senate were extended to Hattie Stewart by Senator Greenleaf.

Congratulations of the Senate were extended to Chief Joseph McGuriman by Senators Greenleaf and Wonderling.

Congratulations of the Senate were extended to James A. Steer by Senators Mellow and Musto.

Congratulations of the Senate were extended to Margaret Burke and to Mary Slesinski by Senator Musto.

Congratulations of the Senate were extended to the Albright College Center for Community Leadership by Senator O'Pake.

Congratulations of the Senate were extended to David Erik Madison, Case William Jones, Zachary Joseph Bronder, David Matson Goodrick, Brian Daniel Luchini and to Daniel Paul Dempe by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Costa, the Honorable Phil English, Eleanor Lowery Nelson and to the Laurel Wranglers by Senator Robbins.

Congratulations of the Senate were extended to the Craley Homeplace of Red Lion by Senator Smucker.

Congratulations of the Senate were extended to Nathan Hoffman by Senator Stack.

Congratulations of the Senate were extended Dr. John Daller, Dr. Patricio Silva, Dr. Serban Constantinescu, Dr. Andreas Karachristos, Dr. Martin Black, Dr. Francis Cordova, Dr. Norman Francis, Dr. James Fitzpatrick, Dr. Satoshi Furukawa and to ASPIRA, Inc., of Pennsylvania, by Senator Tartaglione.

Congratulations of the Senate were extended to Joanne Hickey, Darlene Herritt, Diana Poynor, Henry Arment, Larry Ackerman, William Cridland, Michael Lassnoff, Paul Delp, Jr., Joseph Merlino, Jeffrey T. Sarafinas, Justin L. Gmoser, Eric G. Spector, Robert Carp, Benjamin Clift, Joseph W. Doris and to Lewis Powell by Senator Tomlinson.

Congratulations of the Senate were extended to Timothy Stewart and to Peter Fleming by Senators Tomlinson and Stack.

Congratulations of the Senate were extended to Chief Master Sergeant William W. Davey by Senator Vance.

Congratulations of the Senate were extended to Marlene Gabriel by Senator Vogel.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Freda by Senator Ward.

Congratulations of the Senate were extended to the Pennsylvania Chapter of the National Coalition of 100 Black Women, Inc., by Senators Washington and Kitchen.

Congratulations of the Senate were extended to James Harvey Turnure III by Senator Wonderling.

Congratulations of the Senate were extended to Technical Sergeant Scott T. Woodring by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Gaylord Cash Neal, Sr., by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Honorable V. Herbert Kaufman, Jr., by Senator Orie.

### 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 Howard Renninger was extended to the family by Senator Corman.

### COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The time has come in our order of business to assemble in the Hall of the House of Representatives for a Joint Session. The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: The gentlewoman from Luzerne, Senator Baker, Chair; the gentleman from Columbia, Senator Gordner; and the gentleman from Allegheny, Senator Ferlo. The committee will leave immediately to discharge its duties.

### SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session.

### 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 Monday, February 9, 2009, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 10:18 a.m., Eastern Standard Time.