

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, NOVEMBER 27, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 71

SENATE

WEDNESDAY, November 27, 2002

The Senate met at 2 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Almighty and everliving God, we pause this afternoon to thank You for the beauty of another day and seek Your continued blessing upon our work. Send Your spirit to abide with us; guide us, guard us, and protect us this day and every day. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 26, 2002.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 1365 and 1515, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 824.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 592, 850, 851, 1804, 2055, 2183, 2190 and 2599.

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:

November 27, 2002

HB 1910 and 1911 -- Committee on Environmental Resources and Energy.

HB 2084 and 2359 -- Committee on Education.

HB 2889 -- Committee on Consumer Protection and Professional Licensure.

HB 2939 -- Committee on Labor and Industry.

HB 2962 -- Committee on Local Government.

REPORTS FROM COMMITTEES

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 14 (Pr. No. 2379) (Rereported) (*Concurrence*)

An Act relating to the satisfaction of residential and other mortgages; providing for certain forms; and making repeals.

SB 406 (Pr. No. 2444) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing agricultural operations; and providing for certain attorney fees and costs.

SB 879 (Pr. No. 2426) (Rereported) (*Concurrence*)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for surcharge recoverability and offset; and further providing for electricity supplied to certain organizations.

SB 1208 (Pr. No. 2388) (Rereported) (*Concurrence*)

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further defining "practice of professional nursing"; further providing for the duties of the State Board of Nursing; providing for certified registered nurse practitioners and for their scope of practice and prescriptive authority; establishing the Drug Review Committee; and making a repeal.

SB 1242 (Pr. No. 2420) (Rereported) (Concurrence)

An Act providing for the adoption of capital projects to be financed from the incurring of debt or from current revenue of the Fish Fund and the Boat Fund; and making a repeal.

SB 1402 (Pr. No. 2429) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of rape, involuntary deviate sexual intercourse, aggravated indecent assault and forgery; and providing for computer offenses and for penalties.

SB 1452 (Pr. No. 2439) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas; further defining "health care provider"; further providing for limitations of appeals, for the powers and duties of probation officers concerning juveniles, for inspection of court files and records, for taking child into custody, for informal hearings, for notice and hearing, for adjudication and for disposition of dependent child and for exemption from attachment; providing for immunity of State parole officers and county probation officers; conferring powers and duties on the Juvenile Court Judges' Commission; providing for liability for violations of general and specific criminal statutes and for merger of sentences; and providing a technical correction to, confirmation of the scope of and clarification of existing law regarding the Rental-Purchase Agreement Act.

HB 2860 (Pr. No. 4712) (Rereported) (Concurrence)

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for universal research enhancement definitions and for the Tobacco Settlement Investment Board; and extending eligibility for PACE and PACENET.

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

HB 2574 (Pr. No. 4740) (Amended) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, for retail dispensers' restrictions, for unlawful acts, for identification cards and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

HB 2778 (Pr. No. 4741) (Amended) (Rereported)

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations and for critical job training grants; and workforce development courses.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I ask for legislative leaves for Senator Holl and Senator Punt.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Holl and Punt. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Stout. Without objection, that leave will be granted.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained leaves of absence for Senator HELFRICK and Senator EARLL, for today's Session, for personal reasons.

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:

November 27, 2002

Senator EARLL presented to the Chair **SB 1593**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority certain lands situate in the City of Erie, County of Erie; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Robert L. and Karen N. Doult, Erie Properties, Timothy and Caroline Freitas, Marion Delores Verno, Thomas R. and Joyce L. Thaler, Merle Wolfgang, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, James E. Hartwell, William Holmgren and Ralph and Janet Toland, Sr., certain parcels of lands situate in the City of Erie, County of Erie.

Which was committed to the Committee on STATE GOVERNMENT, November 27, 2002.

Senators CONTI, TOMLINSON, GERLACH, GREENLEAF, KASUNIC, LOGAN, MOWERY, RHOADES, D. WHITE and C. WILLIAMS presented to the Chair **SB 1594**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a medical care availability and reduction of error tax credit.

Which was committed to the Committee on FINANCE, November 27, 2002.

Senators CONTI, TOMLINSON, GERLACH, GREENLEAF, LOGAN, MOWERY, ORIE, D. WHITE and C. WILLIAMS presented to the Chair **SB 1595**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for Pennsylvania Professional Liability Joint Underwriting Association responsibilities.

Which was committed to the Committee on BANKING AND INSURANCE, November 27, 2002.

RESOLUTION INTRODUCED AND REFERRED

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

November 27, 2002

Senators WAUGH, WAGNER, KUKOVICH, O'PAKE, KITCHEN, TARTAGLIONE, ERICKSON, GREENLEAF, WENGER, DENT, D. WHITE, CONTI, ROBBINS, PUNT, WOZNAK, C. WILLIAMS and SCHWARTZ presented to the Chair **SR 299**, entitled:

A Resolution commending the people of the Eastern Lenape Indian Nation for preserving a heritage rich in tradition and custom.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, November 27, 2002.

CALENDAR

HB 2910 CALLED UP OUT OF ORDER

HB 2910 (Pr. No. 4739) -- Without objection, the bill was called up out of order, from page 11 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2910 (Pr. No. 4739) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing Governor, to grant and convey to Leon Dwinga and Patricia Dwinga, his wife, certain land situate in the Township of Collier, Allegheny County; and authorizing and directing the Department of General Services, with the approval of the Governor, to execute a deed to remove certain restrictions imposed on lands conveyed to Cranberry Township and situate in Cranberry Township, Butler County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Uniontown Area School District certain lands and building situate in the City of Uniontown, Fayette County; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey certain vacant land situated at the southeast intersection of Arsenal Boulevard and North Cameron Street in the Seventh Ward of the City of Harrisburg, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to the Indiana Fire Association certain lands situate in White Township, Indiana County.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner

Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 315, 1448, 1453, and certain nominations.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 235 (Pr. No. 4677) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for unauthorized publication of name or likeness; and establishing a right of action.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 235?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 235.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger

Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 818 (Pr. No. 2440) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for index calculations; and further providing for six months limitations, for law enforcement records and for deficiency judgments.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 818?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 818.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1179 (Pr. No. 2441) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Tinicum Township certain lands and buildings situate in the Township of Tinicum, County of Delaware; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Liberty Township certain lands and monument situate in the Township of Liberty, County of Bedford; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the County of Montgomery certain lands and buildings situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Greene County certain lands and building situate in Jefferson Township, Greene County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Northumberland County Historical Society, certain lands and building situate in the City of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1179?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1179.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR**BILLS OUT OF ORDER**

Without objection, the bills on today's Calendar were called out of order by Senator BRIGHTBILL, as Special Orders of Business.

**BILL REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED**

HB 401 (Pr. No. 4714) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MURPHY offered the following amendment No. A6727:

Amend Sec. 7, page 18, lines 14 through 22, by striking out all of said lines

Amend Sec. 8, page 18, line 28, by striking out "8" and inserting:
7

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 BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2863 (Pr. No. 4720) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the designation and use of certain State office buildings.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong
Bodack

Holl
Hughes

Murphy
Musto

Stout
Tartaglione

Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS AMENDED

HB 930 (Pr. No. 4724) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of authorities.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ROBBINS offered the following amendment No. A6752:

Amend Sec. 2, page 51, line 1, by striking out "5" and inserting: 5(1) and (2)

Amend Sec. 2, page 51, line 4, by striking out "DATE OF THE FINAL ENACTMENT" and inserting: effective date of this section

Amend Sec. 3, page 51, line 5, by striking out "5" and inserting: 5(1) and (2)

Amend Sec. 3, page 51, line 9, by striking out "DATE OF FINAL ENACTMENT" and inserting: effective date of this section

Amend Sec. 4, page 51, line 14, by inserting after "DATE": set forth in section 5(1)

Amend Sec. 5, page 51, lines 24 through 28, by striking out all of lines 24 through 27 and "(2)" in line 28 and inserting: (1)

Amend Sec. 5, page 51, by inserting after line 29:

(2) Section 4 of this act shall take effect in 180 days.

(3) The remainder of this act shall take effect immediately.

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 BRIGHTBILL.

HB 2307 (Pr. No. 3770) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," further providing for the duties of the Department of General Services.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARMSTRONG offered the following amendment No. A6721:

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting:

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," providing for maintenance of Soldiers' Grove and for certain applicability; and making a repeal.

Amend Bill, page 1, lines 10 through 14; page 2, lines 1 through 29, by striking out all of said lines on said pages and inserting:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929," is amended by adding a section to read:

Section 2402.2. Maintenance of Soldiers' Grove.—(a) The Department of General Services shall mark the largest trees growing in Soldiers' Grove.

(b) (1) The department shall arrange for the fabrication of appropriate bronze plaques in honor of veterans of the following:

- (i) The American Revolutionary War.
- (ii) The War of 1812.
- (iii) The Mexican-American War.
- (iv) The American Civil War.
- (v) The Spanish-American War.
- (vi) World War I.
- (vii) World War II.
- (viii) The Korean War.
- (ix) The Vietnam Conflict.
- (x) The Persian Gulf War.

(2) The department shall also arrange for the fabrication of an appropriate bronze plaque to honor the unknown veterans of the wars and conflicts enumerated in paragraph (1).

(c) The department shall affix the plaques provided for in subsection (b) to granite plinths. A plaque shall be placed in close proximity to each of the trees marked under subsection (a), and an appropriate inscription shall be mounted on each tree declaring that the tree is dedicated to veterans of a war or conflict.

(d) As used in this section, Soldiers Grove, means the growth of trees and the area in which they are growing lying between the Forum Building and the Finance Building on the grounds of the State Capitol in Harrisburg, designated as Soldiers Grove by the former act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as "Soldiers' Grove" in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation."

Section 2. The act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as "Soldiers' Grove" in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," is repealed.

Section 3. The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, shall apply to the direct on-site real property improvements receiving funds through a tax

incremental financing bond issue. Professional services, personal property and equipment costs paid from funds from a tax incremental bond fund shall not trigger application of the Pennsylvania Prevailing Wage Act to the entire "project" or "project plan" under the act of July 11, 1990 (P.L.465, No.113), known as the Tax Increment Financing Act. The Pennsylvania Prevailing Wage Act shall not apply to grants or loans made by the Department of Community and Economic Development or by entities for which the department provides staff or administrative services under financing programs as described in section 103 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, or under other programs created, established or administered by the department.

Amend Sec. 2, page 2, line 30, by striking out "2" and inserting: 4

On the question,

Will the Senate agree to the amendment?

QUESTION DIVIDED

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

Senator MELLOW. Mr. President, I ask for a division of the question on amendment A6721. The division I would like would be on page 2, section 3, lines 33 through 48.

The PRESIDENT. Senator Mellow seeks to, and he has a right to do this, divide the question of the amendment and seeks to divide section 3, lines 33 through 48. They will be dealt with separately.

The record will reflect the portion of amendment No. A6721 under consideration at this time.

Division I of A6721

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting:

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," providing for maintenance of Soldiers' Grove and for certain applicability; and making a repeal.

Amend Bill, page 1, lines 10 through 14; page 2, lines 1 through 29, by striking out all of said lines on said pages and inserting:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929," is amended by adding a section to read:

Section 2402.2. Maintenance of Soldiers' Grove.—(a) The Department of General Services shall mark the largest trees growing in Soldiers' Grove.

(b) (1) The department shall arrange for the fabrication of appropriate bronze plaques in honor of veterans of the following:

- (i) The American Revolutionary War.
- (ii) The War of 1812.
- (iii) The Mexican-American War.

- (iv) The American Civil War.
- (v) The Spanish-American War.
- (vi) World War I.
- (vii) World War II.
- (viii) The Korean War.
- (ix) The Vietnam Conflict.
- (x) The Persian Gulf War.

(2) The department shall also arrange for the fabrication of an appropriate bronze plaque to honor the unknown veterans of the wars and conflicts enumerated in paragraph (1).

(c) The department shall affix the plaques provided for in subsection (b) to granite plinths. A plaque shall be placed in close proximity to each of the trees marked under subsection (a), and an appropriate inscription shall be mounted on each tree declaring that the tree is dedicated to veterans of a war or conflict.

(d) As used in this section, Soldiers Grove, means the growth of trees and the area in which they are growing lying between the Forum Building and the Finance Building on the grounds of the State Capitol in Harrisburg, designated as Soldiers Grove by the former act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as "Soldiers' Grove" in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation."

Section 2. The act of October 30, 1987 (P.L.375, No.75), entitled "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as "Soldiers' Grove" in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," is repealed.

Amend Sec. 2, page 2, line 30, by striking out "2" and inserting: 4

On the question,

Will the Senate agree to Division I of amendment A6721?

The PRESIDENT. On that, I think it would be appropriate to recognize the author of the amendment at this time, Senator Armstrong, to explain it and what the division does as well.

Senator ARMSTRONG. What the division does is cuts out what the main part of my amendment would do. Currently, there is a ruling by the Supreme Court, a 4 to 2 ruling, that TIF, Tax Increment Financing, if you use TIF, it would be under prevailing wage.

What this does is in blighted areas, I will give you a case in Lancaster, we had an abandoned building in Lancaster, a department store which was abandoned for maybe 5, 6, or 7 years. Nobody used it. We finally got someone to come in and they are going to put in a Marriott Hotel. Well, they were using a TIF, and what that does, if you use a TIF, the increase in the tax once the project is built, over a period of 10 years you incrementally pay the taxes once the project is up and running. So it is a way in which the developers can recoup some of the money and make it feasible to get a blighted area revived. Well, now it has to be prevailing wage. By doing this, the cost to the developer is going to increase substantially. What is going to happen in all our areas, any time people look at a TIF they will not use them, because prevailing wages will increase the costs even higher, so there will not be any advantage.

I am really not addressing that in my amendment, but what it does is any time any loans or grants, like legislative initiatives, are used on any project, dollar one, whether it is a \$5,000 project or a \$500,000 project, any time any of our moneys are used, legislative initiatives that we are all familiar with, that now is prevailing wage. Senator Waugh had a very good example in his

district. They were putting in a cistern for a fire company. The cost was estimated at \$5,000. He was fortunate enough to get them a grant for approximately \$5,000, but once they found out that it was a loan or a grant from the State, it now had to be under prevailing wage guidelines. It cost \$11,000 to put in the cistern, absolutely no savings at all. So what you do is increase the wages substantially and add probably 20 percent to the cost of a project. If you do this, a lot of projects, particularly in those areas, and every area that I can think, even the most affluent areas, there are pockets that need development, and developers will not step up to the plate and do this. It just will not pay.

So what my amendment does is addresses just the loans and grant section. The TIFs are still prevailing wages. I do not agree with it, but I am not addressing that at all. I am just addressing the very narrow area of loans and grants.

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

Senator MELLOW. Mr. President, I have no intention whatsoever, at least not on this proposal, to involve myself in a lengthy debate. The reason why we asked for a division of the question is because we believe that there are two appropriate parts of this particular amendment. The one part that we strongly favor is dealing with the maintenance of Soldiers' Grove at the back of the Capitol, and the other part that we have always opposed, but over the years, and I respect Senator Armstrong's position on that, but over the years he has always introduced either legislation or amendments dealing with eliminating, in some form or another, some type of prevailing wage act in Pennsylvania. We are opposed to that. We were opposed to it the first time it was presented to us many years ago, in one form or another. As far as we are concerned, nothing has changed. I ask for a "no" vote on the Division II of the amendment dealing with section 3, lines 33 to 48, and then the other part of the amendment that deals with the maintenance of Soldiers' Grove, I ask for a "yes" vote on that part of the amendment.

Thank you very much.

And the question recurring,

Will the Senate agree to Division I of amendment A6721?

It was agreed to.

The PRESIDENT. The record will reflect the portion of amendment No. A6721 under consideration at this time.

Division II of A6721

Section 3. The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, shall apply to the direct on-site real property improvements receiving funds through a tax incremental financing bond issue. Professional services, personal property and equipment costs paid from funds from a tax incremental bond fund shall not trigger application of the Pennsylvania Prevailing Wage Act to the entire "project" or "project plan" under the act of July 11, 1990 (P.L.465, No.113), known as the Tax Increment Financing Act. The Pennsylvania Prevailing Wage Act shall not apply to grants or loans made by the Department of Community and Economic Development or by entities for which the department provides staff or administrative services under financing programs as described in section 103 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, or under other programs created, established or administered by the department.

On the question,
Will the Senate agree to Division II of amendment A6721?

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

Senator ARMSTRONG. Mr. President, I just ask for a positive vote.

And the question recurring,
Will the Senate agree to Division II of amendment A6721?

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

YEA-21

Armstrong	Holl	Piccola	Thompson
Brightbill	Jubelirer	Punt	Waugh
Corman	Lemmond	Rhoades	Wenger
Dent	Madigan	Robbins	White, Donald
Gerlach	Mowery	Scarnati	White, Mary Jo
Greenleaf			

NAY-27

Bodack	Kasunic	Musto	Tartaglione
Boscola	Kitchen	O'Pake	Tomlinson
Conti	Kukovich	Orie	Wagner
Costa	LaValle	Pileggi	Williams, Anthony H.
Erickson	Logan	Schwartz	Williams, Constance
Fumo	Mellow	Stack	Wozniak
Hughes	Murphy	Stout	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request legislative leaves for Senator Bodack, Senator Fumo, and Senator A.H. Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Bodack, Senator Fumo, and Senator A.H. Williams. Without objection, the leaves are granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL AND AMENDMENT OVER IN ORDER TEMPORARILY

HB 2163 (Pr. No. 2979) -- 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, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for deputy secretaries in the Department of Transportation.

On the question,
Will the Senate agree to the bill on third consideration?
Senator SCARNATI offered the following amendment No. A6724:

Amend Title, page 1, line 23, by inserting after "FOR": permits for storm water discharges associated with oil and gas wells and for

Amend Bill, page 6, by inserting between lines 3 and 4:

Section 3. The act is amended by adding a section to read:

Section 1938-A. Permits for Storm Water Discharges Associated with Oil and Gas Wells.—(a) The owner or operator of an oil or gas well that must be permitted or registered pursuant to the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," shall obtain a permit pursuant to the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," and any rule or regulation promulgated thereunder for storm water discharges associated with construction activities relating to the siting, drilling, completing, producing or plugging of such a well or to the construction, maintenance, repair or removal of access roads, tanks, gathering or transmission lines and facilities related to the well only if:

(1) there is an actual storm water discharge associated with the construction activities from a point source into a municipal separate storm sewer system or into surface waters of this Commonwealth; and

(2) the construction activities at the well site disturb one acre of land or more, or the construction activities at the well site disturb less than one acre of land that is part of a larger common plan of development or sale, if the larger common plan of development or sale will disturb one acre of land or more. For purposes of this subsection, larger common plan of development or sale means all earth disturbances associated with construction activities relating to the development of a single oil or gas well that is subject to the permit or registration requirements of the "Oil and Gas Act."

(b) The obligation to obtain a permit pursuant to "The Clean Streams Law" and any rule or regulation promulgated thereunder for storm water discharges regulated by this section shall be satisfied if the owner or operator of the well satisfies the permit requirements for storm water discharges associated with construction activities established in regulations promulgated by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.).

(c) The Department of Environmental Protection shall utilize a general permit that meets the requirements of subsection (b) for all storm water discharges associated with construction activities regulated by this section.

(d) Notwithstanding the provisions of this section, the owner or operator of a well that is subject to the permit or registration requirements of the "Oil and Gas Act" shall not be required to obtain a permit pursuant to "The Clean Streams Law" and any rule or regulation promulgated thereunder for activities that are exempt from the requirement to obtain a permit for storm water discharges pursuant to the Federal Water Pollution Control Act.

Amend Sec. 3, page 6, line 4, by striking out "3" and inserting: 4

Amend Sec. 4, page 6, line 27, by striking out "4" and inserting: 5

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

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

Senator MELLOW. Mr. President, if the maker of the amendment would explain it to us, perhaps we could deal with it on the Senate floor before we go to a caucus.

Senator SCARNATI. Mr. President, this amendment simply applies U.S. EPA standards governing MPDS permits for storm water discharge to the construction of oil and gas well sites.

Senator MELLOW. Mr. President, it says in here also about Federal exemptions. Can the gentleman explain what the Federal exemptions are?

Senator SCARNATI. Mr. President, what I can explain is that this amendment is similar to Senate Bill No. 982 that was designed to integrate the Federal MPDS permit requirements for storm water discharge from construction activities and the well permits required by the Oil and Gas Act. This is basically the same bill that we passed in June of 2001, but the Department of Environmental Protection objected to this bill because it violated Federal law because it did not include certain EPA requirements that must be satisfied. This proposed amendment corrects those deficiencies identified by the department by applying all, and I repeat, all requirements governing EPA MPDS permits for storm water discharge for construction activities, oil and gas sites that cause earth disturbances of 1 acre or more.

Senator MELLOW. Mr. President, since we are uncertain as to what the amendment really does, can we put it over temporarily and revisit it later on?

The PRESIDENT. Senator Mellow requests that House Bill No. 2163 and the amendment pending go over temporarily.

Senator Brightbill, do you have any objection?

Senator BRIGHTBILL. I have no objection, Mr. President.

The PRESIDENT. House Bill No. 2163, together with amendment A6724, will go over temporarily.

BILL AND AMENDMENT OVER IN ORDER TEMPORARILY

HB 1331 (Pr. No. 4731) -- 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 consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; and further providing for furnishing lists of employees to certain State officers.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A6753:

Amend Title, page 1, line 23, by inserting after "COMMISSION": and for removal from office

Amend Bill, page 6, by inserting between lines 17 and 18:

Section 2. The act is amended by adding a section to read:

Section 209.1. Removal from Office.—(a) The Governor may, by and with the consent of two-thirds of the members elected to the Senate, remove a member of an independent administrative board or commission, a departmental administrative board or commission, or other council, authority or similar agency, to which the Governor appoints members to terms which are fixed as provided by the statutes authorizing such appointments.

(b) Subsection (a) shall not apply to the head of an executive department who serves as a member of a board, commission, council, authority or similar agency by virtue of being the head of an executive department.

(c) Subsection (a) shall not apply to members of advisory boards or advisory commissions.

(d) Subsection (a) shall not apply to members of a board, commission, council, authority or similar agency, for which the power to remove is expressly set forth in the statute creating the board, commission, council, authority or similar agency.

(e) Consistent with the provisions of section 7 of Article VI of the Constitution of Pennsylvania, the General Assembly finds and declares as follows:

(1) Protecting the integrity, independence and stability of agencies of Commonwealth government which expend taxpayers' moneys, render decisions that impact on lives of citizens, promulgate regulations or perform other supervisory or policy-related functions which affect the rights of citizens is critical.

(2) Statutory procedures already exist that stabilize certain agencies of Commonwealth government but are not in place for other agencies.

(3) The courts have recognized that the General Assembly may provide for the authority to remove members of boards, commissions, councils, authorities or other similar agencies.

(4) Ensuring the stability of boards, commissions, councils, authorities and similar agencies whose members are appointed to fixed terms pursuant to the statute creating the board, commission, council, authority or similar agency is sound public policy.

Amend Sec. 2, page 6, line 18, by striking out "2" and inserting: 3

Amend Sec. 3, page 7, line 27, by striking out "3" and inserting: 4

Amend Sec. 4, page 8, line 5, by striking out "4." and inserting: 5.

(a)

Amend Sec. 4, page 8, by inserting between lines 18 and 19:

(b) All acts or parts of acts are repealed insofar as they are inconsistent with the addition of section 209.1 of the act.

Amend Sec. 5, page 8, line 19, by striking out "5" and inserting: 6

Amend Sec. 5, page 8, line 24, by striking out "3" and inserting: 4

Amend Sec. 5, page 8, line 25, by striking out "4" and inserting: 5(a)

On the question,

Will the Senate agree to the amendment?

REQUEST FOR RECESS

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

Senator MELLOW. Mr. President, we have not seen these amendments and we have not had a chance to discuss them in caucus. At this time, I ask for a recess for the purpose of a Democratic caucus.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, we are not ready for a recess yet. We will put the bill over temporarily.

The PRESIDENT. House Bill No. 1331, together with amendment A6753, will go over in its order temporarily.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 460 (Pr. No. 2321) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, further providing for license terms and fees, for fees and charges and for applicability.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 460?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 460.

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

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 591 (Pr. No. 4715) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for referral to employment offices and for relief from certain employer charges; and further providing for establishment and maintenance of employer's accounts, for qualifications required to secure compensation, for ineligibility for compensation and for ineligibility of incarcerated employees.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson

Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 731 (Pr. No. 4716) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for decision of referee and further appeals and reviews, for disqualifications to participate in hearings, for finality of decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

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

On the question,
Shall the bill pass finally?

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

Senator TARTAGLIONE. Mr. President, today we will be voting on some pieces of legislation, we just voted on House Bill No. 591 and now we are voting on House Bill No. 731, that amends Pennsylvania's Unemployment Compensation Law. Although these bills do not make monumental changes to the law, they are significant nonetheless because of the process by which they came before us today. Mr. President, I expect these bills will receive a unanimous vote today because of the efforts of individuals representing different constituencies who discussed, debated, and compromised on language that all parties could agree to.

Mr. President, I would like to thank Senator Armstrong and Senator Brightbill, as well as their staffs, for their leadership in bringing the parties together to begin the discussion on this legislation. It is also important to recognize the efforts of the representatives of the Pennsylvania Chamber of Business and Industry, the Department of Labor and Industry, and the AFL-CIO, who invested their time and energy to reach agreement on these bills.

Mr. President, I ask for an affirmative vote on House Bill No. 731, as well as any other unemployment compensation legislation before us today.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 878 (Pr. No. 4708) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I would like to ask the Majority Leader one question under interrogation.

The PRESIDENT. Senator Brightbill, do you wish to be interrogated?

Senator BRIGHTBILL. Mr. President, I would be happy to do it.

Senator KUKOVICH. Mr. President, the bill was amended, and as a result, there is not a reference in the bill to the mentally ill. I would like to ask if it is not the intent of the legislation to cause any of the people who are in State mental hospitals to lose job opportunities that they have through State contracts with the Pennsylvania Industries for the Blind and Handicapped under section 520?

Senator BRIGHTBILL. Mr. President, that is correct. It is not our intent to have any of them lose State jobs and State job opportunities.

Senator KUKOVICH. I thank the gentleman, Mr. President. Mr. President, I think this is a good bill and will expand procurement contracts for many individuals by changing that definition. I ask for an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1945 (Pr. No. 4709) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules for purposes of deteriorating dwellings improvement and deteriorating area improvement.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald

Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL AND AMENDMENT OVER IN ORDER
TEMPORARILY**

HB 1947 (Pr. No. 4718) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for tax levies and for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for authority to provide parks and for title acquired in eminent domain proceedings; and making editorial changes.

On the question,
Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A6720

Senator WAGNER offered the following amendment No. A6720:

Amend Title, page 1, line 20, by inserting after "PROCEEDINGS,": providing for fees at State parks;

Amend Sec. 40, page 61, line 3, by striking out ", 3027 AND 3053" and inserting: and 3027

Amend Bill, page 62, by inserting between lines 3 and 4:

Section 41. The act is amended by adding a section to read:

Section 3030.1. Fees at State Parks.—No fee or admission shall be charged for entrance to any State park located in a county of the second class.

Section 42. Section 3053 of the act is amended to read:

Amend Sec. 41, page 62, line 11, by striking out "41" and inserting:
43

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

REQUEST FOR RECESS

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

Senator MELLOW. Mr. President, again, I am going to ask for a recess of the Senate for the purpose of a Democratic caucus. We have not had an opportunity to go through this because we received a marked Calendar late and our Caucus has not had the opportunity to discuss most of these amendments and these bills in their final stage. I would once again appreciate the fact that we are given the opportunity to caucus.

The PRESIDENT. This is Senator Wagner's amendment.

Senator MELLOW. Mr. President, I would appreciate it if we could have the opportunity to have a recess for the purpose of a Democratic caucus.

The PRESIDENT. Senator Brightbill, Senator Mellow has requested a recess of the Senate.

Senator BRIGHTBILL. Could we stand at ease, Mr. President?

The PRESIDENT. The Senate will stand at ease.
(The Senate was at ease.)

And the question recurring,
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, it is my understanding that this amendment would eliminate the up to \$5 fee on the regatta in Pittsburgh.

The PRESIDENT. Senator Wagner, would you explain the amendment? The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I will read the amendment so that the body has a clear understanding of what it states. "Fees at State Parks.—No fee or admission shall be charged for entrance to any State park located in a county of the second class." That is an explanation of the amendment, Mr. President. There is only one State Park in a county of the second class, which is Allegheny County. That State Park, which everyone is very aware of, is Point State Park in my senatorial district.

This past week a bill that left this Senate and passed the House, Senate Bill No. 1365, implemented a fee up to \$5 for entrance into Point State Park during the annual regatta that occurs over a 4-day period for the last 25 years in the city of Pittsburgh. That fee, Mr. President, I feel is unjustified, and it is unjustified for a number of different reasons.

First and foremost, Mr. President, and this information I received from the Department of Conservation and Natural Resources today in the Bureau of State Parks. For the 84 parks that exist in the Commonwealth of Pennsylvania, there has never been a fee or a charge to enter any of those State Parks. And for the first time ever, we have implemented a fee at Point State Park for an event. Mr. President, I feel that is outrageous, and what this amendment does is eliminates that fee. Keep in mind, Mr. President, the taxpayers of the Commonwealth of Pennsylvania have paid for every State Park that is in existence, including Point State Park. They have paid for every piece of that park. In addition to the capital investment, Mr. President, they pay for the maintenance and operation of Point State Park, and there are numerous events that occur within Point State Park on an annual basis. This is the first time ever, the first time ever in any State Park that we will implement an entrance fee into that park.

Now the people who run the Pittsburgh Three Rivers Regatta do that under a contract agreement with the State and with the city of Pittsburgh. That regatta has been in existence for 25-plus years, 25-plus years. There are many, many other events at Point State Park and parks across Pennsylvania. At Point State Park there is an arts festival, there is the jamboree, and I could go on and on and on. It is the public's property, Mr. President. They paid for it, they pay for its operation, they pay for its maintenance. At these events, they pay high prices for food, for drinks, they spend money at these events, including the Pittsburgh Three Rivers Regatta. There is no justification, I repeat, no justification to implement a fee to enter a park.

Now as part of that amendment in Senate Bill No. 1365, there was also language to put up a temporary barrier around the park so that there are designated entrances. Mr. President, I feel that is okay. I am not impacting that with this language, because I know in all State Parks there are designated entrances. And what the regatta committee has said is that during the 4-day event, at times people who are intoxicated may attempt to enter the park, and they should be able to refuse them entrance, and they are right. By designating certain entrances, you can do that. Or if there are rowdy crowds trying to enter the park, security should be able to say they cannot enter, and they are right, just as they are right at Raccoon State Park or Presque Isle, or anywhere else. But think of it for a minute, Mr. President. We are setting a precedent here today by saying that we will permit a fee to be applied to the entrance of a park for a special event, when the people under contract actually can make money with that special event.

So, Mr. President, I am asking that we restrict, we cross out that previous legislation by making certain that a fee cannot apply to Point State Park and, hopefully, every other park in the Commonwealth of Pennsylvania.

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

Senator MURPHY. Mr. President, certainly none of us wants to restrict people from a State Park, but I want to clarify that the Pittsburgh Regatta is not a Commonwealth organization. It is not a Commonwealth function to hold this, such as many other events. And as a clarification for the record, for the last 20-plus years I have been running in the Pittsburgh Great Race, which ends in Point State Park, and I pay a fee of \$20 to participate, you cannot finish the race unless you are in the State Park, because there are many other events held within there at the end.

This is an organization that repeatedly comes to the Commonwealth asking for extra funding to handle some of its fees, and this is a way they are looking at to generate some money without coming to the general Commonwealth taxpayers to pay for their private events. Other organizations may at some point decide to do the same thing, but that is the specific case here.

Thank you, Mr. President.

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

Senator WOZNIAK. Mr. President, may I interrogate the maker of the amendment, Senator Wagner?

The PRESIDENT. Senator Wagner indicates that he will stand for interrogation. Senator Wozniak, you may proceed.

Senator WOZNIAK. Mr. President, I know it is 5 o'clock and it is getting late, but it seems nobody else wants to go on home, and since we are going to start amending bills here in the late hours of the sine die Session, I am in no hurry either.

There are a number of State Parks throughout Pennsylvania, and if you rent the canoes or the boats or different things, you pay fees. We have in Johnstown the annual folk festival. At one time we primed the pump, so to speak, with government money when it was the National Folk Festival for 3 years. Now it stands on its own by the fees that the people pay to have the booths set up, et cetera, and it turns the money around.

My question is, one, are we going to continue to subsidize the regatta with State money? That is question number one, so I guess a quick "yes" or "no" answer will take care of that.

Senator WAGNER. Mr. President, what I did not mention was the Pittsburgh Three Rivers Regatta received a DCED grant for the 2002-03 year of \$450,000. So not only are they on State property, not only do the taxpayers pay for the operation and maintenance, they have also given the Pittsburgh Three Rivers Regatta \$450,000 in a State grant. Will that continue? I do not know, but certainly with the fee, it is unjustified, and making money at that event is unjustified based on what I have said today.

Senator WOZNIAK. Mr. President, I sure wish I would get \$450,000 for parties in my hometown, and that is nice that they can do it, but the problem with these issues is I do not mind priming the pump, but if you want to have the Pittsburgh Regatta, it has to be funded by the people who participate and enjoy it. There is absolutely nothing wrong with a nonprofit corporation having a fee for people to enjoy what becomes a weeklong affair. Throughout Pennsylvania, \$450,000 from taxpayers who never go to the Regatta, I do not mind it once in a while, but I think they should have the obligation to do the best they can to raise the money to take care of their own regatta through corporate sponsorships, through individuals coming in their automobiles, or however they want to set those fees. There is nothing wrong with that and there is nothing wrong with using State Parks as a facilitator for the regatta since it is right at the three rivers, where the Monongahela and the Allegheny meet and the Ohio begins.

So I think this amendment is not necessary. Let those who wish to enjoy the regatta pay for it. We need to start standing on our own two feet and running operations as a business, trying to do as much as we can on our own without coming to the State to subsidize programs that are of private interest to local regional tourism.

Thank you very much, Mr. President.

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

Senator WAGNER. Mr. President, I just want to set the record clear here on several points that have been made. My colleague from Cambria County indicated fees are charged in other parks. Fees are charged in this park for this event. When you take a family of four and you go to Pittsburgh's Three Rivers Regatta and buy a Coke and you buy a sandwich, believe me, you are paying for it, or if you buy a novelty at that event, you are paying for it. There are ways for this organization that has a management agreement with the Commonwealth of Pennsylvania to bring in dollars.

And in response to my colleague from Allegheny, Senator Murphy, a fee is charged for the Great Race, he is correct. I run in it every year, Mr. President. It is a 6-mile race. It begins in Squirrel Hill, where considerable events occur, it runs through the streets in Pittsburgh, and it ends in Point State Park. The fee for that event is not exclusively related to Point State Park. It is a fee for the race, for the planning of the race, for trophies, for the dollars paid to the winners of that race. It is not for the park. This is a State Park owned by the taxpayers of the Commonwealth of Pennsylvania, and we are not doing what my colleague, Senator Wozniak, was suggesting in terms of simply a fee for something in the park. We are talking about a fee to enter the park, to enter it. It is like putting gates up at our 84 State Parks in Pennsylvania and saying, it costs you Pennsylvanians so much to enter this park.

Now let us say, for instance, a Pennsylvanian simply wants to go to Point State Park on a day when the regatta is occurring. They cannot enter that park unless they pay. The question is, is that proper? Everyone would respond by saying, no, it is not proper. We are setting a dangerous precedent here, Mr. President, by saying that an event that has a contract agreement, that makes money as a result of that event, can now charge on tax-free property on which they are not paying taxes. They are not paying business taxes related to this event. They are not paying property tax related to the property they are on. And if they have a concert, let me ask the question, Mr. President, are they paying an amusement tax to the city of Pittsburgh on the entrance fee? Does anyone have an answer to that question?

The PRESIDENT. Senator Wagner, do you wish to interrogate someone?

Senator WAGNER. Mr. President, I am asking questions that I think need to be answered, and there is nobody to answer them. Point State Park is in my senatorial district. I am offended that a fee will be applied for entrance into that State Park, and it is the first time ever for any park to have a fee in the history of Pennsylvania. I am completely offended, and what this amendment does, Mr. President, is it strikes it out. I believe every Member of this body should support this amendment because it can happen to their parks in their senatorial districts. These are the people's parks. They do not belong to the contract agreement of the agency that has an event in the park. They belong to the people of Pennsylvania, and I would appreciate a positive vote on this amendment.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I just urge a negative vote on the amendment.

And the question recurring,
Will the Senate agree to the amendment?

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

YEA-18

Bodack	Kasunic	Musto	Tartaglione
Boscola	Kitchen	O'Pake	Wagner

Costa	LaValle	Schwartz	Williams, Constance
Fumo	Logan	Stack	
Hughes	Mellow	Stout	

NAY-30

Armstrong	Holl	Piccola	Waugh
Brightbill	Jubelirer	Pileggi	Wenger
Conti	Kukovich	Punt	White, Donald
Corman	Lemmond	Rhoades	White, Mary Jo
Dent	Madigan	Robbins	Williams, Anthony H.
Erickson	Mowery	Scarnati	Wozniak
Gerlach	Murphy	Thompson	
Greenleaf	Orie	Tomlinson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A6759

Senator WAGNER offered the following amendment No. A6759:

Amend Sec. 7.1 (Sec. 2517), page 22, lines 20 and 21, by striking out "THE AWARD OF A CONTRACT FOR THE PROJECT" in line 20 and all of line 21

Amend Sec. 7.1 (Sec. 2517), page 22, by inserting between lines 27 and 28:

(4) Any contract awarded under this subsection shall be subject to the requirements of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act"; and the prevailing wage laws and workforce standards. Any contract for the project must be awarded to the lowest bidder.

Amend Sec. 7.1 (Sec. 2517), page 22, line 28, by striking out "(4)" and inserting: (5)

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

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I request that the amendment and House Bill No. 1947 go over temporarily.

The PRESIDENT. Senator Piccola requests that House Bill No. 1947, along with amendment A6759, go over in its order temporarily. As nobody has seen these amendments, this bill will go over temporarily.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 2223 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2674 (Pr. No. 4710) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 62 (Procurement) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for procurement of right-of-way acquisition assistance services, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities, for time for awarding contract and for medical assistance hearings and appeals; and making repeals.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON FINAL PASSAGE OVER IN ORDER TEMPORARILY

HB 2842 (Pr. No. 4719) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification, for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

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

On the question,
Shall the bill pass finally?

The PRESIDENT. House Bill No. 2842 will go over in its order temporarily on final passage.

HB 1331 CALLED UP

HB 1331 (Pr. No. 4731) -- Without objection, the bill, with amendment A6753 pending, which previously went over in its order temporarily, was called up, from page 7 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1331 (Pr. No. 4731) -- 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 consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; and further providing for furnishing lists of employees to certain State officers.

And the question recurring,
Will the Senate agree to amendment A6753?

AMENDMENT WITHDRAWN

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move to withdraw amendment A6753 to House Bill No. 1331.

The motion was agreed to.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh

Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1900 (Pr. No. 3864) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for unemployment compensation benefits.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 1974 (Pr. No. 4685) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by Northumberland County, in return for imposition of

Project 70 restrictions on other lands owned by the Northumberland County Development Corporation.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL AMENDED

HB 2070 (Pr. No. 4727) -- 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 simple assault; providing for restoration of firearm rights for offenses under prior laws of this Commonwealth; and further providing for unlawful contact with a minor.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BRIGHTBILL offered the following amendment No. A6758:

Amend Title, page 1, line 6, by striking out all of said line and inserting: further providing for unlawful contact with a minor; and providing for contingent compensation.

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 BRIGHTBILL.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2256 (Pr. No. 4587) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2350 (Pr. No. 3262) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson

Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2411 (Pr. No. 4509) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, revising provisions relating to athlete agents.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2456 (Pr. No. 3493) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2614 (Pr. No. 4364) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain facsimiles, commercial electronic transmissions and the use of text, graphic or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; imposing penalties; authorizing the blocking of commercial electronic mail by interactive computer service; and providing for the powers of the Attorney General.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2725 (Pr. No. 4728) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating Exit 60B in Robinson, Allegheny County, on Interstate Route 79 as the Trooper C. Kelly Memorial Interchange; designating a certain exit from State Route 283 in Lower Swatara Township, Dauphin County, as the Franklin D. Linn Interchange; designating a bridge on State Route 2016 over Augwick Creek in Cromwell Township, Huntingdon County, as the Charles Prince Bridge; designating the portion of State Route 1006 in Lewis Township, Northumberland County, as Rovendale Drive; designating a bridge on that portion of State Route 259 over the Conemaugh River between Robison, Indiana County, and the Borough of Bolivar, Westmoreland County, as the Wesley E. Dodson Bridge; designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsontown Borough, Northumberland County, as the Nurse Helen Fairchild Memorial Bridge; designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway; and designating a road in Springville Township, Susquehanna County, as West Nicholson Road.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2898 (Pr. No. 4419) -- The Senate proceeded to consideration of the bill, entitled:

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

and convey a 50-year easement of certain lands situate in Canaan Township, Wayne County, to Waymart Wind Farm L.P.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2772 (Pr. No. 4630) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties," establishing the Targeted Community Revitalization and Crime Prevention Advisory Committee and providing for its powers and duties.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.

Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2923 (Pr. No. 4588) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to the Society for the Prevention of Cruelty to Animals of Chester County, Inc., certain land situate in West Bradford Township, Chester County.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2924 (Pr. No. 4486) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 11, 1986 (P.L.1508, No.163), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Emsworth Borough 7.5 acres of land, more or less, situate in Kilbuck Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey to the County of Chester 230.693 acres of land, more or less, situate in Newlin and West Bradford Townships, Chester County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and

the Department of Public Welfare, to convey to North Penn Comprehensive Health Services 8.7 acres of land, more or less, situate in the Borough of Blossburg, Tioga County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey to Gilbert Collussy, Lena M. Collussy, James T. Dresher and Virginia M. Dresher, a tract of land situate in North Shenango Township, Crawford County, Pennsylvania, in exchange for a tract of land in the same township, and for other consideration; and authorizing and directing the Department of General Services, with the approval of the Governor and the Departments of Environmental Resources and Transportation, to convey to the Mid-State Regional Airport Authority a tract of land situate in Rush Township, Centre County, Pennsylvania," further providing for deed of conveyance; and providing for conveyance in West Bradford Township, Chester County, Pennsylvania.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2963 (Pr. No. 4635) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Latrobe Borough, Westmoreland County, to the Borough of Latrobe; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey, at a price determined through competitive bidding, certain lands situate in Scottsdale Borough, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Blairsville Borough, Indiana County, to the Borough of Blairsville; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Kutztown Borough, Berks County, to the Borough of Kutztown; and authorizing the Department of General Services, with the approval of the Governor and the Department of

Military and Veterans Affairs, to grant and convey a certain tract of land situate in the Borough of Media, Delaware County, to the Borough of Media; authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey an access road right-of-way over certain State land to Sanford J. and Doris M. Henry, Paul L. and Deborah K. Baker, Michael R. and Jeanne M. Henry, Lynn A. and Kimberly R. Henry, Leland W. Henry, Sr., and Leland W. Henry, Jr., all of Middlecreek Township, Somerset County, Pennsylvania, and their heirs and assigns; authorizing the release of Project 70 restrictions on certain land owned by the Lehigh Water Authority, Township of Penn Forest, Carbon County, to provide access right-of-way to John A. Wargo, et al. "Apollo Associates"; and making a repeal.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2971 (Pr. No. 4629) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council; and making editorial changes.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER TEMPORARILY

HB 2593 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

HB 2842 CALLED UP

HB 2842 (Pr. No. 4719) -- Without objection, the bill, which previously went over in its order temporarily on Final Passage, was called up, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON FINAL PASSAGE

HB 2842 (Pr. No. 4719) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification and for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, this bill is an important bill to agriculture in Pennsylvania, two ways primarily, and then a third way that I have a bit of concern about, and I would like to mention it for the record this evening. I know we are running late, I know we are all tired, but I believe there is an important piece of this legislation that needs to at least be stated for the record.

First, I would like to speak to the parts of this bill that are, I believe, of great value to agriculture in Pennsylvania. First of all, we will finally have an indemnification program for clean-up costs associated with the depopulation of infected animal herds and flocks in Pennsylvania. This is something the Department of Agriculture has been seeking for quite some time. There were several cases in the last couple of years where small operators have been saddled, unfortunately, with the costs of cleaning up flocks and herds that have been infected one way or another and actually condemned by the Department of Agriculture, so this fund will help them.

Secondly, for some time now there has been an effort under way to remove commercial Cervidae operations, that is commercial deer raising and marketing operations, specifically red deer and elk, from the Game Commission's purview and put it under the Department of Agriculture because, in fact, these operations are very much and in every way a commercial livestock operation and, frankly, I think they should be under the marketing and advisory and purview of the Department of Agriculture. So those two points on this bill are good and, by the way, this is one of those works in progress.

Finally, for the record, I would like to mention my concern. This bill started out to deal with the indemnification process and ended up being an amendment that deals with the Food Employee Certification Act. The Members of the Senate need to be aware that the food employees certification process started back several years ago when there was an incident involving a young person who contracted a disease through contaminated food in a restaurant. In 1994, the legislature reacted to that situation and enacted the Food Employee Certification Act, and I believe adopted at that time a very reasonable and very easy to comply with standard for the training and certification of people involved in the handling and service of food products at restaurants and other facilities in our State. That was the first time we really dealt with the issue. Not many years ago, in fact in the 1999-2000 legislative Session, we actually went back and amended this act again to give some grace and a little more time to the for-profit industries involved in having to be certified to provide food service. And this was the second time that we adjusted this program.

My concern this evening, Mr. President, and the reason I rise, is because I know this has been worked out in such a way that it is not going to be mandatory the middle of this year, and that is what was called for under the current act, and I personally believe that we should not have gotten involved in this issue. We should have left it become a mandatory training requirement for people involved in the food industry, and I want that to be placed on the record.

I am going to support this bill this evening because I know a lot of people have been involved in putting together what is being called a compromise. But I would just like to state for the record and to those interests who are listening this evening and have been a part of this process of the so-called compromise, we need to draw a line in the sand, and this is where the line needs to be drawn. I believe we have compromised as far as we should compromise on the issue of food safety. I believe, quite frankly, that it is a shame that some of these folks have not agreed to comply, and I want that to be put on the record. To do this this

evening is fine with me, and again, I am going to be a "yes" vote. But I believe that we have to stop at this point and live up to the agreements that have been put into this compromise.

Thank you very much, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-46

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Erickson	Logan	Scarnati	Williams, Constance
Fumo	Madigan	Schwartz	Wozniak
Gerlach	Mowery	Stack	
Greenleaf	Murphy	Stout	

NAY-2

Mellow Tartaglione

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 813 (Pr. No. 2358) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the discount rate on workers' compensation insurance policies.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 813?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 813.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1416 (Pr. No. 2353) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for licensing and regulation of insurance producers, managers and exclusive general agents; conferring powers and imposing duties on the insurance commissioner and Insurance Department; permitting the payment of referral fees; imposing penalties; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1416?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1416.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

**BILL REVERTED TO PRIOR PRINTER'S No.
ON THIRD CONSIDERATION AND FINAL PASSAGE**

HB 2131 (Pr. No. 4730) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions.

On the question,

Will the Senate agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S No.

Senator BRIGHTBILL. Mr. President, I move the Senate do now revert to prior Printer's No. 2843 on House Bill No. 2131.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT. The Senate now has before it House Bill No. 2131, Printer's No. 2843.

On the question,

Will the Senate agree to the bill on third consideration?

It was 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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2070 (Pr. No. 4743) -- 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 simple assault; providing for restoration of firearm rights for offenses under prior laws of this Commonwealth; further providing for unlawful contact with a minor; and providing for contingent compensation.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECONSIDERATION OF VOTE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I move that the vote by which House Bill No. 2070 passed finally be reconsidered.

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

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

YEA-45

Armstrong	Holl	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tomlinson
Boscola	Kasunic	Orie	Wagner
Brightbill	Kitchen	Piccola	Waugh
Conti	Kukovich	Pileggi	Wenger
Corman	LaValle	Punt	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Dent	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

NAY-3

Hughes	Schwartz	Williams, Constance
--------	----------	---------------------

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2574 (Pr. No. 4740) -- 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, for retail dispensers' restrictions, for unlawful acts, for identification cards and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-39

Bodack	Greenleaf	Murphy	Tartaglione
Boscola	Holl	Musto	Thompson
Brightbill	Hughes	O'Pake	Tomlinson
Conti	Jubelirer	Pileggi	Wagner
Corman	Kasunic	Rhoades	Waugh
Costa	Kitchen	Robbins	White, Donald
Dent	Kukovich	Scarnati	White, Mary Jo
Erickson	LaValle	Schwartz	Williams, Constance

Fumo	Logan	Stack	Wozniak
Gerlach	Mellow	Stout	

NAY-9

Armstrong	Mowery	Piccola	Wenger
Lemmond	Orie	Punt	Williams, Anthony H.
Madigan			

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECONSIDERATION OF VOTE

HB 2070 (Pr. No. 4743) -- Senator BRIGHTBILL. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 2070, Printer's No. 4743, passed finally.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

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

YEA-45

Armstrong	Holl	O'Pake	Thompson
Bodack	Jubelirer	Orie	Tomlinson
Boscola	Kasunic	Piccola	Wagner
Brightbill	Kukovich	Pileggi	Waugh
Conti	LaValle	Punt	Wenger
Corman	Lemmond	Rhoades	White, Donald
Costa	Logan	Robbins	White, Mary Jo
Dent	Madigan	Scarnati	Williams, Anthony H.
Erickson	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gerlach	Murphy	Stout	
Greenleaf	Musto	Tartaglione	

NAY-3

Hughes	Kitchen	Williams, Constance
--------	---------	---------------------

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SUPPLEMENTAL CALENDAR No. 3 RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2778 (Pr. No. 4741) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations and for critical job training grants; and workforce development courses.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 401 (Pr. No. 4746) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 930 (Pr. No. 4747) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of authorities.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-42

Armstrong	Jubelirer	Musto	Tartaglione
Bodack	Kasunic	O'Pake	Thompson
Boscola	Kitchen	Orie	Wagner
Brightbill	Kukovich	Piccola	Waugh
Corman	LaValle	Punt	Wenger
Costa	Lemmond	Rhoades	White, Donald
Dent	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Wozniak
Holl	Mowery	Stack	
Hughes	Murphy	Stout	

NAY-6

Conti Greenleaf Tomlinson Williams, Constance
Erickson Pileggi

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 2860 (Pr. No. 4712) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for universal research enhancement definitions and for the Tobacco Settlement Investment Board; and extending eligibility for PACE and PACENET.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 2860?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 2860.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 14 (Pr. No. 2379) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the satisfaction of residential and other mortgages; providing for certain forms; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 14?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 14.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 879 (Pr. No. 2426) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for surcharge recoverability and offset; and further providing for electricity supplied to certain organizations.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 879?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 879.

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

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

YEA-41

Armstrong	Greenleaf	O'Pake	Wagner
Bodack	Holl	Orie	Waugh
Boscola	Jubelirer	Piccola	Wenger
Brightbill	Kasunic	Pileggi	White, Donald
Conti	Kukovich	Punt	White, Mary Jo
Corman	LaValle	Rhoades	Williams, Anthony H.
Costa	Lemmond	Robbins	Williams, Constance
Dent	Madigan	Scarnati	Wozniak
Erickson	Mellow	Stout	
Fumo	Murphy	Thompson	
Gerlach	Musto	Tomlinson	

NAY-7

Hughes	Logan	Schwartz	Tartaglione
Kitchen	Mowery	Stack	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1208 (Pr. No. 2388) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further defining "practice of professional nursing"; further providing for the duties of the State Board of Nursing; providing for certified registered nurse practitioners and for their scope of practice and prescriptive authority; establishing the Drug Review Committee; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1208?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1208.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner

Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1242 (Pr. No. 2420) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from the incurring of debt or from current revenue of the Fish Fund and the Boat Fund; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1242?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1242.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1402 (Pr. No. 2429) -- 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 offenses of rape, involuntary deviate sexual intercourse, aggravated indecent assault and forgery; and providing for computer offenses and for penalties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1402?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1402.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1452 (Pr. No. 2439) -- 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 for the number of judges of the courts of common pleas; further defining "health care provider"; further providing for limitations of appeals, for the powers and duties of probation officers concerning juveniles, for inspection of court files and records, for taking child into custody, for informal hearings, for notice and hearing, for adjudication and for disposition of dependent child and for exemption from attachment; providing for immunity of State parole officers and county probation officers; conferring powers and duties on the Juvenile Court Judges' Commission; providing for liability for violations of general and specific criminal statutes and for merger of sentences; and providing a technical correction to, confirmation of the scope of and clarification of existing law regarding the Rental-Purchase Agreement Act.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1452?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1452.

On the question,

Will the Senate agree to the motion?

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

Senator O'PAKE. Madam President, I want to point out to my colleagues that this bill was amended in committee and now has a provision in here allowing for wage garnishment for unpaid rent under certain circumstances, so be alerted to that. It is in the bill. Vote your conscience.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Madam President, on this legislation, there was a lot of work done on the principal part of this legislation. We have looked at it in the Committee on Judiciary, I am, by and large, in support of the legislation, but there are these additional amendments that have been added that create some difficulty for some of us. I want to just mention one other one. One of the concerns in rushing through a variety of amendments at this point is that there is an amendment to add additional judges in several counties, one in one of my counties, Montgomery County. I have received information from two of the three county commissioners that they do not believe it is necessary at this point. We just added two judges 2 years ago. We believe this adds costs to county taxpayers in supporting an additional judge. They do not believe it is called for, and we are really raising taxes at a difficult time for the local community that I represent in Montgomery County, at a time when the county commissioners have said do not do it right now. We did try to amend it in the Committee on Rules and Executive Nominations. It could not be done, we were told, because it might affect the rest of the bill.

So I would just say that I am very cautious about some of the provisions of this measure, and I am also very cautious about adding additional costs to local taxpayers at a time when they are having a hard enough time supporting the many services that our counties provide. So I do not support the addition because of the cost of one additional judge in Montgomery County.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, there was a change to this bill in the House on page 34, line 20. One word was deleted and a different one was added. From my following of the debate in the House, the maker of the amendment said that it was a technical amendment. I am assuming that is still true, that the changing of the word "damages" to "amounts" is simply technical or clarifying in nature. I have to assume that there was no intent to try to overly broaden the garnishment or attachment of wages law, and I hope that because of the value of the rest of the bill, that we could support this and that reasonable legal arguments would show that there would be no major change in existing law in that section of the bill.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Madam President, I, too, have some concern about the language, well, the word that was added to the bill, and I hope, too, that it does not mean garnishment also, because such an action would just crush the backs of poor and working people here in the Commonwealth.

So I am going to go along with my colleague when he said that it does not substantially change what is present law now. So I am very sorry. I mean, I would like to try to be supportive and work along, but I do have some concerns.

Thank you, Madam President.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-36

Armstrong	Greenleaf	Musto	Stack
Boscola	Holl	O'Pake	Stout
Brightbill	Jubelirer	Orie	Thompson
Conti	Kukovich	Piccola	Tomlinson
Corman	LaValle	Pileggi	Waugh
Dent	Lemmond	Punt	Wenger
Erickson	Madigan	Rhoades	White, Donald
Fumo	Mowery	Robbins	White, Mary Jo
Gerlach	Murphy	Scarnati	Wozniak

NAY-11

Bodack	Kasunic	Mellow	Wagner
Costa	Kitchen	Schwartz	Williams, Constance
Hughes	Logan	Tartaglione	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE
AS AMENDED, REVERTED TO PRIOR
PRINTER'S No, AMENDED

HB 2892 (Pr. No. 4721) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; providing for wage tax reduction; and making repeals.

On the question,
Will the Senate agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S No.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Madam President, I move to revert to prior Printer's No. 4557 on House Bill No. 2892.

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

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

The PRESIDING OFFICER. The Senate now has before it House Bill No. 2892, Printer's No. 4557.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BRIGHTBILL offered the following amendment No. A6776:

Amend Title, page 1, line 10, by striking out "and"
Amend Title, page 1, line 11, by removing the period after "payment" and inserting: ; and providing for continuation of tax.
Amend Bill, page 4, by inserting between lines 6 and 7:
Section 3.1. Any tax enacted pursuant to the former act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, is specifically continued and is not repealed or modified in any way by the repeal of that act or the addition of 53 Pa.C.S. Ch. 59.
Amend Sec. 4, page 4, line 8, by inserting after "(2),": sections 1, 2 and 3 of
Amend Sec. 4, page 4, line 9, by striking out "HEREIN" and inserting: in those provisions
Amend Sec. 4, page 4, line 13, by inserting after "OF": sections 1, 2 and 3 of
Amend Sec. 4, page 4, line 14, by striking out "HEREIN" and inserting: in those provisions

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 BRIGHTBILL.

HB 1947 CALLED UP

HB 1947 (Pr. No. 4718) -- Without objection, the bill, with amendment A6759 pending, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1947 (Pr. No. 4718) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to

construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for authority to provide parks and for title acquired in eminent domain proceedings; and making editorial changes.

And the question recurring,
Will the Senate agree to amendment A6759?

AMENDMENT A6759 WITHDRAWN

The PRESIDING OFFICER. The Chair is informed that Senator Wagner withdraws amendment A6759.

And the question recurring,
Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A6780

Senator WAGNER offered the following amendment No. A6780:

Amend Sec. 7.1 (Sec. 2517), page 22, lines 20 and 21, by striking out "THE AWARD OF A CONTRACT FOR THE PROJECT" in line 20 and all of line 21

Amend Sec. 7.1 (Sec. 2517), page 22, by inserting between lines 27 and 28:

(4) Any contract awarded under this subsection shall be subject to the requirements of the act of March 3, 1978 (P.L. 6, No. 3), known as the "Steel Products Procurement Act"; and the prevailing wage laws and workforce standards. Any contract for the project must be awarded to the lowest responsible bidder.

Amend Sec. 7.1 (Sec. 2517), page 22, line 28, by striking out "(4)" and inserting: (5)

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Madam President, I stand and offer this amendment to provide clarification to House Bill No. 1947. House Bill No. 1947 had an amendment offered in the Committee on Appropriations in the last day or two, and it pertains to a project in my senatorial district that is under the control of the Industrial Development Authority of Allegheny County. In that amendment, Madam President, there is some very vague language pertaining to some areas of concern related to a public project. Basically what my amendment does is try to clarify that language. In other words, to clean it up.

What my amendment pertains to, Madam President, is making certain that the Steel Products Procurement Act is applied within this legislation, along with the lowest responsible bidder getting the project. And one other aspect, Madam President, is making certain that prevailing wage laws apply to the project. Under the legislation as it stands, the language indicates that these items would only be considered, when in fact, Madam President, they are part of existing State law, and I want to make sure that existing State law applies to House Bill No. 1947.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, I rise to oppose the amendment. At this late hour and this late date, it is my fear that this will kill this piece of legislation. And further, I talked to the building trades and labor, and they are comfortable with this language and feel that the prevailing wage and the steel products provisions on this are to their satisfaction, so I am asking for a negative vote.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Madam President, I appreciate my colleague's response to my amendment. I know it is late in the hour and I know Senator Tomlinson is very concerned about this bill being amended, passed here, and then finally passed in the House of Representatives. However, I will say, Madam President, that this amendment was never discussed with any of us here from Allegheny County. This is another Allegheny County issue, and we have had plenty of time to work on the language of this legislation. The language concerns me, and again, I ask for an affirmative vote.

Thank you.

And the question recurring,
Will the Senate agree to the amendment?

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

YEA-21

Bodack	Kitchen	Musto	Tartaglione
Boscola	Kukovich	O'Pake	Wagner
Costa	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

NAY-27

Armstrong	Greenleaf	Orie	Thompson
Brightbill	Holl	Piccola	Tomlinson
Conti	Jubelirer	Pileggi	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rhoades	White, Donald
Erickson	Mowery	Robbins	White, Mary Jo
Gerlach	Murphy	Scarnati	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

HB 2163 CALLED UP

HB 2163 (Pr. No. 2979) -- Without objection, the bill, with amendment A6724 pending, which previously went over in its order temporarily, was called up, from page 8 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 2163 (Pr. No. 2979) -- 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, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for deputy secretaries in the Department of Transportation.

And the question recurring,

Will the Senate agree to amendment No. A6724?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator WAGNER offered the following amendment No. A6747:

Amend Title, page 1, line 21, by inserting after "COMMONWEALTH;": prohibiting admission fees or entrance fees at State parks;

Amend Sec. 1, page 2, lines 4 ad 5, by striking out "A SECTION" and inserting: sections

Amend Bill, page 5, by inserting between lines 1 and 2:

Section 506.1. Fee Restrictions.—The Department of Conservation and Natural Resources or any successor agency shall have no power or authority to levy, assess or collect any entrance fee or admission fee for entrance into any State park within this Commonwealth.

On the question,

Will the Senate agree to the amendment?

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

Senator WAGNER. Mr. President, I will be brief in my comments in regard to the amendment. I had an earlier amendment that attempted to take out the entrance fee to Point State Park in my senatorial district. It identified the only State Park in a second-class county, Allegheny County. What this amendment does, Mr. President, is puts into law the fact that there could be no entrance fee to any State Park in the Commonwealth of Pennsylvania, not for an event within the park, but an entrance fee into the park. I thought maybe Members who would not vote for the previous amendment may consider a vote for this amendment, and I simply add that there has never been an entrance fee to any State Park, to my knowledge, in the history of Pennsylvania.

Thank you.

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

Senator WOZNIAK. Mr. President, I rise to oppose the amendment. I realize it sounds good, let us make everything free and the taxpayers pay for it, but the truth of the matter is there is no free lunch. The truth of the matter is, our State Park system is underutilized as it is, and the parks are underfunded. There is not enough money to take care of the ones that we have in place now. We are going to have to address that issue. This has been chronic for a long time now, and I do not want to burden the next Governor coming in, who happens to be of my political persuasion, if an opportunity is out there that we have to take a serious look at. There is nothing wrong with users' fees, there is nothing wrong with people who enjoy Pennsylvania State Parks that cost hundreds of millions of dollars a year. There are times when individuals who use services should have to pay for them. Now, I am not committing to that, but I would like to keep that option open in the future.

Folks, we are all grown-ups in this Chamber, and the people who are watching us also realize this. We cannot continue down the path of everything for free, because the truth is, everything costs something, and a fair share paying plan is the fairest way to go about it. So let us keep the option open. We do not know what the future holds for us, but I do not want to close any doors on how we finance State Parks, which, by the way, were set up so that every citizen of Pennsylvania is 45 minutes away from a wonderful facility they and their families can enjoy for next to nothing.

Thank you very much, Mr. President.

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

Senator WAGNER. Mr. President, I wish to respond, which is to simply say, and I was going to be brief and speak only once, Mr. President, but I am very concerned about this issue, and I

stated it earlier and I will state it again. The people of Pennsylvania have paid for the State Parks. They pay daily in their taxes for the operation and maintenance of those State Parks. They should not, I repeat, should not be charged a fee to enter those parks, and that is what this amendment is all about.

Thank you.

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

YEA-18

Bodack	Kasunic	Musto	Tartaglione
Boscola	Kitchen	O'Pake	Wagner
Costa	LaValle	Schwartz	Williams, Constance
Fumo	Logan	Stack	
Hughes	Mellow	Stout	

NAY-30

Armstrong	Holl	Piccola	Waugh
Brightbill	Jubelirer	Pileggi	Wenger
Conti	Kukovich	Punt	White, Donald
Corman	Lemmond	Rhoades	White, Mary Jo
Dent	Madigan	Robbins	Williams, Anthony H.
Erickson	Mowery	Scarnati	Wozniak
Gerlach	Murphy	Thompson	
Greenleaf	Orie	Tomlinson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1255 (Pr. No. 1458) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of December 21, 1988 (P.L.1860, No.178), entitled "An act providing for the disposal of unclaimed garments," providing for the disposal of unclaimed footwear and other items left with shoe repairers.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo

Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SB 1525 (Pr. No. 2227) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," defining "waste tire recycling facility"; and prohibiting waste tire recycling facilities in certain locations.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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.

HB 1700 (Pr. No. 4023) -- 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 and for definitions.

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-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 6

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2892 (Pr. No. 4742) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; and providing for continuation of tax.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson

Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 5

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED RECOMMITTED

SB 406 (Pr. No. 2444) -- The Senate proceeded to consideration of the bill entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing agricultural operations; and providing for certain attorney fees and costs.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room imminently to consider Senate Bill No. 406, and certain nominations.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDING OFFICER. Senator Brightbill requests a recess of the Senate for a meeting of the Committee on Rules and Executive Nominations, which will begin immediately in the Rules room at the rear of the Senate Chamber. Without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

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

REPORTS FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 315 (Pr. No. 2448) (Amended) (Rereported) (Concurrence)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities; further defining "class of service multiplier"; further provided for credited State service, for retention and reinstatement of service credits and for classes of service; providing for election to become a Class C-1 member; further providing for contributions by the Commonwealth and other employers, for actuarial cost method and for supplemental annuities commencing 2003; and providing for benefits completion plan.

SB 406 (Pr. No. 2449) (Amended) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing agricultural operations; and providing for certain attorney fees and costs.

SB 1453 (Pr. No. 2447) (Amended) (Rereported) (Concurrence)

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, and imposing Project 500 restrictions on other land owned by the Borough of Royalton, Dauphin County.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate, by amending said amendments, to **HB 152** and **1553**, in which concurrence of the Senate is requested.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 463**, **807**, **958** and **1478**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

MOTION TO SUSPEND RULE XIV

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV, section 5, to the extent that it requires that certain bills be referred to the Committee on Rules and Executive Nominations and that the bills be placed upon the Calendar: House Bill No. 152, House Bill No. 1553, Senate Bill No. 463, Senate Bill No. 807, Senate Bill No. 958, and Senate Bill No. 1478.

The PRESIDENT. It has been moved by Senator Brightbill that Rule XIV, section 5, be suspended so that the following bills can be placed on the Calendar: House Bill No. 152, House Bill No. 1553, Senate Bill No. 463, Senate Bill No. 807, Senate Bill No. 958, and Senate Bill No. 1478.

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

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

NAY-0

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

The PRESIDENT. Rule XIV is suspended and the bills will be placed on the Calendar.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 11

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2163 (Pr. No. 4749) -- The Senate proceeded to consideration of the bill, entitled:

An Act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for permits for storm water discharges associated with oil and gas wells and for deputy secretaries in the Department of Transportation.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 7

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1453 (Pr. No. 2447) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royaltown, Dauphin County, and imposing Project 500 restrictions on other land owned by the Borough of Royaltown, Dauphin County.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1453?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1453.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson

Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 10

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 152 (Pr. No. 4693) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for certificates of title; providing for salvage, theft, reconstructed and flood vehicles; further providing for registration of vehicles, for judicial review, for licensing of drivers, for commercial driver's license, for disqualification, for commercial and school vehicle drivers prohibited from operating with any alcohol in system, for license fees, for required financial responsibility, for annual hauling permits, for automated red light enforcement systems in first class cities, for removal of vehicle by or at direction of police, for prohibitions in specified places, for pedalcycle use on freeways and for footrests and handlebars on motorcycles; providing for lighted lamp requirements for motorcycles; further providing for abandonment and stripping of vehicles; providing for restitution of property owners and for stripping abandoned vehicles; further providing for driving under influence of alcohol or controlled substance, for periods for requiring lighted lamps, for rear wheel shields, for inspection requirements and for scope and application of provisions relating to size, weight and load; providing for application to tow trucks; further providing for authority to issue permits, for permit for movement of waste coal and beneficial combustion ash, for salvors; providing for duties of police and salvors; further providing for abandoned vehicles and cargos and for messenger service; and providing for the messenger and agent advisory committee.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 152?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 152.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS
OVER IN ORDER TEMPORARILY

HB 1553 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 463 (Pr. No. 2445) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further defining "passenger-carrying boat"; requiring the establishment of a mandatory boater education program; and fixing additional fees.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 463?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 463.

On the question,

Will the Senate agree to the motion?

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

YEA-47

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	Williams, Anthony H.

Fumo	Madigan	Scarnati	Williams, Constance
Gerlach	Mellow	Schwartz	Wozniak
Greenleaf	Mowery	Stack	

NAY-1

White, Mary Jo

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 807 (Pr. No. 2442) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for awards; and making a transfer to the Crime Victim's Compensation Fund.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 807?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 807.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 958 (Pr. No. 2437) -- 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 corporation interests in unincorporated entities for purposes of corporate net income tax and capital stock and franchise tax and for applicability.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 958?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 958.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1478 (Pr. No. 2438) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for definitions, for keystone opportunity zones and for keystone opportunity expansion zones; providing for keystone opportunity improvement zones; further providing for applications, for review, for criteria and for qualified businesses; providing for decertification; and further providing for sales and use tax, for personal income tax, for residency, for corporate net income tax, for capital stock franchise tax, for taxes on financial institutions, for job tax credits, for job creation tax credits, for real property tax, for local income and privilege tax, for mercantile licenses, for local sales and use tax, for recapture, for code compliance, for applications, for State tax credits and for expiration.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1478?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1478.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

HB 1553 CALLED UP

HB 1553 (Pr. No. 4748) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of Supplemental Calendar No. 10, by Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 1553 (Pr. No. 4748) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for learners' permits, for identification card, for carrying and exhibiting driver's license on demand and requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; further providing for; prohibiting operators from using mobile phones under certain circumstances; further providing footrests and handlebars handhold on motorcycles and for required financial responsibility; providing for lighted lamp requirements for motorcycles, for driving under the influence of alcohol or controlled substance; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1553?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1553.

On the question,

Will the Senate agree to the motion?

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

YEA-47

Armstrong	Holl	Musto	Tartaglione
Bodack	Hughes	O'Pake	Thompson
Boscola	Jubelirer	Orie	Tomlinson
Brightbill	Kasunic	Piccola	Wagner
Conti	Kitchen	Pileggi	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rhoades	White, Donald
Dent	Lemmond	Robbins	White, Mary Jo
Erickson	Logan	Scarnati	Williams, Anthony H.
Fumo	Mellow	Schwartz	Williams, Constance
Gerlach	Mowery	Stack	Wozniak
Greenleaf	Murphy	Stout	

NAY-1

Madigan

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 9

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 406 (Pr. No. 2449) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing agricultural operations; and providing for certain attorney fees and costs.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 406?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 406.

On the question,

Will the Senate agree to the motion?

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

Senator SCHWARTZ. Mr. President, I would like to just make a brief comment about the bill that we are voting on, which will really tell our local communities across Pennsylvania, particularly in rural areas, obviously, because we are talking about farming, that they will no longer have any say over the institution of factory farms. It is usually the other side of the aisle that wants to speak up and say that there should be some local say over issues such as a new factory coming in or a new industry coming into their area. If we pass this legislation, we are going to lift local say over a particular factory farm coming into the area. There are certainly very serious questions about whether this will hurt farming in Pennsylvania. In many other States, there are very real concerns about factory farms, about the fact that the municipality will not be able to monitor the public health risks. Factory farms have demonstrated in other areas very serious environmental and public health risks. Drinking water, rivers, lakes are at risk from these giant corporate-owned factory farms. They are, I understand, referred to as concentrated animal feeding operations, and they confine literally thousands of animals in one facility and produce staggering amounts of animal waste in the process, as much as trillions of pounds a year, and this waste can leak into our rivers and streams, pollute our air, contaminate our drinking water, and spread disease. Other States have actually taken action to make sure that both the State and local communities have more say in whether the community would have a factory farm. At the very least, we should let a local community make that decision to allow a new industry, a factory farm in their community. The fact that we are now taking that away from our local communities, our townships, is really saying that we are no longer willing to protect our citizens and their environment from factory farms.

So even if you support factory farms and that is what you see as your vision for what ought to happen across the farmlands of Pennsylvania, you should certainly not take away a local community's right to have some say, to monitor, to regulate, to make sure that those factory farms meet the environmental regulations, do not pollute in the area, and the public health hazards that could be a consequence are considered by the local communities that will be directly affected. To believe that this is actually going to in any way help promote farming, particularly family farming in Pennsylvania, really, just everything I have heard about that is blatantly untrue.

To do this at a late hour maybe satisfies some, it certainly does not satisfy, I believe, the health and safety or the protection of farms or farmland in Pennsylvania. So I will just end by saying there are numerous organizations that have come out and said, please, do not vote on this. When we voted on it last time, there were many of my colleagues who did not know what we were voting on and passed the bill. There were only two negative votes before, but I do want to be sure that you know that the Pennsylvania Farmer's Union, the Pennsylvania Association for Sustainable Agriculture, Family Farm Defenders, the United Mine Workers, the AFL-CIO, the Clarion County Association of Township Officials, the Franklin County Association of Township Officials, the Fulton County Association of Township Officials, the Cumberland County Association of Township Officials, the Centre County Association of Township Officials, Mechanicsburg, Locust Township in Columbia County,

townships in Cambria and Clarion Counties, in Northumberland, Lycoming, and the Quality of Life and Local Control Caucus of Township Supervisors. The Pennsylvania State Association of Township Supervisors have also come out as a statewide organization and said, please, do not take away local control. I could name some of the environmental organizations, but I will not do that because, honestly, we have taken several actions in the last several days that show the disrespect that my colleagues have for those who speak out on behalf of our environment.

I understand that you want me to finish, and I can just say that, Mr. President, it is unfortunate that there is such a discouragement to debate in this Senate Chamber that we are passing fairly significant legislation, rolling them out one after the other without the kind of public debate or even legislative debate that we should have on these bills. I did not choose the hour. I would prefer to be home with my family, but I am here because it is my responsibility to be here, and it is certainly my responsibility to point out the content of this legislation and to encourage my colleagues to vote "no" and to defeat Senate Bill No. 406.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, would Senator Madigan submit to brief interrogation?

The PRESIDENT. Senator Madigan indicates that he will.

Proceed, Senator Rhoades.

Senator RHOADES. Mr. President, in Senate Bill No. 406 it says:

"(C) Effect on other powers and duties.--Nothing in this section shall be construed to diminish or expand the authority provided to any municipality:

"(1) Under other laws to regulate, control or require permitting for the land application of class A or B sewage sludge."

Does that mean that municipalities can now establish ordinances to control the A and B sludge application?

Senator MADIGAN. Mr. President, this legislation would not impact that at all. It specifically points out that class A and class B sludge is not considered a part of farm operation.

Senator RHOADES. Mr. President, it was my understanding when the bill was passed the last time that there was an attempt on our part to stop local municipalities from being able to, shall we say, control the application of A or B. This will not affect that?

Senator MADIGAN. Mr. President, that is right, and the previous bill did not either. There was no attempt to address that area. It is strictly addressing the farm situation.

Senator RHOADES. Mr. President, in other words, this is for farm application only. The sewage A and B is going to be clear, I do not have to worry about my constituents complaining about trying to bypass them?

Senator MADIGAN. Mr. President, that is correct. That would be under the permitting of the Department of Environmental Resources.

Senator RHOADES. Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I would like to make a few remarks in light of the gentlewoman's concerns. The real thrust of this legislation is to allow family farmers to do their farming operations without restrictive ordinances from townships which are in conflict with the preemption that is in the current law, the Right to Farm bill. And as the gentlewoman pointed out, she talked about the big farms, corporate farms. What are corporate farms? The farms that I know throughout Pennsylvania are family farms that are dealing with a corporation, and for me to say that they cannot deal with a corporation is similar to telling me that I cannot buy a car from Chrysler Corporation through a dealer who is incorporated.

So I think that this is very important to the family farmers in Pennsylvania. If we are truly going to go into the 21st century with agriculture, as well as the other technologies we have, we should not be restricting our farms, family farmers who are looking to make a living from the farm, and not allow those farms to go into development.

Thank you, Mr. President. I urge an affirmative vote.

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

Senator WOZNIAK. Mr. President, I also rise for an affirmative vote. Just as industries, businesses, this Chamber has evolved over the years, so has farming. For our family farms, for our corporate farms, for our private farms to remain competitive, to give the urban dwellers and those in suburbia and in the small third-class cities good quality food for very competitive prices, we need to compete in the 21st century market. This legislation will allow us to continue that evolution of the farming industry. To allow thousands of townships to make individual decisions in each township as to what can be farmed, how big, is going to be very detrimental to the family farms. Every farmer out there is very clearly involved with their area's conservation district, with the Department of Environmental Protection, and everybody wants to be a good actor. I, for one, want to go home, because I am sure that the turkey I am going to have tomorrow was not shot out in the wild but was raised on a family farm. So let us pass this bill and let us go home.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman more than you can imagine.

The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, I wonder if the gentlewoman from Philadelphia, Senator Schwartz, would stand for brief interrogation?

The PRESIDENT. She indicates she will.

Senator SCHWARTZ. I will give it a try.

Senator WENGER. Mr. President, I noticed that in the gentlewoman's comments made a few minutes ago there were several references to factory farms. I wonder if the gentlewoman could give me some definition of a factory farm. To what was she referring?

Senator SCHWARTZ. Mr. President, I think that factory farms, as I understand it, are large farms. I think it is actually just a term that is used comfortably by the general public. It is a little bit like the term, I am not sure there would be a definition for them, but we call them the big-box stores, like the Wal-Marts. I

mean, I do not think there is a definition in our dictionary yet for them, but the general public and most of us understand what that means. But certainly, the big-box stores, the megastores, the huge Wal-Marts come in and make it really hard for small business to compete. It is something that we understand as we understand what factory farms are, which are large, corporate farms that are actually on a much larger scale than the smaller ones that we see, and that are given exemptions and special status in the law that we are creating.

Senator WENGER. I thank the gentlewoman, Mr. President. That concludes the interrogation, but I would like to make some comments.

It is interesting that I have been involved in agriculture all my life, and I really do not know what a factory farm is. I have heard that term bandied around, and I know that in my senatorial district there are many farms, perhaps more farms than in any other senatorial district in Pennsylvania. We have some large farms and we have some small farms. Some of the large farms are successful, some are not. Some of the small farms are successful, some are not. We have a mix of all sizes of farms, but I have never had a definition of a factory farm. I really do not know what that is, and so that is why I made the inquiry.

Now if you look at this bill, it goes back to the Right to Farm Act that we passed in 1981. In the original Right to Farm Act in 1981, it says that farmers can, indeed, follow normal farming practices, provided they are not a public health or safety hazard. This is paramount in the original Right to Farm Act. A farm cannot be a public health or safety hazard. If they become a public health or safety hazard, they no longer have the protection of the Right to Farm statute.

This act has worked very successfully. It has been tested in the courts here in Pennsylvania and has worked well until recent years when there have been several municipalities, townships in fact, that have come up with ordinances that superseded the provisions of the Right to Farm Act. This is why Senator Madigan, I believe, introduced the bill that we are dealing with in this amendment today. If you will read the language of the amendment that was placed in Senate Bill No. 406, you will find that any municipality that pays attention and obeys current laws in Pennsylvania does not need to have any concern about this bill, because it simply says that you have to obey the law. Now, there have been several townships that have decided that they were going to do things that were prohibited by State law. And when they did, those farms that wanted to make changes to expand their operation, perhaps they had a son or a daughter coming home from college, graduating from college and wanted to get involved in the family farm, and in order to do that, they had to grow the farm. It had to become larger not necessarily in size but perhaps more livestock or poultry to make it a profitable operation. And when they do that, there are some strict laws in Pennsylvania. We have the Nutrient Management Law, we have the provision that you have to have a conservation plan, and those things have to be in place before State law allows those farms to do the things they want to do, and so they are not a public health or safety hazard. So a farmer's option in that case was to sue the township, and that has happened in several cases, and the farm families, not a factory farm but the farm families, have been successful in those suits. But the problem is that those

suits are very expensive and, first of all, the farm family as a taxpayer helps to pay for the suit from the same point of the township, and then they have to pay their own suit. They win their case but they are out perhaps \$80,000 or \$100,000, and that is a lot of dollars for a family farm in order for them to run an operation that would encourage ongoing generations to stay on those farms.

This is a bill that is about as common sense as anything I have seen run here tonight, and it is important to the farmers, it is important to the people of Pennsylvania that we adopt this bill. And so, Mr. President, I ask for a positive vote on Senate Bill No. 406.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I know it is late.

The PRESIDENT. We will all concur in that, Senator.

Senator WAUGH. This bill, however, is quite timely because agriculture in Pennsylvania is under assault. There is a lot of bad information that has been circulated the last several months when this proposal first hit the legislative front, and I would like to just take a few minutes of time this evening, and I will try to be brief, Mr. President, to talk a little bit about this bad information and what some of the opponents of this proposal have been saying. I think a quick response this evening may be well worth the time.

First of all, does this proposal remove any, any authority that municipalities, townships, and boroughs currently have to zone, provide for land uses, or plan for future land uses within their jurisdictions? The answer is no. This proposal removes absolutely no authority that municipalities currently have with respect to land uses, planning, or zoning. It simply, as Senator Wenger indicated, levels the playing field in the event of a lawsuit. I think each and every one of us would agree that we do not like to go that route, but occasionally, occasionally there have been examples here in our State of municipalities that have reached across the legal boundary, if you will, and families have no other logical alternative than to file suit to protect their investment in their farms. This levels the field and says essentially, loser pays. And as Senator Wenger said, there is something very sensible and fair about that proposition.

A couple of other points. The opponents would say that these large, so-called factory farms as we saw here this evening, and I am not sure anyone who uses that phrase in a negative connotation can really explain what a factory farm is, but they talk a lot about it.

Pollution. We have pollution controls today. We have all sorts of laws in the Department of Environmental Protection dealing with pollution. Let us enforce those laws. And I think if you take a look at some of these operations, with a few exceptions, and let us face it, accidents happen from time to time, but with few exceptions, these farms in most cases provide extremely adequate pollution controls and safeguards in the event there are spills. But let us enforce the laws we have for pollution today.

The second complaint is nutrient management or nutrient overload, another form of pollution. Once again, we have laws today. We passed a law in this very assembly not many years ago that dealt with the issue of nutrient management. It was supported by the farmers of our State, and it is being enacted across our State.

Also, there is a question of animal treatment. And I believe if you were to take the time to visit one of these facilities, you would find that a lot of these animals are actually much healthier than some others.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz. For what purpose does Senator Schwartz rise?

Senator SCHWARTZ. Excuse me, Mr. President, when I was speaking I was given a great sense of indication that I should hurry up, we were really anxious to get finished and I was speaking far too long, carrying on a debate that we really should not be having, and we have just now had two previous speakers who have spoken far longer than I did without any indication---

The PRESIDENT. Senator Schwartz, there are no limitations on debate here.

Senator SCHWARTZ. And I would agree, Mr. President.

The PRESIDENT. You know, it is 10:30, the night before Thanksgiving.

Senator SCHWARTZ. Mr. President, it was suggested that I actually should not be carrying on any debate, that I should not be taking time, and now the other side of the aisle is taking far longer.

The PRESIDENT. Senator, if you want to be heard after Senator Waugh speaks, I will recognize you at that time.

The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Thank you very much, Mr. President. I know it is late, as I said earlier, but for goodness' sake, Mr. President, we wait all year to talk about these important issues, so let us do it. Tonight is the night to do it. But I will finish with this.

Take the time, those of you who may oppose it, to talk about family farms versus factory farms, to visit them if you have these farms in your district, and I think what you will find is, I can tell you in York County this is the case, most, if not all of these operations, are family operations. Mom and pop, dad and son, dad and daughter, do the farming. They are large, they look different than what farms used to look like, but the eggs are collected by the family, the pigs are cared for by the family. They are today's family farm. They are a big part of today's agriculture in Pennsylvania, and if we are going to keep agriculture our number one industry, let us support this proposal tonight.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I will be quite brief. I do not want to in any way suggest that I have expertise in the area of agriculture and farming, but I do want to say that issues have been raised that I believe we ought to have a debate about. And if I understand correctly from the previous speakers, what this does is not create a level playing field but in fact puts a much greater burden on either the local community or average citizens to be able to bring a case against a farm that is in fact violating the law. And while we can say we never have to bring lawsuits, it has just been conceded that when it happens they want to make sure that the burden of payment falls on those who are challenging, and they have not created a more level playing field, they have created a more uneven playing field by saying those

who want to expand, who may want to go against the local community, they are not trusting the local community, the local municipality to work this out. They are in fact creating a greater weight on what we are referring to as factory farms.

All I am saying is that if the farming community is opposed to this, and many of them are, then there is something amiss here. If all the local municipalities and townships are opposed to this, there is something amiss here. And if the concern is not about modernization, if they are saying that we do such a great job of making sure that we protect the environment and the farming industry is always right and good, then why do we have to do this legislation? It does not make any sense at all. So, if it at all can be worked out, there does not seem to be any rationale for this legislation at all. These are all mom and pop operations that sometimes have some conflict with the local community. Why are we then creating a change in the law? There is something more going on here, and all I can say is that there have been very serious concerns raised about this legislation, the way it is being done, and we ought not to be passing it today without some greater public attention and debate about this issue.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, tomorrow most of us will be sitting down to a Thanksgiving dinner of turkey or ham, and as we say our Thanksgiving blessings, we should thank the factory farmers who produce the vast majority of that.

Thank you.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-45

Armstrong	Holl	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tomlinson
Boscola	Kasunic	Orie	Wagner
Brightbill	Kitchen	Piccola	Waugh
Conti	Kukovich	Pileggi	Wenger
Corman	LaValle	Punt	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Dent	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

NAY-3

Hughes	Schwartz	Williams, Constance
--------	----------	---------------------

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

ANNOUNCEMENT BY MAJORITY LEADER

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, for the Members' information, there is still a lot of printing being done, and as quickly as the bills are ready, we will run them.

The PRESIDENT. The Senate will stand at ease.

(The Senate was at ease.)

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

The PRESIDING OFFICER. The Senate will come to order.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 8

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 315 (Pr. No. 2448) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities; further defining "class of service multiplier"; further providing for credited State service, for retention and reinstatement of service credits and for classes of service; providing for election to become a Class C-1 member; further providing for contributions by the Commonwealth and other employers; for actuarial cost method and for supplemental annuities commencing 2003; and providing for benefits completion plan.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 315?

Senator PICCOLA. Madam President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 315.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1258**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

MOTION TO SUSPEND RULE XIV

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I move to suspend Rule XIV, section 5, to the extent that Senate Bill No. 1258 be referred to the Committee on Rules and Executive Nominations and that Senate Bill No. 1258 be placed on the active Calendar.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

NAY-0

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

The PRESIDENT. Senate Bill No. 1258, will be placed on the Calendar.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 12

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1258 (Pr. No. 2421) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, making extensive changes to modernize and update the law in the general areas of preliminary provisions; jurisdiction and maintenance of the Department of Banking; restrictions upon department and employees; examinations by and reports to the department; action by department after offenses by, or changes in, condition of institutions; taking of possession by the

Secretary of Banking as receiver and surrender of possession; rights, powers and duties of secretary as receiver; secretary in possession of trust department; proof of claims, accounting and distribution; and special criminal history record information provisions.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1258?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1258.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS, that the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

November 15, 2002

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, Eileen B. Melvin, 215 Wind Drift Lane, PO Box 775, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2007, and until her successor is appointed and qualified, vice Peter J. Kramer, Esquire, whose term expired.

Mark S. Schweiker
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

NAY-0

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

RECONSIDERATION OF VOTE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, I move that the vote by which the nomination of Eileen B. Melvin to be a member of the Unemployment Compensation Board of Review was confirmed be reconsidered.

On the question,

Will the Senate agree to the motion?

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

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEA-28

Armstrong	Greenleaf	Murphy	Scarnati
Brightbill	Holl	Orie	Thompson
Conti	Jubelirer	Piccola	Tomlinson
Corman	Kasunic	Pileggi	Waugh
Dent	Lemmond	Punt	Wenger
Erickson	Madigan	Rhoades	White, Donald
Gerlach	Mowery	Robbins	White, Mary Jo

NAY-20

Bodack	Kitchen	Musto	Tartaglione
Boscola	Kukovich	O'Pake	Wagner
Costa	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

November 15, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas G. Clark, CPA, PO Box 161, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kevin M. Mitchell, Harrisburg, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

November 15, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas H. Flowers, CPA, 5787 Catherine Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Diana Schaney, Girard, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE CIVIL
SERVICE COMMISSION**

November 14, 2002

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, Katherine Holtzinger-Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Norma J. Gotwalt, Camp Hill, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE CIVIL
SERVICE COMMISSION**

November 14, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Martin, 2497 South 5th Street, Steelton 17113, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2008, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Katherine Holtzinger-Conner, Esquire, Mechanicsburg, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF CLAIMS

November 12, 2002

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, Jeffrey F. Smith, Esquire, 763 Arlington Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2010 and until his successor is appointed and qualified, vice David C. Clipper, Esquire, Hershey, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF EDUCATION**

October 23, 2002

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, David W. Saxe, 752 Storch Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified.

Mark S. Schweiker
Governor

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

November 15, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marie A. Conley Lammando, 229 South Fourth Street, Steelton 17113, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Syed R. Ali-Zaidi, Ph.D., Shippenville, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION**

November 15, 2002

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 William R. Carpenter, Montgomery County Courthouse, Norristown 19404, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

Mark S. Schweiker
Governor

**MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION**

November 14, 2002

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, Paula R. Mandle, 1512 Windermere Road, Apt. 302, West Chester 19380, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2005, vice Albert L. Hydeman, Jr., York, deceased.

Mark S. Schweiker
Governor

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

November 15, 2002

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, Stephen A. Miskin, 490 Woodcrest Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a Commonwealth Trustee of Temple University-of the Commonwealth System of Higher Education, to serve until October 14, 2006, and until his successor is appointed and qualified, vice James Shacklett, III, Gwynedd Valley, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE**

October 30, 2002

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, Deborah A. Bartels, (Independent), 415 North Street, Jim Thorpe 18229, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

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

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

YEA-27

Armstrong	Greenleaf	Orie	Thompson
Brightbill	Holl	Piccola	Tomlinson
Conti	Jubelirer	Pileggi	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rhoades	White, Donald
Erickson	Mowery	Robbins	White, Mary Jo
Gerlach	Murphy	Scarnati	

NAY-21

Bodack	Kitchen	Musto	Tartaglione
Boscola	Kukovich	O'Pake	Wagner
Costa	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

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. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**REGISTER OF WILLS AND CLERK OF
ORPHANS' COURT, CUMBERLAND COUNTY**

October 23, 2002

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, Glenda Farnor-Strasbaugh, 12 Shoemaker Lane, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as Register of Wills and Clerk of Orphans' Court, in and for the County of Cumberland, to serve until the first Monday of January 2004, vice Mary C. Lewis, resigned.

Mark S. Schweiker
Governor

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

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

YEA-27

Armstrong	Greenleaf	Orie	Thompson
Brightbill	Holl	Piccola	Tomlinson
Conti	Jubelirer	Pileggi	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rhoades	White, Donald
Erickson	Mowery	Robbins	White, Mary Jo
Gerlach	Murphy	Scarnati	

NAY-21

Bodack	Kitchen	Musto	Tartaglione
Boscola	Kukovich	O'Pake	Wagner
Costa	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL
BY FURTHER AMENDING SAID AMENDMENTS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 315, by further amending said amendments, in which concurrence of the Senate is requested.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 13**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

SB 315 (Pr. No. 2451) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities, for retention and reinstatement of service credits and for supplemental annuities commencing 2003; and providing for benefits completion plan.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments to Senate Bill No. 315?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to Senate Bill No. 315.

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

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

HOUSE MESSAGES

**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to HB 2163.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 1453**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1421**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 401, 591, 731, 878, 976, 1331, 1945, 1974, 2070, 2445, 2574, 2674, 2725, 2729, 2778, 2842, 2863, 2892 and 2910**.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1569 and 1576**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 1100, 1179 and 1370**.

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate, by amending said amendments, to **HB 1947**, in which concurrence of the Senate is requested.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 14

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 1947 (Pr. No. 4750) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for tax levies, for authority to sell or lease real property, for separate specifications for contract and for eminent domain proceedings.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1947?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1947.

On the question,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Holl	Murphy	Stout
Bodack	Hughes	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson
Brightbill	Kasunic	Orie	Tomlinson
Conti	Kitchen	Piccola	Wagner
Corman	Kukovich	Pileggi	Waugh
Costa	LaValle	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Fumo	Madigan	Scarnati	Williams, Anthony H.
Gerlach	Mellow	Schwartz	Williams, Constance
Greenleaf	Mowery	Stack	Wozniak

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 inform the House of Representatives accordingly.

UNFINISHED BUSINESS 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 Mr. and Mrs. Raymond Hayes, Mr. and Mrs. Joseph Herr, Mr. and Mrs. Richard Stoy, Mr. and Mrs. Jesse Wood, Mr. and Mrs. Foster Eckenrod, Brian Hohman and to Daniel K. Brusstar by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Haring, Mr. and Mrs. Wilbert S. Uhler, Matthew William Sweitzer, Joseph Richard Ebner, Clayton Chiles, Craig Kinkade, Benjamin S. Tannous, Ralph R. Erdman, citizens of the Borough of Catasauqua and to Lower Saucon Township by Senator Boscola.

Congratulations of the Senate were extended to Daniel A. Spang by Senators Boscola and Dent.

Congratulations of the Senate were extended to Ernest Geib, Paul E. Krause and to Francis Ulishney by Senator Brightbill.

Congratulations of the Senate were extended to Martin and Glenda Bennicoff and to Dr. Robert Kotran by Senators Brightbill and Dent.

Congratulations of the Senate were extended to the Wilson High School Boys' Water Polo Team of West Lawn by Senators Brightbill and O'Pake.

Congratulations of the Senate were extended to Christopher M. Broglie, Taylor S. Souter, Brian W. Campbell, Turner Hopkins, Matthew Grimm, Joseph Weston, Penny Larrisey,

Justin J. Krahn, Daniel J. Paci, Keith Nicholas Edward Troisi, Jonathan Wilson Kent and to Alexis Mandes by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Calvin Vanada, Sr., Jane C. DelVitto, David Neil Bowman, Richard Charles Hoover, Peter Dominic Crowe, Brian Douglas Widener and to Melody L. Varner by Senator Corman.

Congratulations of the Senate were extended to Martha A. Friday, Elizabeth Costa Maruccio, Clement A. Matta, Norma Gianutsos and to E. Parvin Lippincott by Senator Costa.

Congratulations of the Senate were extended to Ryan LaBuz, Joseph Richard Benner, Robert Hebel, Andrew Theyken Bench, Ryan D. Hoffman, Michael Stephen Sodl, Francis H. Lichtenwalner, Marvin Miller, Allen P. McNabb, Jordan Roberts and to St. Joseph's Church of Limeport by Senator Dent.

Congratulations of the Senate were extended to Alicia Ruiz-Orbin and to Kelvin DeJesus by Senators Dent and Boscola.

Congratulations of the Senate were extended to Louis Hannah, Michael Stephen Hodas, Robert Lucas and to the Erie County Office of Drug and Alcohol Abuse by Senator Earll.

Congratulations of the Senate were extended to Thomas Vivaldi and to Garrett Conan by Senator Erickson.

Congratulations of the Senate were extended to Thomas P. Hassall by Senator Fumo.

Congratulations of the Senate were extended to Helen Zelikovitz by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Peter, Mr. and Mrs. Albert Eberle, Jr., and to Kevin Hermann by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Warren R. Longenberger, Mr. and Mrs. Harold D. Hauck, Mr. and Mrs. Harry R. Wynings, Mr. and Mrs. Kermit G. Keller, Mr. and Mrs. Jay N. Trate, Mr. and Mrs. Alen Edward Straub, Mr. and Mrs. Amos C. Harvey, Mary Johanna Lippay, Dane S. Williard, Wayne Jeffrey Fry, Duane Eric Jenkins, Matthew Charles Gennaria, Alfred Politza and to Ronald C. Anderson by Senator Helfrick.

Congratulations of the Senate were extended to Luna D. Courtman and to the Juvenile Probation Department of the Family Court of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Rupert, Mr. and Mrs. Wilbur Helsley, Mr. and Mrs. Harry D. Keith, Mr. and Mrs. Cyrus A. Hammaker, Mr. and Mrs. Robert McNeal, Mr. and Mrs. Russell Mayhue, Mr. and Mrs. Mike Zeak, Mr. and Mrs. Earl Sutton and to Mr. and Mrs. Frank Schadenfroeh by Senator Jubelirer.

Congratulations of the Senate were extended to William Knight, Jean H. Smith and to Thomas Brown by Senator Kasunic.

Congratulations of the Senate were extended to Reverend Lawrence Crosby Hood, Jr., and to Dr. Charles Alexander Moose by Senator Kitchen.

Congratulations of the Senate were extended to Walter Forys, Danielle Dorn, Nicholas Lorenzo, Catherine Kozlesky, Mark Andrew Pardus, Aaron Bobuk, James D. Bendel, Westmoreland Regional Hospital of Greensburg and to the Smithton Volunteer Fire Department by Senator Kukovich.

Congratulations of the Senate were extended to William A. Steel by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Leo Petroski, Mr. and Mrs. Ralph Easton, Jr., Mr. and Mrs. Karl Besteder, Mr. and Mrs. Duncan Whitehead, Mr. and Mrs. Joseph McDonald, Mr. and Mrs. Robert Williamson, Mr. and Mrs. James Lewis, Mr. and Mrs. Cliff Bryn, Mr. and Mrs. Ord Trumbower, Mr. and Mrs. Leonard Pallis, Paul Joseph Homnick, John Allan Stone, John C. Metz, Rita L. Garrah and to the Lake Lehman High School Girls' Field Hockey Team by Senator Lemmond.

Congratulations of the Senate were extended to Barbara B. Pissott, John J. Barnousky and to the Arc of Luzerne County by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Josh Lipay, Kevin D. Oshnock and to Isabel Petrillo by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Raudabaugh, Mr. and Mrs. LeRoy Eckenroth, Mr. and Mrs. Robert Allis, Mr. and Mrs. Harry Harkness, Mr. and Mrs. Floyd L. Fry, Mr. and Mrs. George K. Neyhart, Jr., Mr. and Mrs. Clarence Johnson, Mr. and Mrs. Alvin E. Campbell, Mr. and Mrs. Robert G. Petts, Stephen L. Heikes, Vinnie Biichle, Katherine Foor, Michael Joseph Boyek, Suraj Gaur, Andrew D. Cornelius, Gary W. Sassaman, Jeffrey A. Wilver and to Matthew Benjamin Scott by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Terrence Gallagher, Peter E. Noto, Timothy Fitzgerald, Sally T. Felix and to Scott M. Bellamy by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Richard L. Coakley, Mr. and Mrs. Aaron C. Kapp, Joseph Daft, David E. Overcash, Carl L. Mease, Nathan Kellis, Owen S. Adams, Holly K. Kunkleman, Eric A. Kovac and to Jonathan K. St. Jacques by Senator Mowery.

Congratulations of the Senate were extended to Clifford L. Jones by Senators Mowery and Piccola.

Congratulations of the Senate were extended to Christopher P. Hauge, Taylor Ward Hahn, Peter Joseph Emanuele, Patrick Gerard Metzler, Paul Austin Henkel, Chad J. Ott, Adam Hamill, Thomas Jefferson High School Boys' Soccer Team of Jefferson Hills and to Brentwood Emergency Medical Service of Pittsburgh by Senator Murphy.

Congratulations of the Senate were extended to Rosalie Klosko, Bill Williams, M. Elaine Buxton and to Mary Ann Marchak by Senator Musto.

Congratulations of the Senate were extended to Michael Insalaco and Sandy Insalaco by Senators Musto and Mellow.

Congratulations of the Senate were extended to Edward and Evelyn Goodman, Daniel E. Levensgood, Jr., Neighborhood Housing Services of Reading, Incorporated, Council on Chemical Abuse of Reading and to the First United Church of Christ of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Goodman, Mr. and Mrs. John Graznak, Mr. and Mrs. Donald Myers, Mr. and Mrs. Edward Kosinski, Mr. and Mrs. Franklin C. Grabigel, Sr., Mr. and Mrs. Alfonso Colpo, Mr. and Mrs. Edward J. Gorney, Grady Nye, Matthew C. Chakan, Frederick Schott, Dave Lewis, Harold Repasky, Reverend Donald Green, Hannah Nycz, Elizabeth Wertz, Lori Zona, Lindsay Winker, Gregory D. Hall, Matthew T. Repp, Christopher M. Sarandou, Matthew Paul, Joseph R. Davies, Bernice E. Koch,

LDA Companies of Pittsburgh, Sherwood Oaks of Cranberry Township, University of Pittsburgh Medical Center Passavant Cranberry, Cranberry Highlands Golf Course, Student Council of the Nativity of Our Lord School of Warminster, Lights of Love Tree Committee of Pittsburgh, Play It Again Sports store of Cranberry Township and to Sapienza's Market of Harmony by Senator Orie.

Congratulations of the Senate were extended to Lube Caugherty and to Shirley Baker by Senators Orie and Ferlo.

Congratulations of the Senate were extended to Theodore Stefan, Jr., Roger B. Zimmer, Gary A. Barone, Honorable Samuel J. Magaro and to Margaret Isabelle Leader by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Richard J. Steigelman, Mr. and Mrs. John Schultz, Mr. and Mrs. Robert Achuff, Mr. and Mrs. William R. Clark, Mr. and Mrs. Robert G. Watkins, Our Lady of Charity Parish of Brookhaven and to the Strath Haven High School Girls' Soccer Team of Wallingford by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin H. Meitzler, Velma L. Sippie, Laura Fox, Leo F. Haley, Joel L. Zimmerman, David P. Matz and to Ahron L. Kercher by Senator Rhoades.

Congratulations of the Senate were extended to Kyle Richard Smith, Sarah Sablyak, Julia Lundgren, Adam Jacob Cook and to the Mercer County Regional Planning Commission by Senator Robbins.

Congratulations of the Senate were extended to Joan Myers Brown and to Doris Dianna Blakely by Senator Schwartz.

Congratulations of the Senate were extended to James A. Altmeier, Alan Hopenwasser, Frederick Bennett, Koreana Pak, Robert V. Eddis and to the Schoolmen's Club of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. John Haftmann, Mr. and Mrs. Eugene P. Raggi, Mr. and Mrs. Andrew J. Bombash, Jr., Mr. and Mrs. Harry J. Imperatore, Mr. and Mrs. Isaac Leon, Mr. and Mrs. Jack W. Jones, Mr. and Mrs. Albert Tomsic, Mr. and Mrs. Clement C. Middleton, Mr. and Mrs. Wylie Cheek, Mr. and Mrs. Samuel Bear, Mr. and Mrs. John W. McMurdy, Mr. and Mrs. R. Boyd Roberts, Mr. and Mrs. Harry G. Ezersky, Mr. and Mrs. Robert Conklin, Honorable Thomas D. Gladden, Walter Atalski, James J. Garry and to the Carmichaels Lions Club by Senator Stout.

Congratulations of the Senate were extended to Temple University Hospital-Episcopal Campus of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. Bill Hewson, Robert F. Harsch, Tim Scott, Dan Box, Dr. Irene G. Shur and to the Black Student Union of Henderson High School by Senator Thompson.

Congratulations of the Senate were extended to Arthur D. Heilman, Jr., by Senators Thompson and Piccola.

Congratulations of the Senate were extended to the Clark Family, Elizabeth Tatham, Kathryn Jankowski, Jennifer Cilingin, Anna Grinberg, Allyson Hauptman, Julia Meinster, Laura DiDonato, Jake Magida, Jenna Scipione, Ryan Walter, Megan Plette, Tristan Ruzic, Jason Millstein, Benjamin David Gould,

Nancy Hunziker and to Jones Apparel Group, Inc., of Bristol by Senator Tomlinson.

Congratulations of the Senate were extended to Leo P. Bigley and to the Pittsburgh Ski Club by Senator Wagner.

Congratulations of the Senate were extended to Molly Kinsley, Kyle Sprengle, Albert V. Augustine, Jr., John A. Fornadel, Kevin E. Sands, Jennifer Boyle, Micah Henderson, Albert L. Blauser, Bethany Decker, Neal Calder Bankenstein, Adam Stough, Matthew John Schultz, Thomas Edward Payne and to Matthew William Wagner by Senator Waugh.

Congratulations of the Senate were extended to Joel N. Henkel, Lon Heibeck, Earnest A. Rojahn, Jr., Matthew T. McGrath, Jared A. Rinehimer, Bruce Gingrich and to Tina M. Sellers by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Glenn Wright, Mr. and Mrs. Nelson Frew, Mr. and Mrs. William Stuchal, Mr. and Mrs. Russell Gustafson, Mr. and Mrs. Harry Alonza Gearhart, Mr. and Mrs. Dominick Falcone, Mr. and Mrs. Harold Tyger, Mr. and Mrs. Charles Veshinsky, Mr. and Mrs. Edward Young, Mr. and Mrs. Allen Hook, Mr. and Mrs. Doyle Rowley, Mr. and Mrs. Richard Lewis, Mr. and Mrs. Walter G. Carney, Elizabeth Garonzi, Kevin M. Essary, Larry H. Buckwalter, Eric Marx and to the Dayton United Methodist Church by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Connell Stauffer, Mr. and Mrs. Neil E. Dittman, Mr. and Mrs. David Bauer, Sr., Mr. and Mrs. Ralph Myers, Mr. and Mrs. Walter Whiting, Mr. and Mrs. Leland Knight, Mr. and Mrs. William Bell, Charles P. Leach, Jr., Joan M. Engel, Daniel Rearick, Samantha Williams, John Altadonna, John R. Schmader, Dr. Richard A. Sabousky, Anne Smith Herr, Wayne Norris, Larry Richert, Diane L. Reinhard and to Dr. Kathleen A. Smith by Senator M.J. White.

Congratulations of the Senate were extended to William H. Rayne by Senator A.H. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Marvin Kanze, Jamesetta Livers Dudley, Minocher Dadachanji, Casaccio Architects of Havertown and to Marvin E. Kanze, Inc., of Havertown by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Bernard Montag, Mr. and Mrs. John Brady, Mr. and Mrs. William Sulosky, Dr. Ronald M. Hamaty, Alvin H. Leonard, Alex Danchanko III, Aaron Danchanko, Dave Mancinelli and to David Chicarell 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 Lakeina Monique Francis by Senator Kitchen.

Condolences of the Senate were extended to the family of the late D. Gwendolen Lininger by Senator Robbins.

Condolences of the Senate were extended to the family of the late Marios Chios, Jr., by Senator C. Williams.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 14, SB 315, SB 460, SB 463, SB 807, SB 813, SB 824, SB 879, SB 958, SB 1100, SB 1179, SB 1208, SB 1242, SB 1258, SB 1365, SB 1370, SB 1402, SB 1416, SB 1421, SB 1452, SB 1453, SB 1478, SB 1515, SB 1569, SB 1576, HB 152, HB 235, HB 401, HB 591, HB 592, HB 731, HB 850, HB 851, HB 878, HB 967, HB 976, HB 1255, HB 1331, HB 1553, HB 1700, HB 1804, HB 1900, HB 1945, HB 1947, HB 1974, HB 2055, HB 2070, HB 2131, HB 2183, HB 2190, HB 2256, HB 2350, HB 2411, HB 2424, HB 2445, HB 2456, HB 2574, HB 2599, HB 2614, HB 2674, HB 2725, HB 2729, HB 2772, HB 2778, HB 2842, HB 2863, HB 2892, HB 2898, HB 2910, HB 2923, HB 2924, HB 2963 and HB 2971.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Senator Brightbill moves for a recess of the Senate to the call of the President pro tempore.

The motion was agreed to by voice vote.

(NOTE: The Senate did not reconvene but Session constitutionally expired November 30, 2002, at 12 o'clock midnight.)