

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, APRIL 18, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 27

SENATE

TUESDAY, April 18, 2006

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

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

PRAYER

The Chaplain, Very Reverend JAMES LYONS, Vicar General of the Roman Catholic Diocese of Harrisburg, offered the following prayer:

Let us pray.

Almighty God, we give You thanks for the life You have given to us. It is Your first and greatest gift. May the Members of this Senate use their gifts wisely as they go about the performance of their duties. May they always seek Your divine counsel in their deliberations, and may they always have before them the common good. May they have a special concern for the poor of our society. I ask these blessings, Lord, in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Lyons, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVE

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

Senator PICCOLA. Madam President, I request a legislative leave for Senator Orie, and temporary Capitol leaves for Senator Regola and Senator Brightbill.

The PRESIDENT. Senator Piccola requests a legislative leave for Senator Orie, and temporary Capitol leaves for Senator Regola and Senator Brightbill.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request temporary Capitol leaves for Senator Ferlo, Senator Tartaglione, Senator Anthony Williams, and Senator Washington, and legislative leaves for Senator Hughes and Senator Stout.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Ferlo, Senator Tartaglione, Senator

Anthony Williams, and Senator Washington, and legislative leaves for Senator Hughes and Senator Stout.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 5, 2006.

The Clerk proceeded to read the Journal of the preceding Session.

Senator PICCOLA. Madam President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEA-48

Armstrong	Greenleaf	Orie	Tartaglione
Boscola	Hughes	Piccola	Tomlinson
Brightbill	Jubelirer	Pileggi	Vance
Browne	Kasunic	Pippy	Washington
Conti	Kitchen	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald
Earl	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fontana	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	Wozniak

NAY-0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Anthony Williams, Senator Brightbill, and Senator Tartaglione have returned, and their temporary Capitol leaves will be cancelled.

**SPECIAL ORDER OF BUSINESS
GUEST OF THE PRESIDENT PRO TEMPORE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, it is a great honor for me to introduce to the Members of the Senate and staff Andrew Golden, from Fort Lauderdale, Florida, who is a sophomore at American Heritage School in Fort Lauderdale. He enjoys playing baseball, particularly second base. He was with me yesterday and will be with me until Wednesday. He said he is missing a lot of school, but I told him, frankly, he would get a lot more education here.

If the Senate would give a warm welcome to Andrew Golden from Fort Lauderdale, Florida, I am sure he would appreciate it.

The PRESIDENT. Please give a warm welcome to Andrew. (Applause.)

**GUESTS OF SENATOR RICHARD A.
KASUNIC PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Madam President, I rise today to introduce a very special young lady from Shanksville, Cassandra Petrilla. Last October she was named Miss Preteen Pennsylvania for 2005 by the Preteen Pennsylvania Scholarship and Recognition program. She was selected from more than 90 of Pennsylvania's best and brightest female honor roll students. The competition judges participants by academic achievement, volunteer service, school honors, personal skills, general knowledge, communication ability, and on-stage presentation. In fact, Madam President, Cassandra had the highest score of all the participants in the interview portion of the competition. In addition to the overall title, she also took first place in the optional speech portion of the event, and was first runner-up in the optional talent portion with her tap dance routine.

She will now represent the Commonwealth of Pennsylvania in the 2006 Preteen America national competition to be held this summer. She is a seventh grader at Shanksville Stony Creek School, where she is a member of the school's scholastic quiz team, reading competition team, band and chorus, volleyball team, and the touring basketball team. She has also been involved with the Laurel Arts dance program for 8 years. Additionally, she has participated on the junior Olympic volleyball traveling team, and is an active player for the American Youth Softball Organization and Shanksville Little League. She is a member of the church bell choir and participates in church plays.

Madam President, she is here today with her parents, Christopher and Georgiann Petrilla, her brother, Nicholas, and her grandparents, George and Mary Ann Jock.

Madam President, I ask the entire Senate to recognize Cassandra Petrilla and wish her the best during the national competition.

The PRESIDENT. Would Cassandra and her family please rise.

(Applause.)

The PRESIDENT. Welcome to the Pennsylvania Senate.

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

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

Senator C. WILLIAMS. Madam President, it is my pleasure today to introduce to the Senate some visitors from my district. They are Anne Marchino from King of Prussia, with her son, Grant, and his friends, Danny Snarponis and Matthew Long. They are fourth graders who attend St. Katherine of Siena School in Wayne and are on the last day of their Easter vacation. We are glad they decided to come up here and visit us in Harrisburg, so I ask you all to welcome them.

The PRESIDENT. Will Anne, Grant, Matthew, and Danny please stand so we can welcome you.

(Applause.)

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

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

Senator VANCE. Madam President, I am very pleased to introduce on the floor of the Senate Rosa Mancebo, a foreign exchange student from Madrid, Spain. She is residing in Hampden Township and attending Cumberland Valley High School this year. She was a junior in Spain, but did so well and has excelled academically that she is a senior in the honors course at Cumberland Valley. She speaks three languages, Spanish, English, and French, and is learning Korean and plans to travel to Korea this summer and then attend college. We are very delighted to have her here with us.

The PRESIDENT. Please give Rosa Mancebo from Spain our warm welcome.

(Applause.)

**GUESTS OF SENATOR MIKE WAUGH
PRESENTED TO THE SENATE**

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

Senator WAUGH. Madam President, Future Leaders of York, as with many of our future leaders' programs, always sends a few folks to join us for the day here in Harrisburg. This year, Future Leaders of York sent us a young man and a young lady.

We have Allyssa Rommel, a sophomore at Southwestern High School in Hanover, York County. She is very active in student council and in theater at school, and is a member of the high school show choir, as well as the York County Honors Choir. She is also a member of the tennis team.

Eric Strittmatter is a junior at Eastern York High School. He plays basketball, baseball, runs in cross country, and is also a member of the York County Honors Choir.

I just want to mention, if you have never heard the York County Honors Choir, it is quite a vocal group, made up of some of the best and brightest young singers and musicians from all the high schools in York County.

On behalf of Future Leaders of York, I ask for a warm welcome for both Allyssa and Eric, who are in the gallery.

The PRESIDENT. Will Allyssa and Eric please rise so we can recognize you.

(Applause.)

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 969.

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

April 11, 2006

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 Henry, 215 Angus Lane, New Bethlehem 16242, Clarion County, Twenty-first Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, 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.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 11, 2006

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, Nancy Gill, 381 Woodland Drive, Parkesburg 19365, Chester County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Chester, Magisterial District 15-3-07, to serve until the first Monday of January 2008, vice Robert E. Gill, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

April 17, 2006

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, Matthew T. Mangino, Esquire, 1149 Brookshire Drive, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, [data missing] as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Allen Castor, Lansdale, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT CENTERS

April 17, 2006

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, B.J. Clark, 611 East Darby Road, Harvertown [sic] 19083, Delaware County, Seventeenth Senatorial District, [data missing] as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Loretta Hogans, New Castle, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VETERINARY MEDICINE

April 18, 2006

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, Steven M. Radbill, VMD, 3619 Edencroft Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four [sic] years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Thompson, Lancaster, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

April 18, 2006

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, Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Energy Development Authority, to serve until April 8, 2008, and until his [sic] successor is appointed and qualified, vice James M. Seif, Blue Bell, resigned.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

April 17, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 3, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Harvertown *[sic]* 19083, Delaware County, Seventeenth Senatorial District, *[data missing]* as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Allen Castor, Lansdale, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE**

April 18, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 9, 2006, for the appointment of Steven M. Radbill, VMD, 3619 Edencroft Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of fours *[sic]* years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Thompson, Lancaster, whose term expired.

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

EDWARD G. RENDELL
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

April 17, 2006

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

Please note the nomination dated March 30, 2006, for the appointment of Jonathan W. Shimm, AIA, 650 Smithfield Street, Pittsburgh 15222, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John Haas, State College, whose term expired, should be corrected to read:

Jonathan W. Shimm, AIA, 516 South Linden Avenue, Pittsburgh, 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John Haas, State College, whose term expired.

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE 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 to **HB 1820**.

HOUSE BILLS FOR CONCURRENCE

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

April 17, 2006

HB 257 -- Committee on Labor and Industry.

HB 552 -- Committee on Finance.

HB 632 -- Committee on State Government.

HB 2499 -- Committee on Appropriations.

**RESIGNATION OF MEMBER FROM
STANDING COMMITTEE OF THE SENATE**

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

SENATE OF PENNSYLVANIA

To: Senator Robert C. Jubelirer
President Pro Tempore

From: SENATOR JOE CONTI

Subject: Committee on Game and Fisheries
Chairmanship

Date: April 17, 2006

I hereby resign as Chairman of the Senate Committee on Game and Fisheries but will remain a member of the Committee.

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

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

Senator John Pippy as Chairman of the Senate Committee on Game and Fisheries.

BILLS INTRODUCED AND REFERRED

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

April 17, 2006

Senators JUBELIRER, ERICKSON, EARLL, BRIGHTBILL, MUSTO, CORMAN, ORIE, BROWNE, ROBBINS, PIPPY, WAUGH, LOGAN, BOSCOLA, RAFFERTY, REGOLA, D. WHITE, RHOADES, LEMMOND, FONTANA, WENGER, MADIGAN and FERLO presented to the Chair **SB 1181**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for statement of financial interests.

Which was committed to the Committee on STATE GOVERNMENT, April 17, 2006.

Senators HUGHES, STOUT, MELLOW, MUSTO, COSTA, FONTANA, C. WILLIAMS, STACK, KASUNIC, BOSCOLA, WASHINGTON, WOZNAK, LOGAN, FERLO, KITCHEN and O'PAKE presented to the Chair **SB 1185**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for payment for fees associated with certification by the National Board for Professional Teaching Standards.

Which was committed to the Committee on EDUCATION, April 17, 2006.

Senators MUSTO, MELLOW, BOSCOLA, MADIGAN, C. WILLIAMS, PILEGGI, FONTANA, ERICKSON, STACK, EARLL, RAFFERTY, RHOADES, STOUT, COSTA, LOGAN, WAUGH, FERLO, LAVALLE, WOZNAK, KITCHEN, WASHINGTON, A. WILLIAMS, O'PAKE, KASUNIC, GREENLEAF, BROWNE and HUGHES presented to the Chair **SB 1186**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for educational excellence through concurrent enrollment.

Which was committed to the Committee on EDUCATION, April 17, 2006.

Senators MUSTO, MELLOW, BOSCOLA, FONTANA, WASHINGTON, STOUT, COSTA, RHOADES, C. WILLIAMS, KITCHEN, STACK, LAVALLE, WOZNAK, FERLO, O'PAKE, KASUNIC, A. WILLIAMS, BROWNE and GREENLEAF presented to the Chair **SB 1187**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the Classrooms for the Future Program.

Which was committed to the Committee on EDUCATION, April 17, 2006.

Senators VANCE, BROWNE, ORIE, ARMSTRONG, BOSCOLA, CONTI, CORMAN, COSTA, EARLL, ERICKSON, FONTANA, GORDNER, GREENLEAF, JUBELIRER, KITCHEN, LAVALLE, LOGAN, MADIGAN, MELLOW, MUSTO, O'PAKE, PILEGGI, PIPPY, RAFFERTY, REGOLA, RHOADES, SCARNATI, STACK, WAUGH, WENGER, D. WHITE, M. WHITE, C. WILLIAMS, WONDERLING, WOZNAK and FERLO presented to the Chair **SB 1188**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for definitions, for physician, certified registered nurse practitioner and pharmacy participation, for reduced assistance, for program generally, for restricted formulary, for reimbursement, for income verification, for contracts and for the pharmaceutical assistance contract for the elderly needs enhancement tier, for pharmacy best practices and cost controls review; further providing for penalties; establishing the coordination of Federal and State benefits; and making editorial changes.

Which was committed to the Committee on AGING AND YOUTH, April 17, 2006.

Senators WONDERLING, GORDNER, SCARNATI, PICCOLA, WENGER, REGOLA, WAUGH, RAFFERTY, BROWNE, ARMSTRONG, ERICKSON, PILEGGI, TOMLINSON, WOZNAK and FERLO presented to the Chair **SB 1190**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for exclusion of abortion coverage for health care and disability insurance.

Which was committed to the Committee on BANKING AND INSURANCE, April 17, 2006.

Senators ERICKSON, RAFFERTY, PICCOLA, PILEGGI, REGOLA, CORMAN, WENGER, WASHINGTON, WAUGH, C. WILLIAMS, RHOADES and WONDERLING presented to the Chair **SB 1193**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, making an editorial change; further providing for loss of property rights to Commonwealth; providing for vehicle forfeiture when driving under the influence; and further providing for procedure with respect to seized property subject to liens and rights of lienholders, for grading and for penalties.

Which was committed to the Committee on TRANSPORTATION, April 17, 2006.

Senators LAVALLE, BOSCOLA, KITCHEN, MUSTO, FONTANA, PILEGGI, BROWNE, STOUT, COSTA, O'PAKE, RAFFERTY, C. WILLIAMS, ERICKSON, RHOADES, M. WHITE, LOGAN, GREENLEAF, KASUNIC, WASHINGTON, STACK and FERLO presented to the Chair **SB 1194**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for Pennsylvania Accountability Grants.

Which was committed to the Committee on EDUCATION, April 17, 2006.

Senators BROWNE, CORMAN, FONTANA, ERICKSON, RHOADES, BOSCOLA, LEMMOND, GREENLEAF, WASHINGTON, O'PAKE, D. WHITE, WOZNAK, PUNT and ORIE presented to the Chair **SB 1196**, entitled:

An Act establishing the School-Based Mentoring Grant Program.

Which was committed to the Committee on EDUCATION, April 17, 2006.

Senators MELLOW, LAVALLE, FONTANA, MUSTO, EARLL, STACK, BOSCOLA, KITCHEN, WASHINGTON, C. WILLIAMS, GREENLEAF, FERLO and HUGHES presented to the Chair **SB 1197**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for kindergartens, for age limits, temporary residence, for admission of beginners, for compulsory school age and for dates and times of school terms and sessions.

Which was committed to the Committee on EDUCATION, April 17, 2006.

Senators VANCE, BOSCOLA, BROWNE, EARLL, ERICKSON, GREENLEAF, LEMMOND, PILEGGI, PUNT and M. WHITE presented to the Chair **SB 1198**, entitled:

An Act amending the act of December 19, 1986 (P.L.1737, No.209), known as the Insurance Payment to Registered Nurse Law, adding a definition of "registered nurse first assistant"; and further providing for coverage.

Which was committed to the Committee on BANKING AND INSURANCE, April 17, 2006.

Senators ORIE, COSTA, RAFFERTY, FONTANA, LOGAN, WENGER, WAUGH, PIPPY, TARTAGLIONE, ERICKSON, PICCOLA, BROWNE and REGOLA presented to the Chair **SB 1199**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing personnel policies relating to employment with the Pennsylvania Gaming Control Board.

Which was committed to the Committee on STATE GOVERNMENT, April 17, 2006.

Senators STACK, BOSCOLA, KITCHEN, FONTANA, MUSTO, PILEGGI, MELLOW, ORIE, TARTAGLIONE, EARLL, STOUT, RAFFERTY, COSTA, O'PAKE, LOGAN, RHOADES, PUNT, PIPPY, GREENLEAF, ROBBINS and WASHINGTON presented to the Chair **SB 1200**, entitled:

An Act amending the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, further providing for certification.

Which was committed to the Committee on LAW AND JUSTICE, April 17, 2006.

RESOLUTIONS INTRODUCED AND REFERRED

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

April 17, 2006

Senators C. WILLIAMS, WASHINGTON, BOSCOLA, MELLOW, FONTANA, TARTAGLIONE, LAVALLE, KITCHEN, COSTA, RHOADES and MUSTO presented to the Chair **SR 231**, entitled:

A Resolution memorializing the President of the United States to support and the Senate of the United States to ratify the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Which was committed to the Committee on JUDICIARY, April 17, 2006.

Senators D. WHITE, CORMAN, KASUNIC, FERLO, BOSCOLA, PILEGGI, LEMMOND, PICCOLA, ERICKSON, RAFFERTY, EARLL, CONTI, LOGAN, WAUGH, GREENLEAF, WONDERLING, C. WILLIAMS, REGOLA and ARMSTRONG presented to the Chair **SR 260**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a comprehensive study and cost review of personal care home services in Pennsylvania, including the actual costs incurred to operate a personal care home.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 17, 2006.

Senators GORDNER, ARMSTRONG, BOSCOLA, BRIGHTBILL, BROWNE, CONTI, CORMAN, COSTA, EARLL, ERICKSON, FERLO, FONTANA, FUMO, GREENLEAF, JUBELIRER, KASUNIC, KITCHEN, LAVALLE, LEMMOND, LOGAN, MADIGAN, MUSTO, O'PAKE, ORIE, PICCOLA, PILEGGI, PIPPY, PUNT, RAFFERTY, REGOLA, RHOADES, ROBBINS, SCARNATI, STACK, STOUT, TARTAGLIONE, TOMLINSON, WAUGH, WENGER, D. WHITE, M. WHITE and WONDERLING presented to the Chair **SR 266**, entitled:

A Resolution recognizing May 4, 2006, as the "National Day of Prayer" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 17, 2006.

Senators TOMLINSON and CONTI presented to the Chair **SR 270**, entitled:

A Resolution commemorating June 11, 2006, as "Delaware Valley Vietnam Veterans Day"; and expressing appreciation for the special commitment and service of these veterans to the United States.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 17, 2006.

Senators D. WHITE, ROBBINS, ORIE, C. WILLIAMS, RAFFERTY, PUNT, KASUNIC, BOSCOLA, GORDNER, LOGAN, BRIGHTBILL, WENGER, STOUT, FERLO, SCARNATI, O'PAKE, KITCHEN, TARTAGLIONE, FONTANA, WONDERLING, CORMAN, M. WHITE, MADIGAN, ERICKSON, TOMLINSON, PIPPY, RHOADES, EARLL, CONTI, PICCOLA, LAVALLE, MUSTO,

ARMSTRONG, PILEGGI, COSTA, LEMMOND, GREENLEAF, BROWNE, WAUGH, REGOLA, MELLOW, FUMO and STACK presented to the Chair **SR 271**, entitled:

A Resolution recognizing the week of May 13 through 21, 2006, as "Armed Forces Week" in Pennsylvania and encouraging the observance of May 20, 2006, as "Armed Forces Day" in Pennsylvania.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 17, 2006.

Senators D. WHITE, BRIGHTBILL, KITCHEN, LOGAN, ORIE, FONTANA, COSTA, PUNT, RAFFERTY, FERLO, BOSCOLA, GORDNER, KASUNIC, WENGER, MADIGAN, ERICKSON, PIPPY, O'PAKE, REGOLA, TOMLINSON, CONTI, PICCOLA, PILEGGI, LEMMOND, WAUGH, MELLOW, FUMO, RHOADES, STACK, BROWNE, GREENLEAF, WASHINGTON, WONDERLING, ROBBINS, WOZNAK, SCARNATI and TARTAGLIONE presented to the Chair **SR 272**, entitled:

A Resolution memorializing the President and Congress of the United States and the Department of Defense to oppose any increases in the cost of enrollment in health care programs for members of the United States military.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 17, 2006.

Senators ROBBINS, BRIGHTBILL, BOSCOLA, BROWNE, COSTA, EARLL, ERICKSON, FERLO, FONTANA, GORDNER, GREENLEAF, KASUNIC, KITCHEN, LAVALLE, LEMMOND, LOGAN, MUSTO, O'PAKE, ORIE, PICCOLA, PILEGGI, PIPPY, RAFFERTY, RHOADES, SCARNATI, STACK, STOUT, TARTAGLIONE, WENGER, D. WHITE, M. WHITE, C. WILLIAMS and ARMSTRONG presented to the Chair **SR 273**, entitled:

A Resolution designating the month of May 2006 as "Community Action Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 17, 2006.

Senators BROWNE, MUSTO, C. WILLIAMS, BOSCOLA, LAVALLE, COSTA, ERICKSON, KASUNIC, MELLOW, RAFFERTY, PIPPY, CONTI, ORIE, O'PAKE, KITCHEN, D. WHITE, PILEGGI, WASHINGTON, FONTANA, LOGAN, RHOADES, LEMMOND, STACK, WAUGH, WONDERLING and REGOLA presented to the Chair **SR 274**, entitled:

A Concurrent Resolution directing the Legislative Budget and Finance Committee to conduct a comprehensive Statewide costing-out study concerning the educational resources and related costs necessary to support the expectations for academic proficiency for all students.

Which was committed to the Committee on EDUCATION, April 17, 2006.

BILL SIGNED

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

HB 1820.

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO THE SENATE

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

Senator BRIGHTBILL. Madam President, today I have a guest Page on the floor, Nicholas Zimmerman, from Lebanon, who will be attending Widener University in the fall, majoring in political science. His extracurricular activities include the soccer and tennis teams, president of the German Club, and he connects students and politics through the Internet, and is also a reporter for the school newspaper.

The PRESIDENT. Thank you, Nicholas, for joining us. Please rise and we will give you a round of applause.

(Applause.)

DISCHARGE PETITION

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

April 18, 2006

A PETITION

To place before the Senate the nomination of Tina Byles Williams as a member of the Public School Employees' Retirement Board.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Tine Byles Williams, Philadelphia, Pennsylvania, as a member of the Public School Employees' Retirement Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
David J. Brightbill
Jeffrey E. Piccola
Noah W. Wenger
Robert C. Jubelirer

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

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate for purposes of a meeting of the Committee on Appropriations, which will begin immediately, followed by a meeting of the Committee on Labor and Industry, and then a Republican caucus. We will recess for approximately an hour and a half for those purposes.

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

Senator MELLOW. Madam President, upon completion of the committee meetings, I request that the Democratic Members report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations, the Committee on Labor and Industry, and then Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATIONS BILLS OVER IN ORDER

SB 1159, SB 1161 and SB 1162 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS AMENDED

SB 513 (Pr. No. 1654) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L. 103, No. 69), known as The Second Class Township Code, removing references to elected assessors.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A7317:

Amend Sec. 1, page 1, line 8, by striking out "and 1002" and inserting: , 1002 and 1301(c)

Amend Bill, page 1, lines 12 through 19; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 25, by striking out all of said lines on said pages and inserting:

Section 205. Appointment and Election of Officers of New Townships.—When a new township results from the consolidation of townships or is created as a result of the annulment of a charter of a borough or when a township of the first class is reestablished as a township of the second class, the court of common pleas shall appoint the elective officers for the new township and determine the polling place or places in the new township. The appointed officers shall hold their offices until the first Monday of January after the next municipal election which occurs at least ninety days after the appointments. At the municipal election, [an assessor in those counties where assessors are elected and] a tax collector shall be elected for a regular four-year [terms] term if the election occurs in the year when [those officers are] such officer is elected for a regular [terms] term, and, if not, [they] he shall be elected for [terms] a term of two years [each and their successors] and his successor shall be elected for a four-year [terms] term. At the first municipal election, one supervisor and one auditor

shall be elected for terms of six years each, one supervisor and one auditor for terms of four years each and one supervisor and one auditor for terms of two years each. All officers shall take office on the first Monday of January after their election.

Section 401. Township Officers to be Electors.—No person is eligible for the office of supervisor, [assessor,] auditor or tax collector in any township unless that person is an elector of the township.

Section 402. Officers to be Elected.—(a) Except as provided in subsection (b), the electors of each township shall elect three supervisors, [one assessor in those counties in which assessors are elected,] three auditors and one tax collector. No person shall at the same time hold more than one elective township office.

[Section 405. Assessor.—(a) At the municipal election in the year 1993 and at the municipal election every four years after that, the electors of each township shall elect one assessor to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election. Assessors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) This section does not authorize the election of assessors for taxation purposes in counties where boards for the assessment and revision of taxes are authorized by law to appoint assessors.]

Section 407. Vacancies in General.—If the electors of any township fail to choose a supervisor, tax collector[, or] auditor [or assessor] or if any person elected to any office fails to serve in the office or if a vacancy occurs in the office by death, resignation, removal from the township or otherwise, the board of supervisors may appoint a successor who is an elector of the township and has resided in that township continuously for at least one year prior to their appointment, and, upon their failure to make the appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the board of supervisors and one elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon after that as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within fifteen days, the chairman shall, or if there is a vacancy in the chairmanship the remaining members of the vacancy board shall, petition the court of common pleas to fill the vacancy. If two or more vacancies in the office of supervisor occur on a three-member board or three or more vacancies on a five-member board, the court of common pleas shall fill the vacancies upon presentation of petition signed by not less than fifteen electors of the township. The successor so appointed shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

[Section 1002. Assessor; Powers and Duties.—The assessors have all the powers and duties, are subject to all the obligations and responsibilities and may receive the compensation provided under law.]

Section 1301. Township Manager; Appointment, Removal, Powers and Duties; Compensation; Bond.—* * *

(c) The office of township manager is not incompatible with the office of township secretary, township treasurer or any other township office or employment, except that of supervisor, auditor[, assessor] or township police officer.

Section 2. Section 1401(b), (c)(1) and (4) and (d) of the act, amended February 21, 2002 (P.L. 100, No. 9), are amended to read:

Section 1401. County Associations.—* * *

(b) The supervisors, auditors, [assessors,] tax collectors, managers, solicitors, engineers, treasurer and secretary of the board of supervisors shall attend the conventions when possible.

(c) (1) Each supervisor, auditor, [assessor,] tax collector, manager, solicitor, engineer, treasurer and secretary attending the convention shall receive a certificate, signed by the secretary of the county association, attesting their presence at the convention. The certificate entitles the official to collect from the township treasurer the sum of thirty-five dollars (\$35) for each day's attendance, expenses which are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the meeting shall

submit to the board of supervisors an itemized account of expenses incurred at the meeting.

(4) No supervisor, auditor, [assessor,] tax collector, manager, solicitor, engineer, treasurer or secretary shall be paid for more than two days' attendance in any one year.

(d) The officers of the association shall consist of a president, one or two vice-presidents, a secretary and a treasurer, all of whom, except the secretary, shall be members of the association and shall hold office for one year or until their successors are chosen. The secretary of the association may be compensated for services an amount determined by the members of the association. Every supervisor, [assessor,] tax collector, manager, secretary, treasurer and auditor attending the convention may vote on policy matters and in the election of officers of the association.

Section 3. Section 1902 of the act, amended December 18, 1996 (P.L.1142, No.172), is amended to read:

Section 1902. Appointment of Police.—The board of supervisors shall provide for the organization and supervision and determine the number and the compensation of the police officers. The position of police officer is incompatible with the office of supervisor, auditor, tax collector, assessor] and manager. The chairman of the board of supervisors may swear in police officers. The board of supervisors may assign any police officer to undergo a course of training at any training school for police officers established or made available by the Federal or State Government and provide for payment of the officer's expenses while in attendance at the training school.

Section 4. Section 3210(a) of the act is amended to read:

Section 3210. Additions and Revisions to Duplicates.—(a) When there is any construction of a building or buildings not otherwise exempt as a dwelling after the first day of January of any year and the building is not included in the tax duplicate of the township, the authority responsible for assessments in the township shall upon the request of the board of supervisors [direct the assessor in the township to] inspect and reassess, subject to the right of appeal and adjustment by the State law under which assessments are made, all taxable property in the township to which major improvements have been made after the first day of January of any year and to give notice of the reassessments within ten days to the authority responsible for assessments, the township and the property owner. The property shall be added to the duplicate and is taxable for township purposes at the reassessed valuation for that proportionate part of the fiscal year of the township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first day of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the board of supervisors to the township tax collector, together with its warrant for collection of the taxes, and within ten days the township tax collector shall notify the owner of the property of the taxes due in the township.

Section 5. Elected assessors in office in townships of the second class as of the effective date of this section shall serve the remainder of their unexpired terms. Thereafter, assessors shall neither be elected nor appointed.

Section 6. This act shall take effect in 60 days.

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.

SB 514 (Pr. No. 1676) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, providing for appointment of second class township assessors; and making a related repeal.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A7316:

Amend Title, page 1, lines 22 and 23, by striking out "appointment of second class" in line 22, all of line 23 and inserting: the elimination of the office of elected assessor in townships of the second class; and making a related repeal.

Amend Sec. 1 (Sec. 102), page 2, lines 7 and 8, by striking out ", appointed in each township of the second class"

Amend Sec. 2, page 2, line 12, by striking out "Sections 501 and 503 of the act are" and inserting: Section 501 of the act is

Amend Sec. 2 (Sec. 501), page 2, line 14, by striking out "or Appointment"

Amend Sec. 2, page 3, lines 1 through 20, by striking out all of said lines

Amend Sec. 3, page 3, lines 25 through 28, by striking out all of said lines and inserting: this act.

(2) (i) Sections 405 and 1002 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, are repealed.

(ii) Sections 205, 401, 402, 407, 1301, 1401, 1902 and 3210 of The Second Class Township Code are repealed to the extent that they are inconsistent with this act.

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 OVER IN ORDER

SB 691 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 703 (Pr. No. 847) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for passing stopped authorized and emergency vehicles.

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	Greenleaf	Orie	Tartaglione
Boscola	Hughes	Piccola	Tomlinson
Brightbill	Jubelirer	Pileggi	Vance
Browne	Kasunic	Pippy	Washington
Conti	Kitchen	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald

Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fontana	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	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.

BILL OVER IN ORDER

HB 750 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS AMENDED

SB 935 (Pr. No. 1226) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A5962:

Amend Sec. 1 (Sec. 4914.1), page 2, line 5, by inserting after "identification.": However, the person shall not be compelled to answer any other question of any law enforcement officer.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator CORMAN offered the following amendment No. A7341:

Amend Sec. 1 (Sec. 4914.1), page 2, line 4, by inserting a period after "himself"

Amend Sec. 1 (Sec. 4914.1), page 2, lines 4 through 8, by striking out "and to verify such" in line 4 and all of lines 5 through 8

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.

SB 957 (Pr. No. 1550) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of robbery on the premises of a financial institution.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WAUGH offered the following amendment No. A7338:

Amend Sec. 1 (Sec. 3701), page 3, line 7, by inserting after "SLIGHT[.]": or

Amend Sec. 1 (Sec. 3701), page 3, lines 8 through 14, by striking out all of said lines and inserting:

(vi) takes or removes the money of a financial institution without the permission of the financial institution by making a demand of an employee of the financial institution orally or in writing with the intent to deprive the financial institution thereof.

Amend Sec. 1 (Sec. 3701), page 3, lines 18 through 23, by striking out all of said lines and inserting:

(3) For purposes of this subsection, a "financial institution" means a bank, trust company, savings trust, credit union or similar institution.

Amend Sec. 1 (Sec. 3701), page 3, line 24, by striking out "(VII)" and inserting: (vi)

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 OVER IN ORDER

SB 1000 and **SB 1050** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1150 (Pr. No. 1679) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for offense of protesting at a commemorative service and for commemorative service protest action.

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 Mercer, Senator Robbins.

Senator ROBBINS. Madam President, first, I would like to thank Senator Pippy for introducing this legislation to address the despicable act of protesting at our fallen soldiers' funerals. Senator Pippy knows that I have been contacted by many veterans and various groups to increase the penalties dealing with this bill. At his request, I will not do that because he is molding a bill which is, as I understand it, standardized across the United States so there will be a consistency in the States that try to address this issue.

As a Vietnam veteran, this issue brings back many painful memories for many who served at that time. Now, when I read the hate-filled rhetoric placing blame on our soldiers for the war on terrorism and their willingness to serve this great country, it brings grief to my heart. These brave men and women who died serving our nation deserve nothing less than our full respect, and their families deserve nothing less than our full respect. It is my hope that this legislation, not only in Pennsylvania, but as it is being crafted by other legislators like Senator Pippy, will have consistency in a standardized form across this great nation, sending a message to those people.

However, should further action be needed in the future, I will certainly be here to move forward with stiffer penalties and other actions that we can possibly do in our legislature to address this issue on behalf of our men and women who are serving us today, but most importantly, on our great fallen heroes and their families. Senator Pippy, thank you, and God bless you for this legislation.

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

Senator PIPPY. Madam President, I want to first thank Senator Robbins for all his efforts on this bill. As he mentioned, for us veterans, this issue about protesting at military funerals or any funeral is a very personal issue, and I would always want to have the stiffest penalties possible. But what we did do is look at other States across the country that have imposed this type of legislation to make sure that we were very consistent. The majority of them have penalties of significant fines, up to 6 to 9 months in prison. As a third-degree misdemeanor in Pennsylvania, it is up to 1 year in prison and a \$2,500 fine, so we are at the high end or more strict end for penalty enforcement.

The other issue is, as we talked to veterans groups, we believed it was very, very important that we pass this legislation quickly, that the scope of the legislation be tailored toward funerals, all types, not just military, so it was not content specific, that it was limited in scope. During the last 3 months, the House and Senate spent a lot of time working on this legislation, because when you deal with the First Amendment, it is an important right that we have. In this case, we believe that the right of the families to bury their dead in peace is as important as my right as a citizen to speak, so we were very clear with the time, place, and manner of expression to make it very limited in focus and have penalties for what I would call disgraceful protests be consistent with other protest penalties.

Now, we are working with other members across the country, because I think this is something we should do uniformly. Whether you die in service in the military in Pennsylvania or

Hawaii or California, your family should have that right to mourn.

So first, I want to commend Senator Robbins for his efforts at trying to tighten and strengthen the legislation, and we will work with him in the future. Second, I want to thank Senator Regola, who has also spearheaded and done a lot of work on this, and also my colleagues in the House. Representative Mann is a prime sponsor of a House bill that is very similar.

Thank you, Madam President.

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

Senator REGOLA. Madam President, I rise today in support of Senate Bill No. 1150, and I would also like to thank Senator Pippy and Senator Robbins for their comments and all their hard work. It is something we worked hard on together, and very well. To quote Ronald Reagan, "Some people live an entire lifetime and wonder if they have ever made a difference in the world, but the men and women serving in our Armed Forces don't have that problem."

The families and friends of the men and women who have given their lives to our country deserve the space and time to grieve for those they have lost. It is a sad commentary that we have to do a piece of legislation like this. Protesting at a funeral of a member of our armed service is appalling, and it sends a message of disrespect and insensitivity to our service people. That is why I am a joint sponsor on this bill. This legislation will ensure that our service members will be honored with the uninterrupted ceremonies they deserve. Remember, we are not repealing the First Amendment, but it seems prudent in this situation to allow these people to have some space. I ask my colleagues for a positive vote on this bill.

Thank you.

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	Greenleaf	Orie	Tartaglione
Boscola	Hughes	Piccola	Tomlinson
Brightbill	Jubelirer	Pileggi	Vance
Browne	Kasunic	Pippy	Washington
Conti	Kitchen	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald
Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fontana	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	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.

BILL OVER IN ORDER

HB 2443 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 121 (Pr. No. 3818) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege; providing for passing and overtaking streetcars and for snow and ice dislodged or falling from moving vehicles; and further providing for ignition interlock.

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

BILL OVER IN ORDER

HB 249 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION

HB 601 (Pr. No. 3819) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege and for chemical testing to determine amount of alcohol or controlled substance.

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

BILL OVER IN ORDER

SB 631 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION, AMENDED

SB 707 (Pr. No. 1674) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and for regulations; and substituting the term "salon" for the term "shop" throughout the act.

On the question,
Will the Senate agree to the bill on second consideration?
Senator ERICKSON offered the following amendment No. A7223:

Amend Sec. 3 (Sec. 4), page 5, line 4, by striking out the bracket before "one"

Amend Sec. 3 (Sec. 4), page 5, line 5, by striking out "] one thousand five hundred"

Amend Sec. 6.1 (Sec. 6), page 9, line 24, by striking out the bracket before "TWO"

Amend Sec. 6.1 (Sec. 6), page 9, lines 24 and 25, by striking out "] FIVE HUNDRED"

Amend Sec. 6.1 (Sec. 6), page 9, line 25, by striking out the bracket before "EIGHT"

Amend Sec. 6.1 (Sec. 6), page 9, line 25, by striking out "] TEN"

Amend Sec. 6.1 (Sec. 6), page 9, line 27, by striking out the bracket before "FIFTEEN"

Amend Sec. 6.1 (Sec. 6), page 9, line 27, by striking out "] NINETEEN"

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILLS REREFERRED

SB 809 (Pr. No. 1020) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the duties of township supervisors.

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

SB 810 (Pr. No. 1021) -- 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 regulating duties of Department of Community and Economic Development.

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

SB 1131 (Pr. No. 1678) -- 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 assessments and for information made available on the Internet regarding sexual offenders.

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

BILL OVER IN ORDER

SB 1153 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

SB 1158 (Pr. No. 1661) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a tax credit to encourage property owners to include visitability design features on their properties.

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

BILL ON SECOND CONSIDERATION

HB 1618 (Pr. No. 3724) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for participation by students with disabilities in high school graduation ceremonies.

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD

January 4, 2006

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, Tina Byles Williams, 1008 West Cliveden Street, Philadelphia 19119, Philadelphia County, Third Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2009, and until her successor is appointed and qualified.

EDWARD G. RENDELL
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	Greenleaf	Orie	Tartaglione
Boscola	Hughes	Piccola	Tomlinson
Brightbill	Jubelirer	Pileggi	Vance
Browne	Kasunic	Pippy	Washington
Conti	Kitchen	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald
Earl	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fontana	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	Wozniak

NAY-0

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

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

Senator SCARNATI, from the Committee on Labor and Industry, reported the following bills:

SB 1046 (Pr. No. 1716) (Amended)

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for adoption by regulations.

HB 2319 (Pr. No. 3560)

An Act prohibiting the use of illegal immigrant labor on projects; imposing powers and duties on executive agencies of the Commonwealth; and providing for remedies.

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

SB 214 (Pr. No. 206) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for municipal police serving process and enforcing orders.

SB 1069 (Pr. No. 1714) (Amended) (Rereported)

An Act establishing the Innocence Commission of Pennsylvania; providing for its duties; and providing for the powers and duties of the Joint State Government Commission.

SB 1114 (Pr. No. 1715) (Amended) (Rereported)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for county associations; and authorizing appropriations to counties.

HB 15 (Pr. No. 3876) (Amended) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Substance Abuse Education and Demand Reduction Fund, for driving under influence of alcohol or controlled substance and for penalties.

HB 137 (Pr. No. 2311) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighted lamp requirements for motorcycles and for restrictions on highway and bridge use.

HB 218 (Pr. No. 3877) (Amended) (Rereported)

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions.

HB 1834 (Pr. No. 3169) (Rereported)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for electronic access to driver records to confirm organ donor status.

HB 2380 (Pr. No. 3875) (Amended)

An Act amending the act of July 7, 2005 (P.L. , No.1A), known as the General Appropriation Act of 2005, adding an appropriation to the Attorney General for reimbursement to counties for expenses for full-time district attorneys; and increasing the State appropriation to the Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program.

SENATE RESOLUTIONS ADOPTED

Senators TARTAGLIONE, BOSCOLA, KASUNIC, FONTANA, STOUT, COSTA, CONTI, LOGAN, BRIGHTBILL, GREENLEAF, ORIE, ERICKSON, O'PAKE, FERLO, PILEGGI, MUSTO, C. WILLIAMS, RHOADES, LEMMOND, BROWNE, WASHINGTON, STACK and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 275**, entitled:

A Resolution designating the month of May 2006 as "Law Month" in Pennsylvania and urging lawmakers, lawyers, judges and schools to participate.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Madam President, on May 1, the Pennsylvania Bar Association will launch its 7th Annual Law Day program. As part of the celebration, the Pennsylvania Bar Association and local bar associations across this Commonwealth will sponsor activities throughout the month of May. This year's theme is "My World, My Responsibility." The primary purpose for this celebration is to teach children about their legal rights and responsibilities, and to share with them the essence of being an American citizen. Schools, attorneys, and judges will be

encouraged to work together to arrange for classroom visits as part of the celebration. Children of all ages in grades kindergarten through 12 will have the opportunity to explore the ways in which they can have an impact on our world.

Madam President, the annual observance of Law Day is part of the Pennsylvania Bar Association's continuing partnership with the National Constitution Center, the Pennsylvania Department of Education, the Pennsylvania Coalition for Representative Democracy (PennCORD), and the First Lady of Pennsylvania, the Honorable Marjorie O. Rendell.

This resolution designates the month of May 2006 as Law Month in Pennsylvania, and I thank my colleagues for their support.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Tartaglione, for recognizing the month of May as Law Month for Pennsylvania.

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

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

Senator BOSCOLA, by unanimous consent, offered **Senate Resolution No. 276**, entitled:

A Resolution designating the month of April 2006 as "Parkinson's Disease Awareness Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Curtis Webb II by Senator Boscola.

Congratulations of the Senate were extended to Michael and Gretchen Kresley and to Arcadia Properties, LLC, of Bethlehem, by Senator Browne.

Congratulations of the Senate were extended to the Delaware County Library System by Senators Erickson and Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Leland Bond, Mr. and Mrs. Lee Crist, Mr. and Mrs. David Lepore and to William Roy Mock by Senator Jubelirer.

Congratulations of the Senate were extended to Rain Garletts by Senator Kasunic.

Congratulations of the Senate were extended to Sherman Hostetter Auctioneers of Beaver Falls by Senator LaValle.

Congratulations of the Senate were extended to Alaric Eby, Gary R. Shales, Amy Branning, Jessica L. Shaw, Douglas Manning, Nicholas Murley, Jeffrey Davis and to the Honesdale EMS by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Ransom Agnew and to Mr. and Mrs. Robert Chapman by Senator Madigan.

Congratulations of the Senate were extended to Honorable Beverly Merckel, Dominick J. Perini, Elizabeth Kennedy, Raymond J. Ceccotti, Mary Marrara, Robert H. Davis, Melissa Perri and to Therese O'Rourke by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Felix Cardascia and to Brittany Tarselli by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Charles O'Neill, Laurie Ahrenholtz and to Peter Haywiser by Senator Pippy.

Congratulations of the Senate were extended to the Legion of Golden Friends of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. John and Margaret Brenneman, Sr., Mr. and Mrs. Graham Munkittrick and to Dorothy Shaver Miller by Senator Vance.

Congratulations of the Senate were extended to the Bethany Retirement Village of Mechanicsburg by Senators Vance and Wonderling.

Congratulations of the Senate were extended to William L. Bechtel, Jr., Dr. Bernard W. Sweeney, Karl D. Blankenship and to the York Conference of Lutheran Churches by Senator Waugh.

Congratulations of the Senate were extended to Taylor Fredrick by Senator D. White.

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

Congratulations of the Senate were extended to the Honorable Michael DiNunzio by Senator Wonderling.

Congratulations of the Senate were extended to Merck and Company, Inc., of West Point, by Senators Wonderling and Greenleaf.

Congratulations of the Senate were extended to St. Andrew Catholic Church of Johnstown 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 Michael Romig, to the family of the late Edward S. Miller and to the family of the late Lee B. Marks by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Jacob Walter Beisel by Senator Lemmond.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1046, HB 2319 and HB 2380.

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

PETITIONS AND REMONSTRANCES

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

Senator TARTAGLIONE. Madam President, on April 10, 2006, Arkansas became the 20th State in the nation to increase

their minimum wage. Although, in my humble opinion, Madam President, the increase was not nearly enough, I would like to congratulate the Arkansas legislature and Governor Huckabee for standing up for the low wage workers in their State. The Arkansas legislature listened to the 87 percent of their citizens who supported raising the State's minimum wage, and I commend them for that.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Tartaglione, for speaking on behalf of the Arkansas raise of the minimum wage.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 19, 2006

10:00 A.M.	AGING AND YOUTH (to consider House Bills No. 348 and 1559)	Room 461 Main Capitol
	CANCELLED	

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 273; and certain executive nominations)	Rules Com. Conf. Rm.
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FRIDAY, APRIL 21, 2006

10:00 A.M.	LOCAL GOVERNMENT (hearing to consider watershed planning and management by local governments)	Upper Darby Township Municipal Bldg., Upper Darby, Pa.
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TUESDAY, APRIL 25, 2006

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on Mercury Emission Reduction)	Hearing Rm. 1, North Office Bldg.
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WEDNESDAY, APRIL 26, 2006

10:30 A.M.	AGING AND YOUTH (to consider House Bills No. 348 and 1559)	Room 461 Main Capitol
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TUESDAY, MAY 2, 2006

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on Mercury Emission Reduction)	Room 8E-B East Wing
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RECESS

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

Senator PICCOLA. Madam President, I move that the Senate do now recess until Wednesday, April 19, 2006, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:30 p.m., Eastern Daylight Saving Time.