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TUESDAY, JUNE 10, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 38

SENATE

TUESDAY, June 10, 2008

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

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

PRAYER

The Chaplain, Sardar NIRMAL SINGH, of the Sikh Society of Harrisburg, offered the following prayer:

Join me in the prayer.

Ek onkar satnam. There is but one God, true is His name. We pray to the one God who created this universe with all its colorful diversity, rangg, as we call it. We pray to the one God under whose divine ordinance, hukam, this universe abides. We pray to sabhnaa jiaan kaa ik daataa, the one God who provides for and sustains all this creation.

Pray, give us the understanding that this world is a dharamsaal, an arena for righteous living. Much of what people can accomplish in life happens through their own ghaal, their endeavors. We pray for kirpa, Thy divine mercy, to enable us all to be prayerful, enable us all to provide for our families, enable us all to share with those in need, and enable us all not to shy away from doing what is right. That truly is the righteous way.

Help us, pray, help us nurture a society where we all live as a fraternity with none feeling excluded or treated as a stranger; where we say some and listen some; where we bring harmony, peace, caring, and sharing to our corporate communal lives and help each and every one of us to grow, develop, and contribute toward the common good.

We pray for this sangat, this Assembly. Heavy is your responsibility, and difficult are the choices you have to make as leaders of the people. We pray for you, individually and collectively, to be blessed with the wisdom to conduct your business today and every day in service of and for the well-being of the citizens of this Commonwealth.

We close this prayer, as always, seeking terai bhaanai sarbat ka bhalla, that the well-being of one and all in this world be Thy will. Wahiguru ji ka khalsa wahiguru ji ki fateh.

The PRESIDENT. The Chair thanks Sardar Singh, who is a member of the Gurdwara in Bethel and is here today as the guest of Senator Vance and Senator Boscola.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1159**, with the information the House has passed the same without amendments.

BILLS REPORTED FROM COMMITTEES

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 1341 (Pr. No. 2144) (Amended)

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$400,000,000 for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems; and providing for the powers and duties of the Pennsylvania Infrastructure Investment Authority.

SB 1408 (Pr. No. 2062)

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for purpose of act; adding definitions; further providing for plans, for proceedings, for powers and duties of the Department of Environmental Protection, for eminent domain, for flood control works and for financing; and making editorial changes.

SB 1409 (Pr. No. 2063)

An Act amending the act of June 5, 1947 (P.L.422, No.195), entitled, "An act authorizing the Department of Forests and Waters to provide for stream clearance and stream channel rectifications; to construct and maintain dams, reservoirs, lakes and other works and improvements for impounding flood waters, and conserving the water supply of the Commonwealth; and for creating additional recreational areas; to acquire by purchase, condemnation or otherwise, certain lands for such purposes; to construct and maintain flood forecasting and warning systems," further providing for the purposes of the act and for the authority of the Department of Environmental Protection; and making editorial changes.

HB 1705 (Pr. No. 3108)

An Act authorizing the Commonwealth of Pennsylvania to join the Great Lakes-St. Lawrence River Basin Water Resources Compact; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth, the Department of Environmental Protection, the Environmental Quality Board and the Compact; and imposing penalties.

HB 1742 (Pr. No. 3903) (Amended)

An Act requiring scrap processors and recycling facility operators to collect certain information relating to the purchase of scrap material; requiring commercial accounts; and restricting scrap processors and recycling facility operators from purchasing certain materials.

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

SB 1158 (Pr. No. 2145) (Amended)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for transportation infrastructure partnership and development.

SB 1274 (Pr. No. 1755)

An Act designating the Newtown 413 Bypass as the Officer Gregg Memorial Bypass.

SB 1413 (Pr. No. 2066)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license, for driving while operating privilege is suspended or revoked, for permitting violation of title, for homicide by vehicle and for habitual offenders.

HB 1863 (Pr. No. 2549)

An Act designating a bridge on PA Route 120 crossing the railroad tracks at the east end of Renovo Borough in Clinton County, Pennsylvania, as the Western Clinton County Veterans Bridge.

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

SB 481 (Pr. No. 2156) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for interagency information sharing.

SB 1263 (Pr. No. 2157) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for expiration of chapter.

SB 1284 (Pr. No. 2158) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for notice of convictions of college students.

HB 1845 (Pr. No. 3908) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for registration and for procedure; establishing the Straw Purchase Preven-

tion Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; and abrogating a regulation.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

HB 1804 (Pr. No. 3223)

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions and for the State Board of Medicine; providing for jointly promulgated regulations; and further providing for respiratory care practitioners and for respiratory care practitioner certificates and permits.

HB 1999 (Pr. No. 3909) (Amended)

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants and for respiratory care practitioners.

HB 2051 (Pr. No. 3910) (Amended)

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants and for respiratory care practitioners; and making inconsistent repeals.

HB 2088 (Pr. No. 3007)

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for the State Board of Osteopathic Medicine, for respiratory care practitioners, for respiratory care practitioner certificates and permits and for reasons for refusal, revocation or suspension of license; and providing for regulations.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Folmer, Senator Gordner, Senator Piccola, Senator Corman, and Senator Brubaker.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Folmer, Senator Gordner, Senator Piccola, Senator Corman, and Senator Brubaker.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of May 12, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of May 12, 2008.

Senator PILEGGI. 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 PILEGGI and were as follows, viz:

YEA-50

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

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR 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 have as our Chaplain today Sardar Nirmal Singh, who is head of the Sikh Society of Harrisburg. He is quite an outstanding person. Not only is he an author of several books, but he is the recipient of the IndUS award, awarded to luminaries in the South Asian community who shine at what they do.

So I am particularly proud to introduce him as well as some members of his community who are seated in the gallery. I ask that we give them a very warm welcome.

The PRESIDENT. Would the members of Sardar Singh's community in the gallery please rise so we can welcome you.

(Applause.)

**GUEST OF SENATOR JANE C. ORIE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I would like to introduce a guest. It is my understanding that he is going to say a few words on the floor. From a Pittsburgh Steelers fan, sometimes it is unusual to see us introduce a football player who is a star in his own right from the Buffalo Bills and took them to four Super Bowls. It is an honor to introduce him. The one redeeming quality I can say to all of the Steelers fans is he is from Pittsburgh, so this is easy for me to do. It is an honor and privilege to introduce our speaker here today, Jim Kelly.

(Applause.)

Mr. KELLY. Madam President, thank you. I did not know Steelers fans got nervous. First of all, I just want to thank you all very much, Madam President, for allowing me to speak to you for 2 minutes. This is something that is very dear to my heart.

Again, to make a long story short, I did play professional football for the Buffalo Bills, and I announced my retirement in 1997. At the time, I was very blessed. I had a beautiful daughter named Erin and a beautiful wife, who, at the time, was pregnant. Two weeks later, after my retirement, on Valentine's Day, which is my birthday, we had a son, a son born on daddy's birthday. Of course, I thought of all the great things my dad did with his six sons. I thought about doing them with my son. Unfortunately, he was diagnosed with a fatal disease after 4 months. For the first 4 months of his life, we had no idea what was wrong with him. We changed his feeding regimen each and every day and tried to figure out what was wrong with him. It took us 4 months of seeing the pediatrician, and they misdiagnosed him twice.

Why I am here and why I travel from State to State is to make sure that every State in the United States tests for the maximum amount of treatable diseases. When my son was born, the State of New York was only testing for 11 diseases, and by one trip to our Governor, Governor Pataki, it took them 1 year to go from 11 to 45, and the 45th disease was my son's disease, Krabbe Leukodystrophy. To make a long story short again, the State of Pennsylvania is one of the States that tests for fewer than 10 diseases.

What we are trying to do is to make sure that every single State out there gives these kids a chance to dream. I was a little boy. I was able to dream about playing in the National Football League. My dream came true, but unfortunately, thousands and thousands of babies die every single year because they are born in the wrong State. That State does not test for that disease. On behalf of myself, Hunter's Hope, and the March of Dimes, whom we have teamed up with, we are going to make sure that we change this and give these kids a fighting chance, because every kid should be allowed to fulfill their dream. The bottom line is to be able to go out there and say, I want to be something, whether it is a boy or a girl.

So, Madam President, thank you very much. Senator Orie and Representative Kenney, thank you very much for helping us through this process. The bottom line is, we are going to make a difference. Thank you very much.

(Applause.)

**GUESTS OF SENATOR RICHARD M. 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 man from Meyersdale. His name is Richard Brant, known to his friends as Richie. Richie is a 2006 graduate of Camp Cadet in Somerset County, where he learned vital lifesaving techniques. For those of you who are not familiar with Camp Cadet, it is a program run by our Pennsylvania State Police in various communities throughout Pennsylvania. It is a military-style training that they go through for 1 week. It is open to youngsters from ages 13 to 15. Richie participated in that camp.

Last year on Christmas Eve, Madam President, Richie's father, David, fell and struck his head, rendering him unable to breathe. Richie, utilizing the skills he had learned at Camp Cadet, quickly began to administer CPR. Richie was successful in resuscitating his father before the emergency personnel arrived. Remaining calm throughout the frightening and potentially tragic situation, Richie helped save the life of his father. In fact, we should say that Richie did save the life of his father.

Richie will be a senior at Meyersdale High School this fall and is a junior member of the Meyersdale Volunteer Fire Department. Madam President, rightfully, Richie's future plans include service to the Commonwealth, and his hopes and dreams are to attend the State Police Academy and become a Pennsylvania State Trooper one day. We can only hope, Madam President, we can only hope that an individual of his character attains this distinguished goal. Richie is here today with his mother, Christine Brant; his sister, Celeste Faidley; his grandparents, David and Ruth Faidley; his uncle, Robert Faidley; and his cousin, Caitlin Faidley. He is also accompanied by, from the Pennsylvania State Police, Colonel Brown, Trooper Brock, and Trooper Reveal. Richard's father, David Brant, unfortunately could not be here with us today, but to say the least, he is extremely proud of and honored by his son.

Madam President, I ask that the Senate of the Commonwealth of Pennsylvania please recognize Richie as a modern day hero and honor him for his courage and his bravery.

(Applause.)

Trooper BROCK. Good afternoon, ladies and gentlemen. I will try to be brief. Just to let you know, Camp Cadet has been around since 1970. It is a program started by three Troopers, and it originated in Butler County. It has now spread throughout the Commonwealth, and there are over 35 of our programs out there. It is for the good kids. We take kids 13 to 15 years of age. It is not a boot camp. It is not a reform school. It is for kids who want to go and either become law enforcement officers, FBI agents, ATF agents, and so on and so forth.

We put them into a program that represents what it is like to be a State Trooper, what it is like to go through the academy. We introduce them to a military style of discipline and also to what the FBI, the ATF, the Secret Service, and our sister organizations have to offer them. During the course of the week, they are required to complete a 2-mile run, they are required to memorize a call of honor, and most importantly, they are required to pass a CPR course.

I am honored to be here today, because obviously, our work for these programs has now saved a life. With teaching a kid who had a dream that he wanted to be a Trooper, CPR has now saved his father's life because of what we have done. If you support your program within your county and within the State, I thank you. If you are not familiar, please get involved, because we are doing some good here.

So I thank you for your time. Thank you for having us, and God bless. Thank you.

(Applause.)

GUESTS OF SENATOR TERRY L. PUNT PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Punt.

Senator PUNT. Madam President, we have a very special guest with us today. I would like to introduce the 2008 Pennsylvania State Fair Queen, Katy Mitchell. Katy is a constituent of mine from Fort Loudon, Franklin County.

In addition to her duties as Pennsylvania State Fair Queen, which take her across the State, attending fairs and agricultural exhibitions, Katy is a very active young lady who is involved in many school and community activities as well. She is a recent graduate of James Buchanan High School. She was president of the National Honor Society, president of the German club, secretary of the art club, serves as a member of the environmental club, and serves as chairperson of the Tuscarora Wildlife Education Project, as well as volunteering and serving as a counselor for them for the past 5 years. She volunteers with the Pennsylvania Council on the Arts and works on community projects on their behalf. She has represented her school and participated in several environmental and leadership programs.

Katy will be attending Penn State Mont Alto in the fall, majoring in forestry. She is in the balcony, joined by her parents, Yvonne Butts-Mitchell and her father, Doug Mitchell. I ask the Senate to extend its usual warm welcome to this very special guest.

Thank you, Madam President.

The PRESIDENT. Would Katy Mitchell and her family please rise.

(Applause.)

GUESTS 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 have Jake Patton, a student at Mechanicsburg High School, shadowing me today. Hopefully, he is having a really interesting experience. I hope that we can all welcome him.

The PRESIDENT. Jake, would you please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Madam President, it is my pleasure to introduce Karen Reeve, a constituent of mine. Accompanying her today is her husband, John Weitzman. Karen and her husband are from the Doylestown area and have lived in Doylestown for the past 10 years. Karen and her husband are avid admirers of the great outdoors and are certainly concerned about the environmental situations that we have here in Pennsylvania.

Please join me in welcoming them by giving them a warm Senate welcome.

The PRESIDENT. Karen and John, please rise.

(Applause.)

**GUESTS OF SENATOR JAY COSTA
PRESENTED TO THE SENATE**

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

Senator COSTA. Madam President, I am pleased to introduce today three interns who are here visiting Harrisburg this week from my district office in Pittsburgh, Allegheny County. Madam President, as you know, I extend to a number of high school and college students in my district offices in Allegheny County the opportunity to serve as interns 3 days a week. A part of that internship, Madam President, is to come here to Harrisburg and experience what it is that we do here. I am pleased to introduce to my colleagues three outstanding young men who are here this week to join us.

The first is J.P. Joyce III. J.P. is a resident of Forest Hills and recently graduated from Pittsburgh's Central Catholic High School, where he completed the David S. Baginski Scholars Program. He graduated fourth in his class of 191 students. J.P. will be attending Vassar College this fall, where he plans to study international relations.

The second student is Ryan Fanelli. He is a graduate of Woodland Hills High School in Allegheny County, where he was the president of the National Honor Society. He was very active in his school's gifted program, a member of the Allegheny County champion mock trial team, and shared the rank of first in his class. This fall, Ryan will attend Cornell University, where he will major in engineering.

And the third fine young man is Bryan Fyalkowski. Bryan is also a resident of Forest Hills Borough. He will be a senior at Woodland Hills High School this fall. After graduation, Bryan intends to pursue a degree in business in college.

Madam President, these fine, outstanding young men have a very bright future ahead of them, and I am very fortunate to have individuals of this caliber interning in my office. So, Madam President, I ask that my colleagues give these three gentlemen a warm Senate welcome.

Thank you, Madam President.

The PRESIDENT. Will J.P. Joyce, Ryan Fanelli, and Bryan Fyalkowski please rise.

(Applause.)

**GUEST OF SENATOR MICHAEL J. FOLMER
PRESENTED TO THE SENATE BY
SENATOR JOHN C. RAFFERTY**

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

Senator RAFFERTY. Madam President, I am introducing a guest on behalf of Senator Folmer. Senator Folmer is still with the Committee on State Government, so he asked me, if he was not here, to be sure that the Senate had the privilege and pleasure to meet his guest, Brittany Haag. She is currently the Pennsylvania State Grange Junior Princess.

Brittany won her title last July at our State Grange Junior Camp. The contestants are required to answer an impromptu question in front of the entire camp, go through an interview with a panel of judges, take a written test on Grange knowledge, and are also judged on how well they interact with others at the camp and their active involvement in additional Grange activities.

Once chosen to serve as princess, she represented the Junior Grange at various Grange functions, as well as the Farm Show and Ag Progress Days.

Brittany is 14 years old from Mohrsville, and she will be attending Schuylkill Valley High School in the fall. Her hobbies are playing the piano, playing the clarinet, singing, acting, and dancing. The dance team she dances with recently won the platinum award, which qualifies them to compete at nationals. Brittany has won the music scholarship at her school, and she is very active in 4-H and lives on a dairy farm here in the Commonwealth of Pennsylvania.

On behalf of Senator Folmer, Madam President, I ask my colleagues to give a traditional warm welcome of the Senate to Brittany, congratulating her on her accomplishments.

Thank you, Madam President.

The PRESIDENT. Will Brittany and her family please rise.

(Applause.)

**GUEST OF SENATOR MICHAEL W. BRUBAKER
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Madam President, it is a privilege of mine to introduce a bright and talented young lady, Katie Eckhart. She is in the gallery today. She is a 2005 graduate of Mercersburg Academy, and she will be a senior at Franklin and Marshall College this fall, majoring in government. She aspires to attend law school next fall. Outside of her academic area, she also enjoys playing tennis, golf, squash, and flying. It is a privilege to introduce Katie Eckhart.

The PRESIDENT. Will Katie please rise.

(Applause.)

**GUESTS OF SENATOR VINCENT J. HUGHES
PRESENTED TO THE SENATE**

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

Senator HUGHES. Madam President, I take incredible pride in recognizing this group of young folks who have come to Harrisburg on this day. They are Overbrook High School potential graduates who will be graduating very shortly.

Overbrook High School is a very famous school, Madam President. A number of Overbrook High School graduates have gone on to play in the NBA. One of them, we all know, is probably the greatest basketball player to ever play in professional basketball or any form of basketball, and that is Wilt Chamberlain. In high school, he wore number 5. In the professionals, he wore number 13. Overbrook High School has produced probably one of our most entertaining and most recognizable actors, and that is the Fresh Prince, Will Smith. We love him, and we watch him on a regular basis.

But Overbrook High School, the big O, Overbrook High School has produced, Madam President, the State champion mock trial team, not the second place, not the third place, not the fifth place, the number-one team in the State of Pennsylvania out of 293 teams participating. Overbrook High School has produced the number-one team. They won the city championship. This is a mock trial. This is not basketball, baseball, football, or any

thing else. This is the mock trial competition. Overbrook High School, 59th and Lancaster, the Castle on the Hill.

I have to recognize some names, Madam President, and you guys stand up as I call your names. I have to recognize Jean Bivens, Joyce Bivens, Will Ramsey, Lakyra Stokes, Jamal Hill, Kiersten Harris-Andrews, Cedric Ingram, Jr., Martese Mason, Jennifer Josiaste, Sarah Brown, and Ian Wiley. I have to recognize them, Madam President. They are all going to college. One of them is going to the University of Texas. Another one is going to Harvard. They are coached and led by Roberta West--is she there? Stand up--and Philip Beauchemin.

I have to say this. Philip is a graduate of the Temple University School of Law. Philip also has coached numerous teams to the mock trial State championship. He also coaches the baseball team, is that right? He coaches the mock trial team. He is a teacher on a regular basis. He is a person we should all emulate in terms of his commitment to our community and trying to make a difference.

Madam President, they won the city title, they won the State title, and they wound up 15th nationally out of hundreds of schools. Madam President, I bring to you the number-one mock trial team in the State of Pennsylvania, from the Castle on the Hill, Overbrook High School.

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, I think they made a movie about that. It was called "The Great Debaters," and I was waiting for Denzel Washington to be introduced. Oh, there he is. Hi, Denzel.

I have two sets of guests, very important, distinguished guests. Madam President, in our area, many of the charities have auctions, and they offer gifts that people can buy. Recently, in an auction of St. Ignatius, among the gifts offered were tickets to Notre Dame football or a visit to the State Capitol. Our guests, in their wisdom, decided to buy a day in the State Capitol, and I would like the Chair to recognize and thank Mr. and Mrs. C. Wayne Cockrell.

Mr. Cockrell was formerly affiliated with the Conference of Churches in Reading, Berks County, and did an excellent job in our neighborhood development, working with deprived children, especially with regard to making sure they got adequate food and housing. He now works for the city of Reading in the Office of Neighborhood Development. He is here with his lovely wife, Ann, who is the owner of Ann's Country Boutique. Both are into honeybees, and I ask you, if you have time, to check out their Mini Cooper S on the plaza. It is yellow with a black top, and the license plate is BZZZ.

So to Mr. and Mrs. C. Wayne Cockrell, please extend the Senate's usual warm welcome.

The PRESIDENT. Will Wayne and Ann Cockrell please rise so we can welcome you.

(Applause.)

Senator O'PAKE. Also, Madam President, another guest in the gallery is the retiring school superintendent of the Daniel Boone Area School District. He served in public education for 37

years. At the end of this school year, he will be retiring. Dr. Robbins is here, along with the chairman of the Amity Township Board of Supervisors, Mr. Richard Gokey. They are here in support of Good Schools Pennsylvania, and I ask the Senate to extend its usual warm welcome to Dr. Robbins and Mr. Gokey and thank them for all their dedicated work in the Daniel Boone Area School District of Berks County.

The PRESIDENT. Will Dr. Robbins and Mr. Gokey please rise so we can welcome you.

(Applause.)

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose, first, of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room. I expect the caucus will last at least 1 hour.

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

Senator MELLOW. Madam President, I request that upon conclusion of the meeting of the Committee on Rules and Executive Nominations, the Democratic Members report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations and 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.

BILL REPORTED FROM COMMITTEE AND REREFERRED

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 1137 (Pr. No. 1838) (Rereported) (Concurrence)

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 medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund and for actuarial data; establishing the Pennsylvania Access to Basic Care (PA ABC) Program Fund and the Continuing Access with Relief for Employers (CARE) Fund; further defining "health care provider"; further providing for the Health Care Provider Retention Program; establishing the Supplemental Assistance and Funding Account; further providing for expiration of the Health Care Provider Retention Program; establishing the Pennsylvania Access to Basic Care (PA ABC) Program; providing for Continuing Access with Relief for Employers (CARE) Grants, for health care coverage for certain adults, individuals, employees and employers and for expiration of certain sections; and repealing provisions of the Tobacco Settlement Act.

Upon motion of Senator PILEGGI, and agreed to, the bill was rereferred to the Committee on Banking and Insurance.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Folmer and Senator Gordner have returned, and their temporary Capitol leaves are cancelled.

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 246 (Pr. No. 2099) -- The Senate proceeded to consideration of the bill entitled:

An Act regulating smoking in this Commonwealth; imposing powers and duties on the Department of Health and local boards of health; providing penalties; preempting local action; and making a related repeal.

Senator PILEGGI. Madam President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 246.

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

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

Senator GREENLEAF. Madam President, I rise in support of the adoption of the conference committee report for Senate Bill No. 246. I would like to point out, first of all, that we have had discussions about this legislation. Just to remind us how important this legislation is in regard to the health of the people of our Commonwealth--and we are talking about healthcare reform and issues such as that--I do not think there is anything that we can do that would be more important than to prevent the diseases that this substance causes - lung cancer and other problems, and obviously with children, with emphysema and other breathing difficulties. The EPA has designated secondary smoke as a class A carcinogen. Other substances in that category are benzene and asbestos. So you can imagine, if we had people spreading asbestos through this Chamber, what the reaction would be and how dangerous we would know that it would be. That is how dangerous secondary smoke is.

After decades of study by the United States Surgeon General, they concluded that there is no safe exposure period to secondary smoke and that the reason for that is that it causes changes in our body function and constriction of our veins and arteries that could cause a cardiovascular incident. It is an issue that has been studied extensively by the U.S. Surgeon General. Looking at every feasible scientific and medical study that has made those same conclusions, there is no credible evidence to indicate otherwise. The substance that we are dealing with is dangerous to anyone who is exposed to it, even for a short period of time.

In 1993, I introduced this legislation for the first time and introduced it every Session thereafter, until it was reported out in January of 2007 by the Committee on Public Health and Welfare of this body. Senator Corman and other Members of that committee reported the bill out for the first time, and I thank them for that. It then went to the Senate here, and we passed a version, and it went over to the House, and they passed another version.

And then it went to the conference committee, and we had a long period of time with that bill, and we had hearings on it and extensive review of the issues associated with this legislation, and the conference committee reported a version out as well.

So it is clear to me that the legislature wants to pass a bill that would protect our citizens from secondary smoke. It is clear from the history of this legislation that that is what the Members, the men and women of these two bodies, want to do. And of course, we all want a perfect bill. We all want a bill that would cover everything that we want in it, but that is not the democratic process. And it was my conclusion, since many of the statutes and ordinances throughout the nation and the world have different exceptions, that after intensive negotiations, we would accept some in order to protect 95 percent of the public of this Commonwealth. So that is what this bill will do. In schools, in health institutions, in workplaces, and in public places, no more will those workers be exposed to secondary smoke.

And so it is my hope that this body will adopt this proposal. I know that we wanted, obviously, some control over this issue by our local municipalities. We fought for that and were unable to obtain that in the conference committee. It is my hope that in the future, some of these issues will be revisited and dealt with so that communities will have the ability to deal with some of the issues that they think are important.

I also would like to recognize in the Chamber Bill Godshall from Pittsburgh, who is involved with Smokefree Pennsylvania and has been working with me on this issue since 1993. I thank him as well. I thank the other Members of these bodies, Senator McIlhinney and other Members of the conference committee, Representative Gerber, and obviously, Senator Corman and Senator Erickson and the health groups that have been involved in the issue.

So I ask that this legislation be given a favorable vote and that we pass it and protect the people of our Commonwealth. Thank you very much.

The PRESIDENT. Thank you for all your years of perseverance, Senator Greenleaf.

The Chair recognizes the gentleman from Allegheny, Senator Ferlo.

Senator FERLO. Madam President, in the legislative arena of a battle, one has to learn to live to fight another day. This is something that our former colleague, Senator Brightbill, used to pull me aside oftentimes and say - that the Senate procedures and work on legislation is more of a marathon and not a sprint. He knew that I came from city council in Pittsburgh, where oftentimes, we had a very clear beginning and a quick end to every piece of legislation and ordinance, and that is certainly not the case here in the State Senate or the legislature, nor should it necessarily be the case.

Nonetheless, I am sure Senator Greenleaf knows full well the marathon effort, not only on this smoking ban bill, but on other legislation that has come before us in this Senate. I have been involved in numerous social and progressive legislative efforts of reform ever since the late 1960s. So for me, hope always springs eternal, and I know that the passage of this measure today is the foundation for not only the future, but for further necessary reforms, some of which have been mentioned by Senator Greenleaf.

This legislation, however, does not protect all of the public that will continue to be exposed to secondhand smoke and its

harmful effects, which I do not need to repeat here today. It does not protect many who earn their livelihood in the service and retail industries. The legislation creates, in my opinion, a complex and confusing burden for many of the agencies that we have indicated are now charged with its effective enforcement. Small businesses will also be burdened with confusion on their responsibilities under this law, in my opinion. The legislation also runs roughshod on local jurisdictions, such as in Allegheny County, whose legislative governing body approved a more stringent law, only to have it nullified by Pennsylvania courts because it lacked clear State enabling legislation.

Obviously, I am not pleased with the inaction or the actions of the county executive from Allegheny County or the Governor in these matters, but I do respect their divergent view and opinion on this matter. This issue will hopefully be revisited with subsequent amendatory legislation, of which I will be pleased to be a cosponsor, but at this time, I concede the point that we need to move forward and move together with solid support for this legislation, because there continue to be detractors in both the House and the Senate and those among the public, and I think we need to speak clearly with one vision and one voice on this matter.

Thank you very much.

LEGISLATIVE LEAVE CANCELLED

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

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

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Punt.

Senator PUNT. Madam President, would the sponsor, Senator Greenleaf, stand for brief interrogation, please?

The PRESIDENT. He indicates he will.

Senator PUNT. Madam President, I have two questions. As I was reading through the legislation, regarding the area provided that is open to the public, I understand the exceptions which are included in the legislation, but I would like to ask about two examples that were brought to my attention over the weekend.

If you have a neighborhood garage that is open to the public, and the owner of the garage smokes, and you take your car in, and you are having your tires changed, is the owner liable? Could the owner, the business owner, be fined? And if somebody comes in and is waiting while their tires are being changed, and they light up, can they be fined?

Senator GREENLEAF. Well, Madam President, first of all, the legislation provides for no smoking in public places or places of employment. So if you are not part of the exceptions enumerated here, then yes, it would apply to those places. If they want to smoke, they can smoke at another location, they can smoke outside, but if there are employees there, it is a public place, open to the public, then it would apply to them.

Senator PUNT. Madam President, the second subject brought to my attention over the weekend is in some of the communities throughout my district, we open our homes up for tours at Christmastime. They open their homes up. They are part of 7, 8, 9, 10 homes along the way that people can go through and tour.

If the owner of the home opens up their home to the public to go through a tour and would smoke, can the owner of the home be fined?

Senator GREENLEAF. Madam President, first of all, homes, private homes, are not covered by this legislation, but I suppose it could be interpreted as a public place if they opened it. I do not know. I would say that it probably would not apply in that situation because it is a private home.

Senator PUNT. Madam President, I had trouble hearing the Senator's response on that, but as I understand, it is not necessarily pertaining to a facility that is open to the public, but these folks are opening their homes to the public, and anybody can go in and take this Christmas tour through the community. Could that homeowner who may smoke, being that they have opened their home to the public, could that homeowner, not because it is their home, but because it was open to the public, could that person be fined?

Senator GREENLEAF. Madam President, I thought I had answered it, but I will answer it again the same way I answered it. There is an exception for private homes, that they can smoke in private homes. If they opened it up to the public in some way, I do not know whether that particular issue would be covered as a public place. There is an exception for private homes, so I would say my opinion is that they would not be covered because it is a private home.

Senator PUNT. Madam President, thank you.

GUEST OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE

Senator MELLOW. Madam President?

The PRESIDENT. Senator Costa.

Senator MELLOW. No, Senator Mellow, please.

The PRESIDENT. Okay, I thought he was waiting. Senator Mellow.

Senator MELLOW. His hair is a lot darker than mine, Madam President.

Madam President, I do not want to be recognized on the bill as of yet, but I would like for you to recognize me so that we could make a special introduction in the Senate at this point.

The PRESIDENT. Yes, I recognize you, Senator Mellow.

Senator MELLOW. Madam President, we have a very distinguished gentleman who is in the gallery, and I am sorry that he is not down here on the floor of the Senate with us, the very distinguished and honorable mayor of our great city of Philadelphia, Mayor Michael Nutter. He is standing up there. We would love to have been able to have him down here, but just in case he cannot stay for our Session, I would like to make that acknowledgment.

(Applause.)

The PRESIDENT. Welcome, Mayor.

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

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

Senator COSTA. Madam President, I just want to rise and initially say that it is my intention to support the conference report today. Madam President, I do so largely with the same phi-

losophy that my friend and colleague, Senator Ferlo, mentioned earlier on the advice from Senator Brightbill, and that is live to fight another day. And Madam President, while through this process, I have tried to create and establish what I believe to be the strongest anti-smoking legislation in this Commonwealth, with respect to amendments that I have offered through the process and fighting for my county, since we are not going to have a statewide uniform ban, fighting for Allegheny County and the city of Scranton to address that matter.

I think it is important that we all recognize, and I do recognize, that we are probably the second-last hurdle before the enactment of statewide smoking ban legislation, with our concurrence, or I should say our adoption of the conference report, being one hurdle, and the last hurdle being the Governor's signature. I think it is important that we advance the ball forward for all Pennsylvanians as it relates to preventing them from being exposed to secondhand smoke in a number of situations.

I still believe, Madam President, that we should have a uniform statewide ban. That being said, we do not have that in this particular version, and given the fact that we will be moving forward with a local option to one of our counties, it is my understanding, going forward to address the concerns that my colleagues and I raised last week, that we will have an opportunity to live another day as it relates to that legislation, specifically as it relates to Allegheny County and also the city of Scranton. I appreciate the efforts made by our colleagues on the other side of the aisle to the end that they would allow us that opportunity.

Finally, Madam President, I want to first of all congratulate my friend and colleague, Senator Greenleaf. I think as you mentioned earlier, he has persevered on this issue for a number of years, and this is one of a number of issues that he has persevered on. Senator Greenleaf, my congratulations to you on something you have done an outstanding job advancing and advocating for. And I also want to thank our colleagues who served our Chamber on the conference committee report. Our Leader, Senator Mellow, did an outstanding job, particularly as it relates to our county, the county that I represent, and wanting them to be recognized in a similar fashion as Philadelphia. And also, Senator McIlhinney represented as chairperson of our Senate delegation. So I think those folks did a good job.

I wish the bill were stronger, as I indicated, but again, we will live to fight another day. So I encourage my colleagues to support the conference report. It is my intention to do so, with the understanding that we will be moving forward with similar legislation for Allegheny and the city of Scranton at some point forward.

Thank you, Madam President.

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

Senator STACK. Madam President, I want to try to get us to the vote as well. I support a reasonable smoking ban for this Commonwealth, and ultimately, I think that Allegheny County and Scranton should be allowed to pass stricter regulations, just as Philadelphia in this current bill. I am very glad Philadelphia is going to get to keep its successful smoking ban on this legislation.

This is an issue of public health. Ignoring the very real concerns about the health risks of secondhand smoke is simply not acceptable, and this is not a restriction of freedom, as some might say. It, in fact, protects people's health. Secondhand smoke

causes discomfort and sometimes can lead to serious sickness. We have heard the statistics. It is not something that can be ignored. It is a physical assault on people who do not have a choice in this matter. Three thousand American adults die annually as a result of exposure to secondhand smoke, according to the Centers for Disease Control and Prevention.

We are not banning smoking. This law would ban the practice of smoking in enclosed, crowded places. The concern is not that smokers stop doing harm to themselves. The concern is that smokers should stop harming others.

Now, I have heard the argument that bars would be forced to close because of the smoking ban. I have also seen statistics that in cities where smoking bans were enacted, the profits went down. There are more people unwilling to go into smoke-filled bars as they exist today than there are smokers unwilling to go into smoke-free areas. Additionally, thanks to the efforts of the people in this Chamber, the bill before us contains an exemption of the smoking ban for small mom-and-pop taverns. Some people oppose Pennsylvania's smoking ban no matter what we pass, but this legislature must do what is right for the public health.

I am not a smoker. I used to be a number of years ago, but I try to make healthy choices. Passing this legislation is a big first step. It may not be the best bill we could possibly pass. I do think the people of Allegheny County and Scranton should be allowed to follow through on their local decision. They should not be forced to take a step backward. If they want a tougher smoking ban, that is a good thing. Some of our constituents and some of us may not like the exceptions included in this bill. By passing it, though, it is at least a step in the right direction for our health. Places that are not included in the smoking ban may follow along and enact their own bans.

As I said earlier, this legislation is not aimed to stop smokers from smoking. I have to note, though, that cigarette smoking is the single most preventable cause of premature death in the United States, the single most preventable cause. Each year, more than 400,000 Americans die from cigarette smoking. One in every five deaths in the United States is smoking-related. It is heartbreaking to me that these people die before their time, and their families have to suffer because of something that is completely preventable.

There are 50 people on this floor trying to come to one conclusion. We all have our own ideas of what is best to do on tough issues like the smoking ban and healthcare. We represent different kinds of people and communities. Because of these factors, we have to compromise on our decisions. And I am proud that Pennsylvania is joining the other 32 States and the District of Columbia that have already enacted smoking bans. We in this legislature have a chance, and I think we are going to do it, to take a significant step to improve Pennsylvania's public health for generations to come. It is a chance that I am glad we are taking.

Thank you, Madam President.

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

Senator MELLOW. Madam President, I plan on being brief, but it is important that I at least have something to offer with regard to the final passage and concurrence of the conference report on Senate Bill No. 246.

Madam President, it would be a gross injustice if I told you that I was satisfied with the version of the conference report on

Senate Bill No. 246, because quite frankly, I am not. Madam President, I would also be very disingenuous with my praise if I said that the discussion that has taken place and the information that we have received from the city of Scranton and its elected officials and its administration was enthusiastic, because it was not.

Madam President, I would also be misrepresenting what has taken place if I also said to you that--other than Senator Costa, Senator Ferlo, Senator Fontana, and Senator Logan, here on our side of the aisle, and the two Senators from Allegheny County on the Republican side of the aisle, Senator Orié and Senator Pippy, who are very strongly in support of it--if I said that our support, other than from those six people, was very strong, my statement would be grossly inaccurate.

But, Madam President, I have to give credit to Senator Pileggi, because he came to me the other day and said, what can we do to try to resolve the issue, knowing that we are at an impasse. We said to Senator Pileggi, and also to Senator McIlhinney, who did a great job with Senator Greenleaf in bringing this thing together, we said to him we would like to have a carve-out for Allegheny County, the way they passed a resolution, and for the city of Scranton, the way they passed a resolution, in this proposal.

We realized full well, Madam President, that for us to go ahead and continue the good work that was done, on a bipartisan basis, on this floor on Wednesday, may in fact jeopardize the final passage of a smoking ban in Pennsylvania. Therefore, it was up to those of us who led the charge to try to amend the bill. It was up to us to try to find an alternate proposal. We suggested to Senator Pileggi, and he graciously said that he would do everything he could to bring it about, that we would introduce two additional pieces of legislation. The legislation that would be introduced, Madam President, would be to amend the counties of the second class, which would be Allegheny County, for the purpose of allowing them to enact their own smoking ban, and to go ahead and deal with legislation that would amend the city of the second class A, which would be the city of Scranton, to be able to do the same thing if, in fact, they so chose.

Senator Pileggi said he would do everything that he could to ultimately, during this legislative Session, bring those bills out of committee so that we could have the proper type of debate on the floor of the Senate.

So, Madam President, I think we are now at a point in time when we can represent the wishes of the people whom we represent and the desires of the Members of the Senate to go ahead and remove any hold we have on the report of committee of conference on Senate Bill No. 246, even though, Madam President, again, I must say, too, that I am very disappointed in what the final result was. But knowing that we have the intention of the Majority Leader and his good faith, of which he has been very good with us in his suggestions, that we will be able to, sometime in the future, consider our own carve-out for the city of Scranton and for Allegheny County. I will, then, at this point in time, Madam President, ask that we concur on the report of committee of conference on Senate Bill No. 246 so that we can move it on to the next level.

Hopefully, it will go to the Governor's desk for his signature. Within 90 days from the Governor's signature, Madam President, we will have a quite appropriate smoking ban in the great Commonwealth of Pennsylvania.

Thank you very much.

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

Senator PILEGGI. Briefly, Madam President, I commend Senator Mellow and the Members of his caucus for supporting the adoption of this conference committee report. I do intend to work with Senator Mellow and the Members of his caucus on future legislation to address the concerns that they have regarding Allegheny County and the city of Scranton, and look forward to working with them in trying to resolve those concerns in the future.

Thank you, Madam President.

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

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

YEA-41

Armstrong	Fumo	Musto	Tomlinson
Baker	Gordner	O'Pake	Vance
Boscola	Greenleaf	Orie	Washington
Browne	Hughes	Piccola	Waugh
Brubaker	Kasunic	Pileggi	Williams, Anthony H.
Corman	Kitchen	Pippy	Williams, Constance
Costa	LaValle	Rafferty	Wonderling
Dinniman	Logan	Rhoades	Wozniak
Erickson	Madigan	Stack	
Ferlo	McIlhinney	Stout	
Fontana	Mellow	Tartaglione	

NAY-9

Earll	Punt	Robbins	White, Donald
Eichelberger	Regola	Scarnati	White, Mary Jo
Folmer			

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.

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 2, SB 1385, SB 1388 and SB 1412 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

PREFERRED APPROPRIATION BILL LAID ON THE TABLE

SB 1389 (Pr. No. 2013) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 17, 2007 (P.L. , No.8A), known as the General Appropriation Act of 2007, increasing and decreasing Federal and State appropriations for the Department of Education, the

Department of Public Welfare, the Department of State, the Pennsylvania Emergency Management Agency, the Pennsylvania Historical and Museum Commission, the courts of common pleas and community courts and magisterial district judges; and adding a Federal appropriation to the Department of Aging.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was laid on the table.

SB 1389 TAKEN FROM THE TABLE

Senator PILEGGI. Madam President, I move that Senate Bill No. 1389, Printer's No. 2013, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

HB 239 and **HB 1044** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

SB 1146 (Pr. No. 1528) -- 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 Military and Veterans' Affairs, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Township of West Norriton, Montgomery County.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARMSTRONG offered the following amendment No. A7376:

Amend Title, page 1, line 6, by striking out "and"

Amend Title, page 1, line 11, by removing the period after "County" and inserting:

; and authorizing the Department of General Services, with the approval of the Governor, to dedicate, grant and convey to the Strasburg, Lancaster County, Borough Authority, a water main and appurtenances to be constructed by the Department of General Services, together with easements for public water purposes, situate in Strasburg Township, Lancaster County, and to grant such further easements and licenses as may be necessary to provide the Railroad Museum of Pennsylvania with access to public sewer service.

Amend Bill, page 4, by inserting between lines 12 and 13: Section 3. Water main and easements in Strasburg Township, Lancaster County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to dedicate, grant and convey to the Strasburg, Lancaster County, Borough Authority, for \$1, a water main and appurtenances to such water main to be constructed by the Department of General Services as part of Project No. DGS 980-6, together with such easements as may be necessary for purposes of the operation, maintenance, repair and replacement of such water main and appurtenances, over, through, and in certain property constituting, or adjacent to, the grounds of the Railroad Museum of Pennsylvania, as described in subsection (b).

(b) Description of easement.—Pursuant to subsection (a)

(1) The Department of General Services is authorized to grant to the Strasburg, Lancaster County, Borough Authority a permanent easement, not to exceed 25 feet in width, over, through, and in the real property constituting the grounds of the Railroad Museum of Pennsylvania, consisting of the real property acquired by the General State Authority pursuant to deeds recorded at the Office of the Recorder of Deeds of Lancaster County at Record Book W, Volume 56, Page 212, Record Book O, Volume 60, Page 527, and Record Book D, Volume 57, Page 123.

(2) The Department of General Services is further authorized to transfer, convey or assign to the Strasburg, Lancaster County, Borough Authority any easement acquired by the Department of General Services as part of Project No. DGS 980-6 for purposes of the construction, operation, maintenance, repair, and replacement of the water main and appurtenances.

(3) All of the above described easements to be used for purposes of the operation, maintenance, repair, and replacement of the water main and appurtenances to be constructed by the Department of General Services as part of Project No. DGS 980-6.

(c) Execution of deed.—Any deed or other conveyance document executed pursuant to this section shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(d) Covenant to repair.—Any deed conveying an easement over, through, and in the grounds of the Railroad Museum of Pennsylvania shall contain a covenant requiring the grantee to repair, to the satisfaction of the Commonwealth of Pennsylvania, any damage to the easement area caused by the Grantee's operation, maintenance, repair or replacement of said water main and appurtenances.

(e) Easements or licenses for public sewer service.—The Department of General Services is further authorized to transfer and convey, with the approval of the Governor, any easements or licenses necessary to provide the Railroad Museum of Pennsylvania with access to public sewer service. Access to public sewer service may be provided by means of a connection to privately owned sewer facilities.

(f) Costs and fees.—Costs and fees incidental to the conveyances authorized by subsection (a) shall be borne by the Commonwealth of Pennsylvania.

Amend Sec. 3, page 4, line 13, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1227 (Pr. No. 2101) -- 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 Pike County or its assigns, certain lands, situate in the Borough of Milford, Pike County, in exchange for a certain tract of land.

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-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR SHIRLEY M. KITCHEN
PRESENTED TO THE SENATE**

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

Senator KITCHEN. Madam President, we have with us today the illustrious mayor of the city of Philadelphia, who has been here on business all day and has been here several times since he has been elected. It gives me great pleasure to introduce to this Senate, to this body, the Honorable Michael Nutter, mayor of the city of Philadelphia.

The PRESIDENT. The Chair recognizes Mayor Michael Nutter.

(Applause.)

Mayor NUTTER. Madam President, and Members of this great Senate of the Commonwealth of Pennsylvania, Senator Kitchen, thank you so much for that introduction. This will be, possibly, the shortest speech in this Chamber.

As Senator Kitchen indicated, I have been in Harrisburg all day on a variety of matters. But this particular issue, the vote that just took place a little while ago on the smoke-free legislation, was something that I worked on for 6 years as a member of the Philadelphia City Council when I served in that body. I just literally wanted to say thank you so much.

I know there has been a lot of discussion and a lot of work done over many, many years in this body and in the House. On behalf of the city of Philadelphia, first, let me say thank you for your accommodation with regard to Philadelphia. Second, I know that there is a tremendous amount of debate and views on this issue, but certainly, in general, smoke-free legislation has saved lives and protected so many. For Pennsylvania to soon join the ranks of many States and countries around the world in protecting the public health, I can only say thank you so much for this wonderful moment and the incredible opportunity for a guy from 55th and Larchwood in Philadelphia to be here on the floor of the Senate of the Commonwealth of Pennsylvania. It is a true honor to me and my family.

On behalf of the city of Philadelphia, thank you.

(Applause.)

CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1363, SB 1364, SB 1365, SB 1366, SB 1367, SB 1368, SB 1386 and SB 1387 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1392 (Pr. No. 2024) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania State Employees Credit Union, certain lands situate in Susquehanna Township, Dauphin 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-50

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

NAY-0

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

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

SB 1424 (Pr. No. 2100) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for licensing cost.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Earll

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.

SB 1429 (Pr. No. 2086) -- 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 Transportation, to grant and convey to Parkwood Real Estate Trust LLC, approximately 1.645 acres including a building and all improvements thereon, situate at Parkwood Drive in the City of Allentown and Salisbury Township, Lehigh 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-50

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION
REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER

SB 1050 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 250, SB 352, SB 584, SB 768, SB 829 and HB 1067 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1169 (Pr. No. 1587) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for municipal volunteer emergency responder incentives.

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

SB 1376 (Pr. No. 1962) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of March 1, 1799 (16 Sm.L.181, No.221), entitled "An act to incorporate and endow an academy or public school in the town of York, and for other purposes therein mentioned."

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

BILL REREFERRED

SB 1397 (Pr. No. 2134) -- 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, in pupils and attendance, further providing for liability for tuition and enforcement of payment and for cost of tuition.

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

BILL ON SECOND CONSIDERATION

SB 1442 (Pr. No. 2106) -- 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, in high schools, further providing for academic degrees.

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

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators M. WHITE, ROBBINS, EARLL, MUSTO, FERLO, STOUT, D. WHITE, GREENLEAF, KASUNIC, WASHINGTON, ORIE, WONDERLING, ERICKSON, BOSCOLA, TOMLINSON, FONTANA, WAUGH, LOGAN, TARTAGLIONE, C. WILLIAMS, PUNT, RAFFERTY, PIPPY, KITCHEN, ARMSTRONG, LAVALLE, FUMO, COSTA, FOLMER and BROWNE, by unanimous consent, offered **Senate Resolution No. 343**, entitled:

Recognizing the month of August 2008 as "Oil Heritage 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 Mr. and Mrs. Dick Harding and to Tristan Bethel by Senator Baker.

Congratulations of the Senate were extended to Corporate Environments of Bethlehem and to Concannon, Miller and Co., PC, of Allentown, by Senator Browne and others.

Congratulations of the Senate were extended to Aprille Finucane, Teresa Gordon, John Mott, Richard Deuble, John Temple, Jay Train, Jeffrey Brown, Lewis Hitchcock, Fred Alston, Mike Matkovic, Carl Lotz and to Joseph Badman by Senator Dinniman.

Congratulations of the Senate were extended to Dr. Linda E. Grobman by Senator Fumo.

Congratulations of the Senate were extended to Stephen T. Johnson, Sr., and to Kevin J. Bethel by Senator Hughes.

Congratulations of the Senate were extended to the members and coaches of the California University of Pennsylvania Football Team by Senator Kasunic.

Congratulations of the Senate were extended to Erica Henderson by Senator Madigan.

Congratulations of the Senate were extended to Thomas Williams by Senators Musto and Rhoades.

Congratulations of the Senate were extended to Kevin Daniel Kuntz by Senator Orie.

Congratulations of the Senate were extended to the West Allegheny High School Baseball Team of Imperial by Senator Pippy.

Congratulations of the Senate were extended to Maria Mozier, Ashley Conway, Shannon Custer and to Abel Martinez by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Fred C. Moore by Senator Stout.

Congratulations of the Senate were extended to Elizabeth A. Donahoe by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. Ken Beightol and to Mr. and Mrs. George Bell by Senator M.J. White.

Congratulations of the Senate were extended to Christine A. Jackson by Senator C. Williams.

BILLS ON FIRST CONSIDERATION

Senator KITCHEN. 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 481, SB 1158, SB 1263, SB 1274, SB 1284, SB 1341, SB 1408, SB 1409, SB 1413, HB 1705, HB 1742, HB 1804, HB 1845, HB 1863, HB 1999, HB 2051 and HB 2088.

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 gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, third class cities of Pennsylvania, unite. Over the past number of years, I have been thinking about and discussing with many of my colleagues the issues of--it depends if you are going by DECD numbers or the Governor's numbers--approximately 54 third class cities in Pennsylvania.

This summer, I sent a letter out to the leadership of all of those communities, asking them for their five top priorities. I received numerous communications back, and through that, tried to create an initiative directed at these third class cities, the reason being that I represent two of them. I do not have powerful lobbyists and big urban centers, so I end up being the head cook and bottle-washer, along with the State Representatives, trying to bring wherewithal back to those third class cities. If we can coalesce and collaborate with over 55 to 60 House Members and probably 25 to 30 Senate Members, we can be very vocal and very successful in trying to create an incentive package to fix some of the strategic problems facing our third class cities.

What I am proposing is a half-billion dollars, \$100 million a year over 5 years, in an attempt to try to fix some of the problems in 54 regional economies. Next week, I will be rolling out the legislation that will deal with everything from blight to health and safety equipment, police cars, fire engines, to deal with their infrastructure, such as their community buildings, their pavement, their roads, their bridges, as well as the issues of pension plans.

I do not have rose-colored glasses on. I understand that we are moving very quickly to the closure of this fiscal year's budget and that many press conferences have been made, and a lot of money that we simply do not have is being spent. What a wonderful thing. Let us spend it. I have a concept of where we can get the money from. Obviously, that will have to be down and dirty and deep in the negotiations of the budget. I am hopeful that even if we are not successful in this fiscal year, that we begin the process of getting these many, many third class cities, their Senators and Representatives--both Democrats and Republicans--to coalesce, to collaborate, to unite so that we can have a strong

force, so that we can fix some of the issues that are facing those third class cities.

In doing so, we can do it with a reasonable amount of money. They can then move forward. We can invest to create retail, to create new housing, to reinvent central business districts, and to bring those families back home. Each one of those third class cities is a microcosm of Pennsylvania. They sit there and have regional economies, and without them, they all fall apart.

Having Lock Haven and Johnstown, knowing these problems, I know personally that there are so many things that are in common with each and every one of them. We have just never been able to pull our ranks together and show how sincere and how energetic we can be. As we roll out this renaissance package next week, I will be sending the memos across to, obviously, the Members of all third class cities and, of course, those who have a warm place in their hearts for those urban centers and might not have third class cities, to support this initiative.

Three steps forward, two steps back. We have now found our path. We will take it. We will not stop until we have made a major investment in strengthening, stabilizing, and allowing our third class cities to move forward into the 21st century.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Wozniak, for your petition for third class cities to unite.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of the Committee of Conference on **SB 246**.

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:

June 10, 2008

Senators McILHINNEY, TOMLINSON, RHOADES, A. WILLIAMS, LOGAN, REGOLA, WONDERLING, BOSCOLA and KITCHEN presented to the Chair **SB 1445**, entitled:

An Act providing for a State tax credit for personal contributions to certain charitable organizations that provide assistance to the working poor.

Which was committed to the Committee on FINANCE, June 10, 2008.

Senators WASHINGTON, MUSTO, COSTA, FONTANA, RHOADES and C. WILLIAMS presented to the Chair **SB 1446**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the definition of "eligible provider" in Pennsylvania Pre-K Counts Program.

Which was committed to the Committee on EDUCATION, June 10, 2008.

Senators ORIE, PILEGGI, RHOADES, ARMSTRONG, PICCOLA, TOMLINSON, BROWNE, FOLMER, BAKER, TARTAGLIONE, EICHELBERGER, EARLL, REGOLA, RAFFERTY, MADIGAN, BOSCOLA, FONTANA, WAUGH, ERICKSON, CORMAN, PIPPY, WOZNIAK, WONDERLING, O'PAKE, COSTA, GREENLEAF, DINNIMAN and D. WHITE presented to the Chair **SB 1447**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further defining "business firm"; defining "pass-through entity"; and further providing for educational improvement tax credit.

Which was committed to the Committee on EDUCATION, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1472**, entitled:

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1473**, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1474**, entitled:

An Act making an appropriation to Lancaster Cleft Palate for outpatient-inpatient treatment.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1475**, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1476**, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1477**, entitled:

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

Senator ARMSTRONG presented to the Chair **SB 1478**, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Which was committed to the Committee on APPROPRIATIONS, June 10, 2008.

BILLS SIGNED

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

SB 1159 and **SB 246**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 11, 2008

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bills No. 1087 and 1266)	Room 8E-A East Wing
9:30 A.M.	TASK FORCE ON GAMING (to pursue the panel's goal of how to best address and enhance the existing PA gaming regulatory environment)	Room 8E-B East Wing
10:00 A.M.	BANKING AND INSURANCE (to receive a public briefing from representatives of both the Blackstone Group and LECG on the proposed merger of Highmark, Inc., and Independence Blue Cross)	Room 8E-A East Wing

TUESDAY, JUNE 17, 2008

10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Pennsylvania Health Care Cost Containment Council)	Hrg. Rm. 1 North Off.
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WEDNESDAY, JUNE 18, 2008

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on electronic waste recycling)	Room 8E-A East Wing
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 1337 and 1421; and Senate Resolution No. 322)	Room 461 Main Capitol

RECESS

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I move that the Senate do now recess until Tuesday, June 11, 2008, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:22 p.m., Eastern Daylight Saving Time.