

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

FRIDAY, JULY 4, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 54

SENATE

FRIDAY, July 4, 2008

The Senate met at 9 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Let us pray.

Heavenly Father, we thank You for the faithful care that has brought us safely to the light of a new day. As we convene in silence for this rare Friday and holiday Session, we invoke Your blessing and pray that Your spirit would move in our midst during the long hours ahead. We are confident that with Your abiding guidance and care, we may succeed, working together, and bring this budget Session of the Senate of Pennsylvania to a productive and fruitful conclusion. Amen.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVE

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

Senator ORIE. Madam President, I request a legislative leave for Senator Mary Jo White.

The PRESIDENT. Senator Orie requests a legislative leave for Senator Mary Jo White. Without objection, the leave will be granted.

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:

July 4, 2008

Senators EARLL, PILEGGI, M. WHITE, SCARNATI, PUNT, MADIGAN, ERICKSON, TOMLINSON, CORMAN, McILHINNEY, ORIE, RAFFERTY, GREENLEAF, D. WHITE, REGOLA, WONDERLING, FOLMER, MUSTO, WAUGH,

KITCHEN, VANCE, GORDNER, BROWNE, PIPPY, ROBBINS, BAKER and BRUBAKER presented to the Chair **SB 2**, entitled:

An Act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard unsafe dam projects.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 4, 2008.

Senators CORMAN, WONDERLING, COSTA, C. WILLIAMS, TOMLINSON, KITCHEN, PUNT, TARTAGLIONE, M. WHITE, WOZNIAK, WASHINGTON, FERLO and FONTANA presented to the Chair **SB 385**, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 4, 2008.

Senators REGOLA, PILEGGI, ROBBINS, WOZNIAK, GORDNER, PUNT, WASHINGTON and ARMSTRONG presented to the Chair **SB 1332**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for form of oaths of office; and in other subjects of taxation, providing for hotel room rental.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, July 4, 2008.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 1389, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 1389**, and has appointed Messrs. DeWEESE, D. EVANS and CIVERA as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two Houses in relation to said bill.

CALENDAR

SENATE RESOLUTION No. 243
CALLED UP OUT OF ORDER, ADOPTED

Senator ORIE, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 243**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study to examine state law and school policies and practices regarding the notification of parents when a student violates a public or private institution of higher education's drug and alcohol policy.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator ORIE 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 majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The resolution is adopted.

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for purposes of meetings of the Committee on Appropriations and the Committee on Local Government.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations and the Committee on Local Government, 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

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

HB 1067 (Pr. No. 4199) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions,

further providing for background checks of prospective employees and conviction of employees of certain offenses and prohibiting certain regulations for the 2008-2009 school year; in school finances, further providing for annual budget, additional or increased appropriations and transfer of funds; in pupils and attendance, providing for classroom placement of twins and higher order multiples and parental discretion; in safe schools, further providing for office for safe schools, providing for policy relating to bullying, and further providing for transfer of records; in educational support services and educational assistance programs, further providing for educational assistance program; in early learning programs, further providing for definitions; in high schools, establishing the virtual high school study commission; in charter schools, further providing for requirements, for term and form of charter, for facilities, for enrollment, for transportation and for causes for nonrenewal or termination; in education empowerment, further providing for board of school directors, for education empowerment districts and for mandate waiver program; in community colleges, further providing for financial program and reimbursement of payments; in disruptive student programs, further providing for definitions and for applications; in system of higher education, further providing for annual report; in educational improvement tax credit, further providing for definitions, for tax credits and for limitations and providing for state-related university reporting; in school districts of the first class, further providing for board of public education and additional duties; in funding for public libraries, providing for state aid for fiscal year 2008-2009; in reimbursements by Commonwealth and between school districts, further providing for definitions and for funding for partnership schools, providing for basic education funding for student achievement and for accountability to Commonwealth taxpayers further providing for payments to intermediate units, for special education payments to school districts, for Commonwealth reimbursements for charter and cyber charter schools and for Pennsylvania accountability grants.

RESOLUTION REPORTED FROM COMMITTEE

Senator REGOLA, from the Committee on Local Government, reported the following resolution:

SR 363 (Pr. No. 2303) (Amended)

A Resolution directing the Legislative Budget and Finance Committee in cooperation with the Department of Community and Economic Development and the Local Government Commission to conduct a study of the impact that tax-exempt real properties have on the fiscal health of Pennsylvania's municipalities.

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

REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED

Senator PILEGGI submitted the Report of the Committee of Conference on **SB 1389**, which was placed on the Calendar.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OUT OF ORDER

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

BILLS OVER IN ORDER

SB 26, SB 1425 and HB 1674 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL LAID ON THE TABLE

HB 1786 (Pr. No. 2383) -- The Senate proceeded to consideration of the bill, entitled:

An Act 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.

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

BILLS OVER IN ORDER

HB 2188, HB 2539 and HB 2546 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for the purpose of a Republican caucus.

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

Senator O'PAKE. Madam President, I ask that the Democrats report to our caucus room immediately.

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON
CONCURRENCE IN HOUSE AMENDMENTS
AS AMENDEDSENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 1348 (Pr. No. 2298) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1348?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1348.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Mary Jo White has returned, and her legislative leave is cancelled.

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-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 inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDEDSENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 1297 (Pr. No. 2302) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for State Treasury investments; providing for audit of deposited securities; further providing, in unclaimed property, for judicial action; further providing for funding of special funds; establishing the Hazardous Sites Cleanup Fund; further providing for general budget implementation; providing for 2008-2009 budget implementation and for 2008-2009 restrictions on appropriations for funds and accounts; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1297?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1297.

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.
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 inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

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

HB 377 (Pr. No. 4195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, providing for alternative special tax provision for poverty study; further providing for contributions to breast and cervical cancer research; and providing for volunteer responder retention and recruitment tax credit.

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 Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I rise in support of House Bill No. 377 as amended to include a tax credit for volunteer firefighters and emergency responders. As you know, Madam President, this is a proposal that I and many of my colleagues, on both sides of the aisle, have been fighting to advance for years. I am proud to have been the original sponsor in this Senate of the tax credit for our volunteer first responders, a proposal that I first introduced with broad bipartisan support and cosponsorship in the form of Senate Bill No. 916 nearly 5 years ago on September

17, 2003. In fact, it was Senate Bill No. 916 that was recommended by the Senate Resolution 60 Commission that completed its report in November of 2004.

But today, Madam President, this is not about authorship or sponsorship. It is about taking action to, hopefully, hopefully, get this done. As I said a few weeks ago when this Senate voted 50-0 to send the Senate bill embracing this concept to the House, our dedicated volunteer first responders not only deserve our thanks, they deserve a tax break, and this recruitment and retention incentive is long overdue.

Twenty-four/seven, 365 days a year, on a moment's notice, when just about any and every imaginable emergency occurs in communities across this Commonwealth, they answer the call for their neighbors in need. It is long past time that we answer their call for help. While they deserve more than a \$100 State income tax credit, which is now contained in this bill as amended, this is, at last, a start. It is a beginning in demonstrating that even in a very difficult budget year, we can move forward with the implementation of a commonsense incentive toward encouraging the retention of the active fire, ambulance, and rescue company volunteers we already have, while helping to attract the next generation of recruits that our community so desperately needs.

So, Madam President, I thank and commend Senator Baker, Senator Waugh, Senator Dinniman, and all those who worked to get this concept before us so that we can approve it, finally, today. This has, of course, been picked by the volunteers themselves on more than one occasion as their top recommendation on what would keep them volunteering in New York State, which implemented a \$200 State income tax credit for their volunteers, beginning with the 2007 tax year. Maryland also has such a tax credit for their volunteer firefighters for a dozen years.

So, Madam President, it is time to get this done. I urge a resounding vote in the affirmative, and I call on our colleagues in the House, on both sides of the aisle, to expedite concurrence with a resounding vote in the affirmative as well.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I, too, rise to support passage of House Bill No. 377. With that, we will help to secure the future of Pennsylvania's volunteer fire and emergency services in our Commonwealth. Today, we are taking tangible action to support our important volunteer responders. We know that whether you live in a small borough, a township, or a city that still relies on the ranks of volunteer units, the problem is all too familiar: the ranks of our responders have been diminishing. We cannot take them for granted any longer or assume that they are going to be there to answer the call at the firehouse or be available for that ambulance run.

This package today in House Bill No. 377 is something that my staff and I and Members of the Senate have been working on for over a year to develop. We are working to advance a package of bills that passed through the Senate several weeks ago, a package of bills that awaits action in the House. But in advance of the House taking those bills up for final approval, we have provided an intermediate step through House Bill No. 377 to include \$4.5 million in this year's budget to support our volunteer responders for a 1-year tax credit of \$100 per volunteer.

We developed, through our work with the volunteer Pennsylvania Fire and Emergency Services Institute, which happens to be the largest statewide group, along with input from the State Fire Commissioner and the EMS director, a point system and a certification process. So in consultation with all of those folks, we have developed a process that will insure that we are certifying the right people for this tax credit.

The score will certify and identify those who are active, and those factors are important, because they include the number of calls that the volunteer makes, the level of their training, the time that the volunteer puts forward for administration and support, both in the firehouse and the maintenance of the equipment and fundraising, as well as projects that keep the volunteers viable, and the readiness of the fire station.

It is a comprehensive approach to cover all aspects of the operation of our volunteer fire and EMS certifications. In other States, we find that they are self-certified, and in fact, in New York, they have a self-certification process. We are taking it another step forward so that we are actually certifying to insure that these are the volunteers, these are the men and women whom we want to reward, those who are active.

So I am very proud to be here today in support of a bipartisan effort. It certainly deserves credit for our leadership here in the Senate - Senator Pileggi, Senator Scarnati, Senator Orie, and Senator Waugh, who is chair of our Fire Caucus. And I also have to compliment the other side of the aisle. I know Senator O'Pake has been a champion of this, along with Senator Logan and Senator Mellow. We are working, also, in concert with Representative Solobay from the House, who is chairman of their Fire Caucus, and he is going to do what he can to help support and advance this being approved. And we also have much work to be done on the package of bills that awaits action.

So I join with all of my colleagues in saying it is a first opportunity for us to do something critically important for our volunteers, and I want to thank you today. I ask for your support of House Bill No. 377.

Thank you, Madam President.

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

Senator DINNIMAN. Madam President, today is not only a good day for the fire people of this State, but it is also a good day for the taxpayers. If you think about it for a second, we know that the number of volunteers is going down in this Commonwealth. In 1986, there were over 152,000 volunteers in the fire services. Today, we estimate that there are only about 60,000. If we look at what it would cost taxpayers, we are talking about over \$6 billion of taxpayer expenses if we did not have volunteers and had to hire professional firefighters.

So today is not only a day in which we thank the firefighters for the service which they do for this Commonwealth, but it is also a day in which taxpayers can be happy, because we will be saving billions of dollars of local taxpayer money by encouraging, maintaining, and helping in the recruitment and retention of volunteers in this Commonwealth.

So I also urge a "yes" vote. We thank all who have been involved, going back to Senator O'Pake's work and Senator Waugh's work currently. It is my pleasure to work with Senator Baker in making this a reality, and I hope this is only the first

step in getting the entire package of bills through to the House. And really, by this time next year, we will be able to stand up and say, hopefully, or hopefully maybe even in the fall, we can say that we have stood arm-in-arm with our firemen and firewomen and EMT workers so that we have the Commonwealth protected, and that is the most fundamental purpose of government, the protection of each and every citizen.

Thank you, Madam President.

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

Senator WAUGH. Madam President, this is a historic day for our Commonwealth, no doubt. For some 20 years now, and I go back 20 years to when I spent a lot more time hanging around the fire hall and working with my friends in the field, this has been a goal that was on the platter of volunteer fire and emergency service personnel for that long, and even before. And I truly believe that the action we are taking today will pay rewards over and over again and really will assist with recruitment and retention efforts. That is the goal. It is a very, very modest investment for what I believe will be returns for our entire Commonwealth, each and every community, each and every township, over the next several years, and I do not believe it will take long for it to actually catch hold.

So I rise along with my other distinguished colleagues to commend the Members who have worked so diligently on this, Senator Baker, Senator O'Pake, Senator Dinniman, and the others who have really put themselves in to make this become a reality. I would like to thank our Committee on Appropriations teams on both sides of the aisle for achieving this in the budget this year. That certainly is an important step. And I wish our volunteers well in the field as they engage in this very worthwhile program. Thank you.

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

Senator RAFFERTY. Madam President, I am honored to follow the gentleman from York County, who himself runs with a local fire company. Madam President, I have had the opportunity to speak to a number of local firefighters and EMTs throughout my district, whether community days, visiting the fire halls, or seeing them at different events or shopping centers throughout the community. They have all been excited about this package of bills that came out of Senator Baker's committee. They have all been supportive of the bills, and they have all been anxious for the bills to pass, because they recognize the importance that these bills will play in keeping the number of volunteers and hopefully building upon and increasing the number of volunteers serving us here in the Commonwealth of Pennsylvania. I cannot think of a better way to show our appreciation to the volunteer firefighters and EMTs than for an affirmative vote on this bill, and I urge it.

Thank you, Madam President.

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

Senator C. WILLIAMS. Madam President, today, on July 4, when we celebrate the founding of our country and the incredible volunteerism, the efforts of our citizens throughout the centuries to make this a great State, I think this is a wonderful recognition for our volunteer fire companies. This is the 12th year of a budget for me, and my last. I am just delighted that we are able to do

this. As I recall, even when I was a Member of the House, we tried to get some help for our volunteer services, so I am delighted that this is finally happening, and I thank you.

The PRESIDENT. Thank you, Senator Williams. I am sorry it is your last year.

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

HB 1199 (Pr. No. 4189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for definitions, for State Board of Physical Therapy and its powers and duties, for training and license required and exceptions, for application for license, for qualifications for license and examinations, for renewal of license and for reporting of multiple licensure; providing for continuing education; further providing for practice of physical therapy, for physical therapy assistant, education and examination, scope of duties and registration and for supportive personnel; repealing provisions relating to Athletic Trainer Advisory Committee and certification of athletic trainers and certification renewal, revocation and suspension; and further providing for refusal or suspension or revocation of license, for automatic suspension, for temporary suspension, for subpoenas, reports and surrender of license, for penalties and injunctive relief and for impaired professional.

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

PERMISSION TO ADDRESS

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

Senator MELLOW. Madam President, I actually want to introduce two guests and make one announcement. The announcement, first, would be that one of my very trusted aides, and I am going to use that word loosely, Colleen DeFrank, is celebrating a very special birthday today. If it were her 25th or 26th, I would not say a word, but it happens to be the big 30. She is paranoid, and she is hiding back there, so I would just like to make the acknowledgment that today, July 4, is her 30th birthday.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT J. MELLOW
PRESENTED TO THE SENATE

Senator MELLOW. Secondly, and equally as important, Madam President, we have had two great interns who have been working in my office this summer, and since today will be the last day that I will have the opportunity to make an introduction before they leave and go back to school, I would like to introduce them. They are both here with us on the floor today.

First, I would like to introduce Tom Grady. Tom is from Scranton. Some of you will say, well, where else is he expected to be from? I am making the introduction. He goes to the New England School of Law, and his graduation date will be in 2010. I guess for my colleagues from Philadelphia, probably the most important thing is he is both an Eagles and a Phillies fan.

The other one is Kris Gazsi. Kris's hometown is Lititz. He is also a law student, and he is going to school here at Penn State Dickinson School of Law, and his graduation will be in 2010. And also for my Philadelphia colleagues, he is not necessarily a Phillies fan, but he is an Eagles fan.

But more importantly, they are two wonderful young men. And what is great about it is, I think, the future not only of our State but of our country is in wonderful hands when you have

two young fellows like Tom and Kris, and I want them to come to the floor, just to acknowledge them and to introduce them to the Senate. I ask them to stand up and be recognized.

The PRESIDENT. Tom Grady and Kris Gazsi, good luck in law school.

(Applause.)

Senator MELLOW. Madam President, as a point of personal privilege, do you think I could have Colleen-- oh, she took her hat off. She had her birthday hat on, and I really wanted her to be recognized with her birthday hat, but she would not stand up with it on, so I will have to retreat from that position.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY

HB 2167 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

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

HB 2231 (Pr. No. 4190) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

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-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
Earll	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Fontana	O'Pake	Tartaglione	

NAY-1

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

HB 2522 (Pr. No. 4191) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2008-2009.

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 Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, across Pennsylvania, thousands of projects need to be done, some for economic reasons, some for environmental reasons, some to meet community development projects, and others to address public safety. With the national economy slumping, and with State revenues tightening, there is simply no way to carry out these responsibilities on a pay-as-you-go basis.

We have a borrowing package that contains four major pieces - bridges; water, sewer, and dams; community redevelopment; and energy development. The money is aimed at core responsibilities of State government. Given the fiscally conservative approach to recent budgets, debt is not taken on very casually. There are solid reasons for borrowing now.

No one disputes that Pennsylvania has a boatload of bridges or that many of them are in very, very bad shape. The funny thing about bridges is that they refuse to get better if we neglect them. Repair on hundreds of bridges are riding on the borrowing we are set to authorize. The sewer upgrades must happen to address orders to deal with the combined system overflows and to comply with Chesapeake Bay clean-up mandates. There is no getting around the work. Without State money to defray the cost, a smaller group of ratepayers will get socked with the full load.

Deferring dam projects means risking disaster. Deferring industrial projects on brownfields means kissing opportunities and jobs goodbye. Deferring energy projects means that new products, better fuel efficiency, and consumer cost savings will take place elsewhere. Whatever does not get done now will cost much more later on. Interest costs probably are going to be up in the years to come. Right now, we have very low interest rates. Construction materials are climbing at rates far above the cost of living. Steel alone is up more than 50 percent. Oil is up more than 100 percent over the next year.

So it is not going to get cheaper to do these things next year or the year after. In doing the balance sheet, we must count the community costs imposed by inaction. When bridges are shut down or low-limit loads are in place, the detours cost motorists and shippers more money, and it is worse in times of rising fuel costs.

So, going cold turkey on debt is not cost-free. The amount to be borrowed is very reasonable and responsible. Pennsylvania debt service is nowhere near the crippling levels of the 1970s, and it is one of the lowest of all 50 States. And on the plus side, the construction activities financed, the materials and supplies bought, and the wages paid will soften the economic slump that is starting to hit our State hard. Using the analogy of given the opportunity that someone could build a house today, say for \$200,000 at 4 percent, or they could defer it until next year and build the same house for \$300,000 at 6 percent, what would you do? That is basically what we are facing here in the Commonwealth.

Our costs are going through the roof for cement, steel, oil, and aggregate. All these costs are going up far greater than the cost of living. Interest rates are low, and the Commonwealth can borrow at approximately 4 percent. So we have to get a 4-percent-plus return on investments to generate the revenue. I think there is a time to borrow, and there is a time not to borrow. Right now, I think it is in the best interest of the Commonwealth to take on a little bit of debt and finance these projects that are sorely needed.

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

The PRESIDENT. Thank you, Senator Armstrong, for your comprehensive analysis of the capital budget.

The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I would like to point out that the part of this for our bridges is very important, and the funding that is in here-- there are over 400 bridges that will be rehabilitated and replaced in the current fiscal year that we are now in, and of these, more than 200 are complete replacements, and this really impacts our shortfall in bridges, the functionally obsolete and the structurally obsolete bridges. So I am very supportive. I think it helps our transportation across all of the Commonwealth, and I am pleased to support this because of the impact that it is going to have on our travel and on our dangerous bridges, and it will bring it up to date. It is an ambitious program, but it can be accomplished, and I urge an affirmative vote.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Madigan, for your additional clarification.

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-49

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

Ferlo
Fontana

Musto
O'Pake

Stout
Tartaglione

NAY-1

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 4 (Pr. No. 4197) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; providing for a countywide booking center plan; providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing, for powers and duties and for adoption of guidelines for sentencing; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement and for information required upon commitment and subsequent disposition; providing for work release or other court order and for recidivism risk reduction incentive; and making a related repeal.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I rise to ask for an affirmative vote on House Bill No. 4. For anyone who has been watching our budget, there is one category of expenditures that has been growing faster, I think, than any other, and that is the budget of the State Department of Corrections. Our prison budget is at an all-time high.

This year, at \$1.3 billion, it is the number-three expenditure in our budget. This is a trend that we cannot permit to continue. So a number of people, many people, have been working on ways to improve the way we deal with the Department of Corrections and the way we deal with offenders, particularly non-violent offenders, with their reentry into the community and their treatment once we have them in our control.

So House Bill No. 4 is part of a multi-bill package that has been developed by many people. Senator Costa and I serve as the Senate's representatives to the Pennsylvania Commission on Sen-

tencing, which has been very much involved in this process, along with the Department of Corrections, the Board of Probation and Parole, the respective Committees on Judiciary, and representatives in both the House and Senate.

In the development of this package, one piece is missing from House Bill No. 4, and that is the State intermediate punishment provision. It is my understanding that the intention was to run this as a freestanding bill, probably in the fall, but without its being there, the package is missing one of its central elements, and that is the ability of the courts and the Board of Probation and Parole to find alternative forms of sentencing for certain non-violent offenders, particularly those dealing with substance and alcohol abuse.

So I am asking for affirmative votes on House Bill No. 4 and House Bill No. 6 because they are critical, I think, to the future of our Corrections system and in trying to keep us from having to build a significant number of new, very costly prisons. But I hope that everyone who votes for House Bill No. 4 today will make the commitment that when the State intermediate punishment bill, which is a critical piece of this, comes before us in the fall, to give that a positive vote as well.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Piccola

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

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

HB 6 (Pr. No. 4192) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of

the chairman of the board, for supervision of parole and probation, for power to parole, for commission of crime during parole and for victim of the offense.

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-49

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

NAY-1

Piccola

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

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

HB 306 (Pr. No. 4181) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board; and further providing for the dissemination of names for the Statewide jury list.

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

BILL OVER IN ORDER

HB 747 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 1116 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1167 (Pr. No. 1431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further defining "company action level event" for purposes of risk-based capital reporting requirements.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

BILL REREFERRED

SB 1276 (Pr. No. 2245) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensure of credit counseling agencies and for the powers and duties of the Department of Banking; requiring penal bonds; prohibiting certain fees and costs; providing for debt management plans; prohibiting certain acts by credit counseling agencies; and making a related repeal.

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

BILL OVER IN ORDER

SB 1421 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 1438 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1693 (Pr. No. 3393) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further defining "practice of social work"; defining "social worker"; further providing for qualifications for license; providing for endorsement of out-of-State licenses; and further proscribing unlawful practice.

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

BILL OVER IN ORDER TEMPORARILY

HB 2294 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2302 (Pr. No. 3912) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for assistance to agencies promoting tourism; authorizing the Department of Community and Economic Development to make grants and provide assistance to properly designated tourism promotion agencies and regional marketing partnerships; conferring powers and imposing duties on the governing bodies of certain political subdivisions; and repealing the Tourist Promotion Law.

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

SENATE RESOLUTION ADOPTED

Senators TARTAGLIONE, BOSCOLA, FONTANA, FERLO, MELLOW, ORIE, A. WILLIAMS, O'PAKE, KITCHEN, RAFFERTY, ERICKSON, BRUBAKER, DINNIMAN, GREENLEAF, STOUT, C. WILLIAMS, WASHINGTON, PIPPY, KASUNIC, FUMO, PILEGGI, TOMLINSON, EARLL, COSTA, WAUGH and ARMSTRONG by unanimous consent, offered **Senate Resolution No. 364**, entitled:

A Resolution observing September 15 through October 15, 2008, as "Hispanic Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator MELLOW. Madam President, on behalf of Senator Tartaglione, I would like to offer the following remarks for the record.

The PRESIDENT. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Lackawanna, Senator MELLOW, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Madam President, I am pleased to offer this resolution recognizing the largest minority ethnic group in the United States.

Hispanics were the earliest European settlers to arrive at our great nation, founding settlements in Florida in the 1500s. Mexicans established homesteads in the Southwest in the 1600s. Spanish was the first European language spoken in the New World.

Hispanic American Month was started in 1968 by President Johnson as Hispanic Heritage Week, and was expanded to 1 month by President Reagan on September 15, 1988. The dates for Hispanic Heritage Month were chosen because September 15 is the anniversary of independence for five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. September 16 and 18 are the celebrated independence days for Mexico and Chile respectively. Finally, Columbus Day, or Dia de La Raza, also takes place within the 30-day period on October 12. To honor the achievements of Hispanic Americans, the Congress, by Public Law 100-402, authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as "National Hispanic Heritage Month."

Madam President, today I would like to ask my colleagues to join me in recognizing September 15 through October 15 as "Hispanic Heritage Month" in Pennsylvania and encourage all citizens to celebrate the diversity and the rich culture which makes our Commonwealth and our nation so extraordinary.

Thank you, Madam President.

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

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

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Without objection, the Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

PERMISSION TO ADDRESS

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

Senator FUMO. Madam President, we have all gotten letters from the Governor, and I know there has been much consternation about letters from the Governor. I have one. Unfortunately, I was not in the Chamber when we voted on the KOZ bill. I would like to enter it into the record. This is a letter to do nothing, so I hope that this will be complied with. If I may, I offer this for the record.

Thank you, Madam President.

The PRESIDENT. Without objection, the letter will be spread upon the record.

(The following letter was made part of the record at the request of the gentleman from Philadelphia, Senator FUMO:)

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

July 2, 2008

The Honorable Vincent J. Fumo
Senate of Pennsylvania
Senate Box 203001
Room 545 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Fumo:

This will confirm my assurance that this administration will not extend Keystone Opportunity Zone benefits and shall not provide funding under the Redevelopment Assistance Capitol *[sic]* Program, the Opportunity Grant Program, the Infrastructure Development Program, or the Infrastructure Facilities Improvement Program, to assist construction of any building over 500 feet on the tract of land in Philadelphia bounded by 18th Street to 19th Street, Cuthbert Street to Arch Street.

Further, we will not extend Keystone Opportunity Zone benefits and shall not provide funding under the Redevelopment Assistance Capitol *[sic]* Program, the Opportunity Grant Program, the Infrastructure Development Program or the Infrastructure Facilities Improvement Program, to assist construction of any building over 125 feet on the tract of land in Philadelphia bounded by 19th Street to 20th Street, Cuthbert Street to Arch Street.

Sincerely,

EDWARD G. RENDELL
Governor

SENATE RESOLUTION ADOPTED

Senators MELLOW, SCARNATI, PILEGGI, O'PAKE, COSTA, HUGHES, BOSCOLA, MUSTO, FONTANA, STACK, STOUT, LOGAN, C. WILLIAMS, TARTAGLIONE,

KASUNIC, KITCHEN, FERLO, WOZNIAC, WASHINGTON, A. WILLIAMS, LAVALLE, DINNIMAN, RHOADES, RAFFERTY, ORIE, REGOLA, BROWNE, McILHINNEY and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 365**, entitled:

Congratulating Senator Vincent Joseph Fumo with much fondness, love and good cheer for a Senate career of great commitment, passion, accomplishment, excellence and honor.

WHEREAS, In 1978 the Senate of Pennsylvania welcomed a new member to its body who would rise to become one of the chamber's most effective and respected advocates for many causes on behalf of the people of Pennsylvania; and

WHEREAS, In a special election, Vincent Joseph Fumo was elected State Senator, representing the first district; and

WHEREAS, Senator Fumo quickly established a reputation for intelligence, loyalty, diligence, dedication, persistence and a focused commitment to improve the lives of the citizens of this Commonwealth; and

WHEREAS, Senator Fumo has always cared about his hometown of Philadelphia and its residents; and

WHEREAS, Whether it was the support of additional State funding for the school system of the city, the financial support of expansion of the city's library system or the preservation of the city's historical buildings, collections and art work, Senator Fumo made it his priority to champion the needs of the city; and

WHEREAS, Senator Fumo's legacy within the city extends from the relocation of the Barnes Foundation art collection, the vision and development of the Philadelphia Avenue of the Arts, the creation of the Penn's Landing waterfront, the preservation of the city's historically significant collection of civil war artifacts, the revitalization of Passyunk Avenue and numerous other neighborhoods, to the support of the National Constitution Center; and

WHEREAS, Helping a student receive financial aid in order to attend college, preventing a family from losing its home, working to restore a professional license to a single parent, assisting new citizens from other countries to read and understand how to receive government services, helping the unemployed reenter the work force and standing up for elderly residents in need of medical care are just a few examples of the almost daily work of Senator Fumo; and

WHEREAS, After only six years in office, Senator Fumo was elected by his Democratic colleagues in 1984 to become the chairman of the Senate Democratic Appropriations Committee, a position he would retain throughout his illustrious career in the Senate; and

WHEREAS, As the Democratic chairman of the committee, Senator Fumo would expand the efficacy of the committee and its work through the development of a dedicated professional staff that would become acknowledged as one of the best in the General Assembly; and

WHEREAS, Despite the fact that during most of his tenure the Democratic caucus did not enjoy a majority status in the Senate, he was able to use the position of chairman in a manner that provided a platform from which to influence every major legislative initiative during the past 24 years; and

WHEREAS, Senator Fumo has been a strong advocate for the General Assembly; and

WHEREAS, He helped establish legal precedents that have protected the independence of the legislature, the right to obtain information from the executive branch and the ability of the General Assembly to govern itself that will continue to serve the institution well in the future; and

WHEREAS, He worked to modernize the operations of the Senate through his oversight of the development of computer systems and support for rule changes that provided greater public access to legislative information; and

WHEREAS, Senator Fumo will also be remembered for his legislative accomplishments, many of which will continue to shape the direction of the Commonwealth for years to come; and

WHEREAS, His accomplishments include the creation of tax relief for long-time retired residents of the City of Philadelphia, groundbreaking firearms legislation that received the unprecedented support of both gun owners and gun control advocates, job training legislation that

opens the doors to new careers for the jobless, protecting full funding for this Commonwealth's child welfare system and, most recently, legislation creating Pennsylvania's gaming industry; and

WHEREAS, Senator Fumo has also left a mark in Pennsylvania through his landmark advocacy on critical public policy issues such as job training programs, utility regulation, lending safeguards, consumer protection and the protection of individual rights and liberties; and

WHEREAS, Senator Fumo has demonstrated that he believes that government is created to help the helpless, support the weak and protect the vulnerable of society; and

WHEREAS, Nothing illustrates this element of character more than his establishment of a program intended to give purpose and hope for the most outcast of our society, those serving a life term of imprisonment; and

WHEREAS, At a time when the expediency of politics would discourage any association with murderers and rapists, Senator Fumo made it his priority to work with persons sentenced to a life term to transform their lives and become contributing members of society from behind prison walls; and

WHEREAS, Senator Fumo's work has been grounded upon a deeply held belief that all persons are entitled to be treated with dignity and respect; and

WHEREAS, Senator Fumo's most important legacy will be his personal impact on the lives of those around him; and

WHEREAS, As an employer, he was proud of his staff, providing each of them a place to grow and learn, with an opportunity to excel in their careers. In turn he gained their dedicated allegiance; and

WHEREAS, As a friend, Senator Fumo would redefine loyalty, doing whatever he could to help those in need, providing comfort to those who suffered, support and aid to those in want and a voice to those who had none; and

WHEREAS, As an elected official, Senator Fumo was honorable and true to his word; and

WHEREAS, As our colleague, Senator Fumo is someone we admire and hope to continue to have within our lives; therefore be it

RESOLVED, That it is with much fondness, love and good cheer that the Senate of Pennsylvania and all of the employees of the Senate congratulate Senator Vincent Joseph Fumo for a Senate career of great commitment, passion, accomplishment, excellence and honor.

On the question,

Will the Senate adopt the resolution?

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

Senator MELLOW. Madam President, we did not have the entire resolution read here today on the floor of the Senate for obvious reasons. And the reason, Madam President, is that the reading of the resolution would be very difficult for some Members of the Senate because of the close relationship that each and every one of us has with Senator Fumo.

So, needless to say, we have introduced the resolution. It has been signed by a number of Members of the Senate, and I ask that we keep the resolution open so that any additional Members who would like to sign the resolution can do so. Then, it will be given to Senator Fumo.

Madam President, just a few short words, and then I am going to ask the Chair to recognize Senator Fumo. My relationship with Senator Fumo goes back some 35 years ago, when we both were a lot younger-looking, and we did not have the wrinkles we have today, and our hair was a little bit of a different color. But, Madam President, those 35 years have gone by entirely too quickly, and in some respects, it seems like it was just yesterday.

Governor Milton Shapp was Governor of the Commonwealth, I was a newly elected Member of the Pennsylvania Senate, and Senator Fumo, I believe, was then working for the Secretary of

the Commonwealth, and he was in charge of the Bureau of Professional and Occupational Affairs, if that was the appropriate name at the time. We began a relationship and a friendship, Madam President, that has only grown over the years.

I can recall it like it was just yesterday in this body, and it was now some 30 years ago, when Senator Fumo was elected to the Pennsylvania Senate and the swearing-in that took place, and how this young, dynamic individual, whom we had known only as an employee of the Commonwealth, if you will, through the Bureau of Professional and Occupational Affairs of the Secretary of the Commonwealth, now became a Member of this august body and immediately set his own mark and established his brilliance, his intelligence, his quick knowledge of politics, and his everlasting friendship right here in the Pennsylvania Senate.

And for me, Madam President, it makes it extremely difficult to be able to talk today, because Vince and I go back, as I said, a long way. I can recall going to many of his birthday parties and, in fact, a very special 50th birthday party that was held for him. It was very close to me, Madam President, because Senator Fumo attended the funerals and viewings of both of my parents, and I had the opportunity to do the same out of respect and out of love for Vince Fumo. The relationship that Vince has had, not only with our Caucus but with every Member with whom he has served, not just the additional 49 Members who are here with us today, but if you would go through the roster and the Members who have served right here in the Senate during these past 30 years, and indeed, Madam President, many of the Members of the House of Representatives and the administrations that he has worked under, which would have started with Governor Shapp and gone through Governor Thornburgh, Governor Casey, Governor Ridge, and now, Governor Rendell.

Sometimes the times have been very difficult, but for the most part, Madam President, they have been extremely pleasant and very happy. The work that Vince did for our Caucus when each and every Member, and it did not matter whether it was the 21 Members that we are today or when we were in the majority, when they would go to Senator Fumo and say, Vince, we need your help, during some form of our budgetary process, we have various projects that we have to have consideration for, never once would Vince turn them down. Now, I am not going to say that they were able to get funded to 100 percent of their needs, but they were always given the proper type of consideration out of respect to what each and every one of us stands for and how each and every one of us gets elected the same way. We have to go to the ballot box, and we have to get elected on that very special day in the general election in November of that particular year.

So it is with a deep heart that today we are probably going to see Vince Fumo, perhaps for the last time, sitting in this Chamber as a Member, but maybe not necessarily so, because we do have some legislative days scheduled after the conclusion of the recess that will take place later on today. But just in case that does not happen, and Senator Fumo does not come back to talk to us again during those last few days, we introduced a resolution. I know that Senator Fumo is extremely anxious to say a few words to the Members who are here with us today, but most importantly, out of sincere and everlasting friendship, it is with deep pleasure that we are doing this today.

I have an opportunity every now and then, when I sign certain things for people who have been very special to me for many years, I like to sign it "friends forever," because even though we all have our ups and downs in life, and we all go through some very difficult periods of time, both personally and otherwise, when you develop a friendship, a friendship does not end because one thing may or may not take place the way you wanted. When you become friends, you should become friends forever. And Vince Fumo and I, personally, will be friends as long as both of us are living on this earth.

Madam President, I ask, at this point in time, that the Chair recognize Senator Fumo.

The PRESIDENT. Thank you, Senator Mellow. I think we all have the same feelings.

The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, I just found out the other day that Vince may not be back in the fall due to his legal situation, and I thought I would say a few words. You know, Vince, when I first met you, I could not stand you. I came over here in 1984 from the House, and Vince was already over here. I heard about this guy from Philadelphia, and he was always in the newspaper and always doing this and always doing that. I was here for 2 years, and we did not even speak. I do not think we even talked to each other or glanced at each other at all.

So I was putting together a trip to Russia with some legislators and other people, and I think about 17 legislators went to Russia. And there, I got to know Vince a little better. I tell you, I learned to appreciate Vince. We were in Moscow, and we had some political leaders we were with, and they were talking. They asked us questions, mainly wanting to know, how big was your house, what kind of car do you drive, things like this. At that time, before the wall came down, they were purely communist. They did not have much compared to us, but they kept asking these questions.

During that time, Senator Fumo was talking to them, and this one guy said to him, what is your district, what do you do, and things like this, and Vince said to him, do you have much paperwork in your job? He said, we get a lot of paperwork. We get paperwork that comes in, and sometimes I see it, and sometimes I do not. The guy says, oh, yes, we get paperwork. Vince asked, do you read it all? Well, I read some of it. Vince asked, well, can you make things happen? Back here, we can cut through a lot of the red tape and get things to happen. The guy said, yes, I can do that. Vince set him up. He said, you know, there are some people here who want to emigrate to Israel, and they are friends of mine from Philadelphia, in my district, and they have been trying to emigrate to Israel for years. He said, it was probably an oversight on your part, but could you help me out? And when he said to the guy, can you show me how powerful you are, he set him up. The next day, the guy said, it is taken care of. Two Jewish people are in Israel because of Vince Fumo during that time. And at that time, I thought, you know, this guy was one step ahead of me the whole way through this. So I acknowledged that.

Over the years, we have done a few neat things together. We actually landed on an aircraft carrier together, took off on an aircraft carrier together, and went hunting together, and that is another story. He came out to my farm to go hunting. And when

I go hunting, I put on a red hat and a vest and jeans, and I have an old rifle, and we go out hunting. Vince shows up, you know, like out of a catalogue from Orvitz. He had this \$1,500 jacket, he had down-filled pants, and he had these special glasses that you could see deer through, I guess. They were orange, and they must have been \$250 a pop, and he said, here, try them, look at these, you can see. You actually could see a little bit better. So then he had this suitcase with him. He opened this thing up. Here, it is this weapon, it had this huge scope on it, and it was \$1,200 just for the rifle. He must have had \$2,500 worth of gear with him to go hunting for a deer. And so we put him out on the post where all the deer have to go through. He was out there for a while, and one of my sons noticed that there were deer walking through there, and nothing was happening. So my son Chris walked over, and there was Vince, sound asleep underneath a tree.

The other thing, Charlie Lemmond served before Senator Baker. We were debating the gambling bill, and Vince and I did not see eye to eye on that bill, but we were debating it, and Vince referred to me a few times as his hunting buddy from Lancaster. And Senator Lemmond had a hearing aid and had a little box on his desk so he could hear clearly--and Charlie, as we all know, was such a great guy--and after Vince said this two or three times about me being his hunting buddy from Lancaster, Charlie Lemmond came up to me and said, Gib, are you going to take that? I said, take what, Charlie? What Vince is saying about you. I said, what is he saying about me, Charlie? Do you hear what he is calling you? I must have missed that, Charlie. What is he calling me? You are his "honey bunny." I said, well, I do not know, I do not think even Vince from Philadelphia could get away with calling someone a honey bunny.

You know, there is a strange relationship between the two of us, because people know that we are friends, and he is from the big city, and I am from a rural area, and his way of doing things and my way of doing things are 180 degrees different. But you know, he works just like we all do, trying to take care of our districts and working for our constituents. There are two Vinces, I have found out. There is the profane, the boisterous, the gregarious, the larger-than-life Vince Fumo, whom the media likes to love and hate at the same time. Then there is the Vince who is the sensitive, reflective, caring guy who will do anything for you and who will never, ever break his word. If Vince gives you his word, you can take it to the bank. He never did anything other than what he said he would do. And Vince, in politics, that is a scarce commodity sometimes, and you have always been there.

I wish you the very best, and Godspeed.

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

Senator FUMO. Madam President, for the record, I did get my deer before Gib did. I do not think he has gotten his yet. And I did it with that big gun, but I was awake.

It is so difficult to stand here today. I knew that I had this task. I started earlier in the week to write remarks, and that kind of did not work. And then I was saying to myself, what am I going to say? How does one talk about 30 years of a phenomenal life experience in just a few minutes? It is very difficult. The tie I have on today was given to me by the widow of Bob Thompson. It has a bunch of little money bags on it. I appreciate that, and I remember serving with him and Dick Tilghman and Gib.

You know, I am told that today is the anniversary of the day that Lou Gehrig said goodbye to people in Yankee Stadium. That is kind of interesting. My mind is just filled with vignettes, many of them funny, many of them sad, many of them tough. Some of you do not know that at one point in time, we used to get graded on our remarks. Henry Hager would walk back over and give me a little slip: delivery, B-plus; content, D. He was probably talking about insurance stuff. But he would do that.

When I came in this morning, I drove in with Susan, my secretary, and it was quite difficult. When I came here, she was my temporary secretary, and I had interviewed all these people for days, and I said, well, what about you? And we have been together since that day. As I walked up the steps, it was raining this morning, and I turned around and said, you know, when I first started in politics many years ago, I started out with Milton Shapp. He was the first one to use television. And his first ad started out, "It all began in the rain." So I guess today, for me, it all ends in the rain. Fortunately, during the last couple of days, I have been distracted by the budget. I have been distracted by the KOZ and so many other things.

This building was here before I was born. God willing, it will be here after I die. This Chamber has been filled with many wonderful people, and it will continue to be into the future. I will miss it terribly. I have spent half my life here, and I have spent it here with every fiber in my body. I have loved it. I have hated it. I have had great experiences and very sad ones. And as I look around, I know that many of you and I have shared them. I know the terrible price that we all pay with our families. People will beat us up ad nauseam for taking a pay raise. They do not know what we go through when we go home. It is the Fourth of July, 3 p.m. People are out having barbecues and picnics and parties, and we are here working. Last night, when I left at around 10 or 11, staff told me that they were going to start again at 1:30 a.m. to make sure that the bill could be done. It is a terrible price that we all pay for this. We love it. We enjoy it. But it is expensive.

I want to thank all of you, too, for the confidence and the respect that you have given me in most recent times. I have not felt anybody looking at me funny. They have all let me continue to do my job, and I appreciate that, under these circumstances. You know, there are a couple of movies that I like, and I was kind of thinking about them. One is "It's A Wonderful Life," and George Bailey always said that no man is a failure as long as he has friends. There is another great movie that many of you probably have not seen. It is called "Zorba the Greek," and in there, Zorba says, every man needs a little bit of madness to cut the rope to be free. And he also says, life is trouble; only death is not. I think I have tried to live as Zorba the Greek and George Bailey, and to some extent, I think I have been successful.

I am proud of the accomplishments that I have achieved here. I am proud of the reputation that I have built here. As I walked around-- it started yesterday, when Randy came in and said he had to see me, and I thought it was another School Code problem between Donna and Dominic, but it was not. Then he hugged me, and he said, I want to thank you for giving me the opportunity, and then we started to cry. And it has happened today a couple of times in other offices. I went over to Senator Mellow's office, and some of the secretaries said goodbye.

But we all must leave this Chamber at some point in time. I want to tell all of you that I love you all. We have been like a family, and I view this as a family. We have had our fights, as all siblings do. In the end, I think we have solved many problems to help people in this Commonwealth live better lives. And yes, there are many more to solve, and it will never end. But in the end, I want to give you a little bit of advice after 30 years.

The thing that I think has divided us the most, and it is part of our nature because this is a political body, is the partisanship. And I have to admit that lately, with Dominic and Joe and Gib and us on this side, a lot of it has toned down, and I think that is a good thing. I remarked to one of the staff yesterday on the troubles we were having in dealing with you in the Majority, and then I said, you know what, if we were in the Majority, our problems would be just as bad. We would have just as many from a different perspective.

We all have problems in dealing with each other, but I think that-- I remember when I got here, I think when Stew Greenleaf got here, he had the idea that we ought to sit alphabetically, and I said, how crazy is that? Guess what. It is probably not a bad idea. There are a lot of bright ideas on this side and that side. There is a lot of courage on this side and that side. There is a lot of dedication on this side and that side. And if there is one thing that I can urge you to do, forever, in Chambers into the future, it is to find a way to bridge the partisanship.

It is hard. I remember when this Caucus ran somebody against Gib. I was very upset. I was so happy when he won, and I told him that on this floor, because there was nobody who could better represent that district. Because he was a Democrat, the only battle was, well, gee, we will move their seat from there over to here. When I first came here, there were 30 seats on this side, only 20 over there. The pendulum does swing, and I think we all have to remember to respect each other, because someday we may be on the other side, whatever it is.

So with all of that, I go off into September to face another challenge, and I will fight it with the same God-given gifts that I have to let me go forward. I was always taught that to whom God gives the most, He expects the most. I have been given a lot, and I hope I have given back a lot. Thank you all, and God bless.

(Applause.)

Senator FUMO. Thank you so very much for this terrific tribute. I will never forget it. Thank you so much.

(Applause.)

The PRESIDENT. Vince and I go back many years, too many years. The quote I have for him today is the one I use for a lot of these high school kids, because, you know, I go back to working on John F. Kennedy's campaign, and that is when I first met him, in Philadelphia. (*Reading:*)

We in this country, in this generation, are--by destiny rather than choice--the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility, that we may exercise our strength with wisdom and restraint, and that we may achieve in our time and for all time the ancient vision of "peace on earth, good will toward men."

And that was a speech that John F. Kennedy was to deliver on November 22, 1963. From all of us, Vince, you are part of our lives, and we cannot thank you enough. God bless you.

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

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

The PRESIDENT. The Chair declares the resolution unanimously adopted.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 69, HB 306, HB 883, HB 1199, HB 1202, HB 1788, HB 2231 and HB 2522.**

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 2, SB 385 and SB 1332**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 4**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 999, SB 1297 and SB 1348.**

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 2167 CALLED UP

HB 2167 (Pr. No. 4196) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS
AMENDED, REVERTED TO PRIOR PRINTER'S No.,
ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2167 (Pr. No. 4196) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, authorizing the Philadelphia hospitality promotion tax; providing for apportionment of revenue and for hotel room rental; making editorial changes; and making a related repeal.

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

MOTION TO REVERT TO PRIOR PRINTER'S No. 3950

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

Senator PILEGGI. Madam President, I move to revert to prior Printer's No. 3950 on House Bill No. 2167.

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

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

The PRESIDENT. The Senate now has before it House Bill No. 2167, Printer's No. 3950.

HB 2167 (Pr. No. 3950) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, authorizing the Philadelphia hospitality promotion tax; providing for apportionment of revenue; and making editorial changes.

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

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

Senator PILEGGI. Madam President, the reversion was to remove from the bill, which is essentially a bill regarding the Philadelphia hotel tax, language offered by Senator Logan to deal with the Monroeville local tax issue, which has been amended into another bill that we should be considering later today. That is for the information of the Members on the reason for the reversion.

I would also like to submit for the record a letter dated June 25, 2008, addressed to me by Michael A. Nutter, mayor of the city of Philadelphia, regarding the use of the intended proceeds

of this tax as it relates to the expansion of the Pennsylvania Convention Center, which, essentially, in the most relevant part, states that every effort will be made to control costs for the expansion project and no additional funding will be sought from the Commonwealth beyond the \$700 million already committed. I would like to submit that for the record, Madam President.

The PRESIDENT. The letter will be spread upon the record.

(The following letter was made part of the record at the request of the gentleman from Delaware, Senator PILEGGI.)

CITY OF PHILADELPHIA
Office of the Mayor
Room 215, City Hall
Philadelphia, PA 19107-3295

June 25, 2008

The Honorable Dominic Pileggi
Majority Leader, Senate of Pennsylvania
350 Main Capitol
Harrisburg, PA 17120

Dear Senator Pileggi:

As Mayor of Philadelphia and past Chairman of the Pennsylvania Convention Center Authority Board, I am pleased with the progress being made on the expansion project. An expanded Convention Center will be an economic engine both for Philadelphia and the Commonwealth.

Since the General Assembly authorized \$700 million for the expansion project from the Gaming Economic Development and Tourism Fund last year, the board and staff of the authority have been working to finalize the design specifications and bid documents necessary to begin construction. Demolition of properties within the footprint of the center is almost complete.

While much progress has been made, world economics have increased the cost of steel and concrete to record levels. I am writing to ask for your assistance in enabling the City of Philadelphia to address these escalating costs.

Earlier this week, the House of Representatives passed House Bill 2167, which would enable the City Council of Philadelphia to increase the hotel tax rate by up to 1.5 percent. Proceeds from this city-imposed tax would be substantially used for marketing and tourism promotion, and possibly for increased costs associated with building the Convention Center expansion.

When bids for the expansion are opened on August 15, we will have a better grasp on how much costs have potentially increased. Our goal is to have all the appropriate financing in place very soon thereafter, which is why I am requesting prompt consideration of House Bill 2167.

Every effort will be made to control costs for the expansion project, and no additional funding will be sought from the Commonwealth beyond the \$700 million already committed.

Sincerely,

MICHAEL A. NUTTER
Mayor

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

YEA-42

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

NAY-8

Baker	Eichelberger	Rafferty	Vance
Brubaker	Folmer	Regola	Wonderling

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

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

HB 1116 CALLED UP

HB 1116 (Pr. No. 1843) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1116 (Pr. No. 1843) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for vouchers for licenses.

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
Ferlo
Folmer

McIlhinney
Mellow
Musto

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

HB 1438 CALLED UP

HB 1438 (Pr. No. 2482) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1438 (Pr. No. 2482) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appeals by corporate authorities.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, first of all, I would like to recognize the leadership of Senator Rhoades on this issue that is occurring back in Schuylkill County, basically where a school district, I believe, is taking the appeal issue and taking it further than the law intends. Having said that, having had a chance to look at this bill, I am afraid that there are going to be some unintended consequences if this bill and the companion bill, very frankly, are passed and signed into law.

What this deals with is appeals of assessments, and let me just give you an example, back in my district, of a place about a mile from my home. A shopping plaza owner decided to appeal their assessment because half of the shopping plaza was vacant. So they appealed their assessment, it was an out-of-State entity, they brought in out-of-State attorneys and appraisers, they went to court, and they were successful in getting their appraisal and assessment reduced by a couple million dollars. So they had the opportunity to appeal their assessment and, because of the lack of tenants, were able to get it reduced.

If, in fact, this law was put in place, what then transpired it could not have happened, because what happened just a few years later is that shopping plaza became full again, and if this law was in effect, the school district or municipality could never have appealed that assessment to bring it back to where it really

should have been. And what happened a couple of years ago when that assessment was successful in being reduced, basically, was the rest of us taxpayers ended up shouldering the burden of that reduced assessment.

So basically, the unintended consequence, I believe, of this bill is that it takes away a tool of school districts and municipalities in regard to commercial assessments, in the example just given, and again, to the detriment, very frankly, of the rest of us residential taxpayers in that school district and municipality.

So while I commend Senator Rhoades and Representative Seip, whose bill this is, for trying to attack a problem of, really, a renegade school district, I am afraid that the unintended and, frankly, foreseen consequences will have an effect on taxpayers in school districts and municipalities across the State.

I would hope that maybe that issue could be addressed by an amendment, but on this date, at this time, and at this hour, I know that is not going to happen. So I just want to be on record as indicating that I will be voting "no" on this particular legislation.

The PRESIDENT. The Chair thanks Senator Gordner.

For a response, the Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, since I came to office 27 years ago, this body has been looking for ways to significantly reduce escalating property tax costs for homeowners, and we have passed a host of bills that seek to do it. However, it seems that every time we do, someone finds a loophole to increase them anyway. Currently, Pennsylvania's real estate assessment law precludes a taxing body from appealing a property's assessed value following a purchase. However, when the purchase price of a property is dramatically different than its assessed value, a local government can argue to increase the assessed value of the property, which translates to a property tax increase for the homeowner.

If there is any question about whether this is a real problem, the answer, to me, is in the stories from real homeowners who have been truly victimized by this process. I have one: *(Reading)*

My wife's Multiple Sclerosis has prompted us to buy a new home, a single level rancher where she can get around easier. The only one we found in Southern Schuylkill County that is truly handicapped accessible was priced at \$367,000. We bought the home today. It was built in 2005 and first taxed in 2006. Property taxes on this home are currently \$4,250.00 per year. With spot assessment it will increase to \$7,150.00 per year. That is an increase of \$2,900.00 or 68%. There were no improvements made to the house since 2005 to justify such an increase.

How can a property first taxed in 2006 be taxed \$2,900.00 more in a DECLINING market? It makes no sense to us.

Another e-mail: *(Reading)*

The good hardworking people of this Commonwealth, as you know, are being victimized by the unfair property assessments used by school districts who use the sales price of the home as the assessed value.

I can only hope that your fellow colleagues do what is right for the people and vote in favor of this bill.

Another: "I was one of those hammered by a reassessment at purchase. Our taxes doubled." I am not reading all of this. This is one where they were renters before all this time, and they moved in so their daughter could attend a high school that they wanted her to attend. They ended up where their reassessment was doubled. They are even worried if they can stay there.

Another one: *(Reading)*

Several weeks [ago] I wrote to you about the property tax issue here in Schuylkill County. As a potential home buyer who has been hesitant to purchase because of the reassessment issue, I applaud and thank you for addressing the unfairness of the situation! We were thrilled to see the article in the paper!

If there is anything we can do...please do not hesitate to contact us. We are recent transplants to this area, and could not believe the county is so out of sync with its neighboring counties when it comes to property taxation.

Another one: *(Reading)*

We have not done any improvements on the home. We feel as if we are being picked on and singled out just because we are new to Pennsylvania. The actions of the School Board are very discriminatory. I hope you and your fellow Senators will hurry this bill through....

We were not prepared to have our assessed value raised by almost \$100,000 (proposed by the appeal). If and when our property taxes go up there will be no way to sell our home. Our development is split between 2 school districts. The taxes for the same homes with improvements in our development range from the same assessed value as ours to only \$25,000 more than our property. These homes were recently reassessed for the improvements done. That is way too much of a difference (on the same street.) I'm afraid we will not be able to afford the home and the taxes and will have to leave.

I could go on and on with more and more, and this is the issue that I am trying to address. This is what I want to have done. And it is not just in Schuylkill County. I have an article that came out of the Reading Eagle. *(Reading:)*

School districts and municipalities aren't doing anything illegal when they file assessment appeals such as the one that added \$20,000 to the tax bill of a Greenwich Township farm.

Still, that doesn't mean it's right....

"There are many things that we know of in our own history that have been legal and not right—that is what one commissioner down there said.

The committee is considering two bills--and those are the ones we are talking about.

...That increased the couple's overall tax bill--for county, municipal and school taxes--from \$9,100 to \$29,600 a year.

That is one example.

Another example we have is back in my own home county. Nine of my 12 districts are doing this. It is not right. It is not fair. As far as it goes with commercial, it is in the Constitution that it has to be uniform and be the same. I am sorry, but if the appeal board of assessment looks at it, they set it, let them set it high enough and keep it there. They do not have to move or balance from there. As a matter of fact, we are talking about a building. We are not talking about businesses inside.

House Bill No. 1438, which Representative Seip prime-sponsored, would amend the current assessment law in third class counties to say that, other than during a countywide reassessment, an appeal may be taken only when the parcel of land is divided or conveyed away in smaller parcels, when the property is improved, or when existing improvements are removed. Madam President, I have said it before, and I will say it again. Whether we call it an appeal, an assessment, or anything similar, this loophole results in property tax increases. Period.

We have a bill before us today, House Bill No. 1438, that will once and for all put an end to this practice. Today, we can do

what we were elected to do. We can truly help our constituents, whether they are young or old, a new home buyer or a current homeowner, by passing this important legislation. I urge my colleagues to vote in the affirmative on our bill.

Thank you, Madam President.

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

Senator FERLO. Madam President, this piece of legislation is well-intentioned, indeed, but unfortunately, I believe very strongly that it is misguided, similar to the legislation's companion piece, which I believe we voted on a week ago. I just believe very strongly that this bill lacks uniformity.

I think it is basically a bill that continues to create inequity in the system and is in response to what is the fundamental problem, and that is that there are not uniform assessments county by county, be they annual, biennial, triennial, whatever the system is. I think that is the real culprit, and I hope that the Supreme Court will finally move on a case that is now before it relative to the disparity that the county executive in Allegheny has raised on the lack of uniformity of property assessments.

I also view this bill as unconstitutional and outright illegal, because I feel it violates the appealable rights, the rights of municipalities and school districts to enter into the appeal process, which I think they should have the right to do under law. So for those reasons and more, however well-intentioned this bill is, I think it is inappropriate, and I urge my colleagues to consider voting "no" on this legislation.

Thank you, Madam President.

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

Senator EICHELBERGER. Madam President, I also rise to ask my colleagues to vote against this bill. I feel that this is an anti-taxpayer bill, one that will hurt many people in our Commonwealth, because although some people will get specific breaks on their taxes, that burden then will fall on the remainder of the people who live in that taxing district.

I think that this bill is unconstitutional, and I think that the school districts that are harmed, as well as many other taxing entities, will file suit if this becomes law in Pennsylvania and will overturn this in the courts. So I urge people to take a very hard look at this and vote against this bill. Thank you.

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

Senator RHOADES. Madam President, I just want to remind my colleagues that the other day, we passed the same bill for fourth to eighth class counties, and it passed 48 to 2. And that bill just passed the House today 193 to 7. This bill comes here from the House with a 195-3 vote. So in terms of us voting on this before, it is the same concept, except with third class counties it was 48 to 2 here, the other time in the House 195 to 3, and today, 193 to 7.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-46

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

NAY-4

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

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

BILLS REPORTED FROM COMMITTEE

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

SB 2 (Pr. No. 2294) (Rereported) (Concurrence)

An act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard unsafe dam projects.

SB 385 (Pr. No. 2248) (Rereported) (Concurrence)

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

SB 1332 (Pr. No. 2300) (Rereported) (Concurrence)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for form of oaths of office; and in other subjects of taxation, providing for hotel room rental.

SB 1341 (Pr. No. 2292) (Rereported) (Concurrence)

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.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS

SB 2 (Pr. No. 2294) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard unsafe dam projects.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 2?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 2.

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.
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 385 (Pr. No. 2248) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 385?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 385.

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.
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1332 (Pr. No. 2300) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for form of oaths of office; and in other subjects of taxation, providing for hotel room rental.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1332?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1332.

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-48

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

NAY-2

Eichelberger 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1341 (Pr. No. 2292) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1341?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1341.

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.
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 inform the House of Representatives accordingly.

SENATE CONCURRENT RESOLUTION ADOPTED

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, July 4, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Tuesday, September 16, 2008, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, September 15, 2008, unless sooner recalled by the Speaker of the House of Representatives.

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

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

**SENATE RESOLUTION No. 363
CALLED UP OUT OF ORDER, ADOPTED**

Senator PILEGGI, without objection, called up from page 2 of the Calendar, as a Special Order of Business, **Senate Resolution No. 363**, entitled:

A Resolution directing the Legislative Budget and Finance Committee in cooperation with the Department of Community and Economic Development and the Local Government Commission to conduct a study of the impact that tax-exempt real properties have on the fiscal health of Pennsylvania's municipalities.

On the question,

Will the Senate adopt the resolution?

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

HB 1067 CALLED UP OUT OF ORDER

HB 1067 (Pr. No. 4199) -- Without objection, the bill was called up out of order, from page 2 of the Calendar, by Senator PILEGGI, as a Special Order of Business.

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

HB 1067 (Pr. No. 4199) -- 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 preliminary provisions, further providing for background checks of prospective employees and conviction of employees of certain offenses and prohibiting certain regulations for the 2008-2009 school year; in school finances, further providing for annual budget, additional or increased appropriations and transfer of funds; in pupils and attendance, providing for classroom placement of twins and higher order multiples and parental discretion; in safe schools, further providing for Office for Safe Schools, providing for policy relating to bullying, and further providing for transfer of records; in educational support services and educational assistance programs, further providing for Educational Assistance Program; in high schools, establishing the Virtual High School Study Commission; in charter schools, further providing for requirements, for term and form

of charter, for facilities, for enrollment, for transportation and for causes for nonrenewal or termination; in education empowerment, further providing for board of school directors, for education empowerment districts and for mandate waiver program; in community colleges, further providing for financial program and reimbursement of payments; in disruptive student programs, further providing for definitions and for applications; in System of Higher Education, further providing for annual report; in educational improvement tax credit, further providing for definitions, for tax credits and for limitations and providing for State-related university reporting; in school districts of the first class, further providing for board of public education and additional duties; in funding for public libraries, providing for State aid for fiscal year 2008-2009; in reimbursements by Commonwealth and between school districts, further providing for definitions and for funding for partnership schools, providing for basic education funding for student achievement and for accountability to Commonwealth taxpayers further providing for payments to intermediate units, for special education payments to school districts, for Commonwealth reimbursements for charter and cyber charter schools and for Pennsylvania accountability grants.

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?

POINT OF ORDER

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

Senator DINNIMAN. Madam President, I rise to a point of order. As a faculty member in the State System of Higher Education, is there any conflict of interest in my voting on Senate Bill No. 1067?

The PRESIDENT. None whatsoever.

Senator DINNIMAN. Thank you.

And the question recurring,

Shall the bill pass finally?

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

Senator GREENLEAF. Madam President, I rise to make just a few very short comments. This legislation is a bullying bill that I have introduced in the past, which requires every school entity, by January 1, 2009, to adopt a bullying policy and incorporate it into the school entity's student code of conduct.

A number of school districts have already done this and have addressed this potentially dangerous situation, since bullying has been cited as a factor in numerous instances of school violence, including some involving loss of life. Studies have determined that 80 percent of adolescents have reported being bullied during their school years, and it has a significant long-term impact on the victims. Being bullied often leads to fear, low self-esteem, and increased levels of depression, reducing the child's ability to learn.

So I thank Senator Rhoades, Senator Connie Williams, Senator Orie, Senator Musto, and Senator Wonderling for their involvement in this legislation, and also the Department of Education. Also in this legislation is a provision that I have proposed that would allow parents to have greater say in the education of

their twin children when they go to school, and whether they are separated or not. So I thank those who supported me in this endeavor, and I urge an affirmative vote.

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

Senator HUGHES. Madam President, would the Majority Leader stand for a very brief moment of interrogation, please?

Senator PILEGGI. I will, Madam President.

The PRESIDENT. He indicates he will.

Senator HUGHES. Madam President, I have two very brief questions. Does the language in Section 1723-A, regarding the number of students enrolled in a charter school, prohibit a school board or any other governing authority from capping student enrollment when the charter school agreement comes up for renewal if the current charter school agreement already contains an enrollment cap?

Senator PILEGGI. Madam President, no, it does not. That is not the intent of the language in this bill.

Senator HUGHES. Secondly, Madam President, if the current agreement already contains an enrollment cap, can a school board or any other governing authority be prohibited from capping student enrollment when the charter school agreement is up for renewal?

Senator PILEGGI. Again, Madam President, that is not the intent of the legislation.

Senator HUGHES. Thank you, Madam President. No more questions.

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

SB 1389 CALLED UP OUT OF ORDER

SB 1389 (Pr. No. 2305) -- Without objection, the bill was called up out of order, from page 1 of the Calendar, by Senator PILEGGI, as a Special Order of Business.

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 1389 (Pr. No. 2305) -- The Senate proceeded to consideration of the bill entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2008, to June 30, 2009, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2008, to June 30, 2009; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2008, to June 30, 2009, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred remaining unpaid at the close of the fiscal year ending June 30, 2007.

Senator PILEGGI. Madam President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 1389.

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-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
Earll	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	
Fontana	O'Pake	Tartaglione	

NAY-1

Eichelberger

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.

PERMISSION TO ADDRESS

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

Senator ARMSTRONG. Madam President, just briefly, I know it is almost over here, but I just want to thank the staffs from both sides of the aisle and the House and the Governor's staff, and particularly, there is one gentleman here who is retiring after--

The PRESIDENT. Excuse me, Senator. Will the Senate please come to order.

PARLIAMENTARY INQUIRY

Senator FERLO. Parliamentary inquiry, Madam President.

The PRESIDENT. For what purpose does the gentleman rise?

Senator FERLO. Just a point of clarification from the Majority Leader on House Bill No. 2294 before everybody leaves. Is that going to be moved today?

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

Senator PILEGGI. Madam President, we are not finished on the Calendar. We are working on this bill on a Supplemental Calendar.

PERMISSION TO ADDRESS - (Cont'd)

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

Senator ARMSTRONG. Just briefly, as we put together a budget, we all know it takes a lot of time, but we have some outstanding staff, and to this day, I do not know how they do it. This is only my second budget, and it is my last budget, but how they get this all into place is pure wizardry.

But there is one gentleman who has been with the Committee on Appropriations for many, many years, through numerous chairmen of the Committee on Appropriations, and that is Tom Starke. Tom is with me here today, and I just want to thank Tom for his 23-plus years of service as the Committee on Appropriations honcho. He is my first sergeant. Tommy, thank you very much for all that you do.

(Applause.)

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

Senator PILEGGI. Madam President, I have some remarks I will submit for the record, but I want to offer my thanks to the Members in our Caucus who worked on this budget on a daily basis all day and all night: Senator Scarnati, Senator Armstrong, Senator Orie, and on the other side of the aisle, Senator Mellow, Senator LaValle and Senator Fumo, and also many members of my staff who are in my written remarks that I will submit for the

record, but I do want to single out Donna Malpezzi, who has lived with this budget, I think, 24 hours a day, 7 days a week, for the last 2 weeks.

Thank you, Madam President.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Delaware, Senator PILEGGI:)

Madam President, the Conference Committee Report on Senate Bill No. 1389 presents a responsible budget for Pennsylvania. We are considering a \$28.26 billion General Fund budget for fiscal year 2008-09. That represents an increase of just under 4 percent from the spending plan for fiscal year 2007-08. This is the first time during the Rendell administration that the final budget is less than the Governor proposed.

In addition, this budget includes no tax increases or fee increases, and we are not raiding the Rainy Day Fund. Maintaining the balance in the Rainy Day Fund was very important to Members of our Caucus. If this uncertain economy moves in the wrong direction this coming year, we may need to access the Rainy Day Fund to enact a balanced budget next year.

There are significant cuts throughout this budget. These cuts are not easy to make, but current economic realities required us to trim the proposed spending plan. Most of the surplus projected by the Governor in his budget proposal 5 months ago has disappeared, and the outlook for fiscal year 2008-09 showed declining revenues. Combined, those factors resulted in a reduction of about \$550 million in this budget process.

Although the spending plan includes only a modest increase over last year, we are investing in areas that are important to our constituents. Basic education funding is increasing by nearly \$275 million, an increase of 5.55 percent. Within the basic education line item, we are increasing the minimum increase in State support for public schools from 1.5 percent to 3.0 percent. This change benefits 238 school districts across Pennsylvania. Funding for higher education is also increasing by approximately \$33 million.

We are implementing a \$650 million plan to encourage the development and use of alternative energy in Pennsylvania. This budget includes funding for a \$350 million initiative which will fund replacement and critical improvements for hundreds of bridges across our State. We are funding an unprecedented \$800 million initiative to modernize sewer and water systems, for flood control projects, and to repair high-hazard dams. We are also asking the voters whether they will approve another \$400 million for similar purposes.

This budget restores and enhances State support for neonatal hospitals, burn centers, and critical care access hospitals. Earlier today, we passed legislation to implement a personal income tax credit for volunteer firefighters and other volunteer emergency service providers. This budget includes the funding for that tax credit. Although we were not able to cut taxes as deeply as we would have preferred, we are maintaining the scheduled phase-out of the Capital Stock and Franchise Tax. This represents a tax reduction of \$40 million.

This is a responsible budget that reflects our priorities, responds to the current economy, and makes prudent investments in the education of our children and the rebuilding of our infrastructure.

Everyone in this chamber played a role in this budget process, but I would like to thank some of the many people who worked countless hours to reach this agreement, including: Senator Joe Scarnati, Senator Gib Armstrong, Senator Jane Orie, Senator Bob Mellow, Senator Gerry LaValle, Senator Vince Fumo; our legal staff of Kathy Eakin, Kelly Phenicie, Vicki Wilken, and Steve MacNett; Dave Woods and Erik Arneson of my staff; Tom Starke, Greg Jordan, and the rest of our Appropriations staff; Todd Nyquist and Drew Crompton of Senator Scarnati's staff; Dave Broderic of Senator Rhoades' staff; Pat Henderson of Senator Mary Jo White's staff; I would especially like to thank the person who is at the center of nearly every budget discussion for our Caucus, Donna Malpezzi.

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

Senator MELLOW. Madam President, just very briefly, I want to echo the sentiments of Senator Pileggi and thank the outstanding staffs that we have on both sides of the aisle. They did a great job, and also the Members whom Senator Pileggi just mentioned who were so deeply involved. It was a very, very good experience, and I especially want to thank Senator Pileggi, Senator Scarnati, and Senator Armstrong for their tremendous amount of cooperation and allowing us to be such an important part of this budget. I just want to say thank you.

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

Senator ARMSTRONG. Madam President, I would like to submit my remarks for the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Lancaster, Senator ARMSTRONG:)

Most years, the budget story is all about spending, how much is allocated and who gets the money. This year, the story is really about clamping down on State spending. Spending less than what Governor Rendell wanted. Spending under the rate of inflation. Cutting the increases in line after line in the budget. Slowing the annual rush to add new programs. Avoiding multi-year commitments that mushroom in cost.

The sum of our efforts is this - we have given State taxpayers a fighting chance to avoid getting walloped by tax hikes next year. Look at the distress in the economy. Read the discouraging economic forecasts. Watch State revenues fall well short of projections. Talk to people struggling with their family budgets. You have trouble finding any sign that things are going to turn around anytime soon.

State government must tighten up on spending. State government must squeeze better value from the dollars being spent. State government cannot afford to make big promises that the revenue coming in will not support.

Next year, those who are deciding on the State budget will be very glad we stopped every effort to tap into the Rainy Day Fund. That emergency fund is designed to stave off State tax increases, not to pump up or prop up State spending. It will be needed.

More than most years, we had to say "no" in crafting this budget. Interest groups across Pennsylvania were pushing for substantial funding increases for programs large and small. The money is not there. There are places where we would have liked to direct new dollars, our hard-pressed third class cities being an example. There is not money to do that. Many would have liked to have given MH/MR services more than a 1-percent COLA. There is not money to do that either. The list goes on and on.

In tough economic times, with revenues slumping and uncertainty ahead, people expect us to be restrained and responsible in shaping the State budget. The plan we have meets that test. It reflects sensible leadership and bipartisan cooperation in the Senate. It is a better budget than those crafted under similar circumstances in the past.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 2294 CALLED UP

HB 2294 (Pr. No. 4066) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL OVER IN ORDER

HB 2294 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators KASUNIC, PILEGGI, BROWNE and McILHINNEY, by unanimous consent, offered **Senate Resolution No. 366**, entitled:

A Resolution designating September 11, 2008, as "Pennsylvania's Day of Remembrance" of the events of September 11, 2001.

On the question,

Will the Senate adopt the resolution?

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

Senator KASUNIC. Madam President, today, as we celebrate the birth of our great nation, and as we honor our Founding Fathers who are on the wall before us and honor the veterans who fought all our country's wars which allow us to observe this great day in our nation's existence, I want to call the Members' attention to another day that also played a significant role in our nation's history. Madam President, I offer this today, not knowing what our fall calendar will be. I thought it was very important that we do this on our nation's birthday.

Madam President, September 11, 2008, will mark the seventh anniversary of the horrific events that took place in Shanksville, Somerset County, in New York City, and in Washington, D.C. I believe it is important that we take steps today to declare this date as "Pennsylvania's Day of Remembrance." Madam President, the September 11, 2001, terrorist attacks against this nation will forever remain in the hearts, in the minds, and in the souls of Americans everywhere. Madam President, it reminded us that freedom is not free.

Many people have paid the ultimate price, and it is an event that took place in our nation's history that happened in our lifetime, and we will always remember where we were at that exact moment, Madam President. It was a day of unimaginable brutality and cowardice from terrorist hijackers. This "Day of Remembrance" will allow Pennsylvanians to express sorrow for those who perished, as well as demonstrate our commitment to the cause of freedom.

Madam President, the 9/11 reflections will be particularly emotional in Somerset County, where the first battle in the war on terrorism took place, defending this country as the courageous passengers of that flight fought back and stopped terrorists from creating further damage to our nation's capital. The bravery of those aboard United Flight 93 will forever stand as a symbol of this nation's tenacity and grit and its ideal that we will defend our freedom at all costs, Madam President. We are, today, celebrating the fact that we have such heroes who have always risen to the occasion in this great nation, Madam President.

My resolution calls on Pennsylvanians to honor the nearly 3,000 innocent victims and all those affected by the attacks, on this anniversary, with a moment of silence. Madam President,

today, I urge unanimous approval and thank this body and would also like to make the announcement that this resolution is at the desk, and I hope that all 50 Members of this body will cosponsor the resolution, Madam President. Thank you very much.

The PRESIDENT. Thank you, Senator Kasunic. His resolution is to adopt September 11, 2008, as "Pennsylvania's Day of Remembrance," the seventh anniversary.

And the question recurring,

Will the Senate adopt the resolution?

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Jack Deyo, Mr. and Mrs. Donald Havard, Mr. and Mrs. Joseph Futoma, Mr. and Mrs. Ivan Davis, Erma Repash and to Jean Miskavage by Senator Baker.

Congratulations of the Senate were extended to Senior Master Sergeant Todd A. Hittinger by Senator Browne.

Congratulations of the Senate were extended to Dr. and Mrs. Earl C. Costa, Mr. and Mrs. J. Richard Cramer and to Diane Glock by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Louis E. Saltzer by Senator Fontana.

Congratulations of the Senate were extended to Gregory Anthony Bowser and to Jeffrey Robert English by Senator Gordner.

Congratulations of the Senate were extended to Timothy William Piper and to Jeffrey Wayne Ramsey by Senator Kasunic.

Congratulations of the Senate were extended to Nicholas V. Vogelgesang, Matthew J. Miller and to Joseph W. Freeman by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Smetana by Senator Orie.

Congratulations of the Senate were extended to Cecile McHenry by Senator Piccola.

Congratulations of the Senate were extended to Teresa Lee Conn, Benjamin Wesley Pritz, Wesley J. Mamrose, Anthony Joseph Verduce, William Kleinhans and to Elmer Mustio by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Fortunato and to Mr. and Mrs. John Moore by Senator Stout.

Congratulations of the Senate were extended to Lieutenant Colonel Patti A. Lees, Ian George McKendry, Kyle Adams and to Matthew Adams by Senator Vance.

Congratulations of the Senate were extended to Daniel D. Stewart, Vinardia Alverta W.S. Eck and to Joseph M. Brockmeyer by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. A. Dale Hollenbaugh by Senator D. White.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Dr. Howard Jack by Senators Stout and Pippy.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of June 11, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of June 11, 2008, when, on motion of Senator PILEGGI, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

PETITIONS AND REMONSTRANCES

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

Senator STACK. Madam President, I offer remarks on Senator Fumo and the budget. He has served in the Senate for 30 years with distinction. He is known for his intelligence, great political instincts, and ability to get things done for his constituents. Just this week, he was able to broker an agreement that may relocate Philadelphia's two casinos from the waterfront to other more suitable sites within the city. Madam President, people thought this was impossible, but nothing is impossible for Senator Fumo.

Year after year, month after month, and day after day, Senator Fumo has represented his constituents and all Philadelphians with class and a Philadelphia style that those from the city expect and love, and that others may view with a puzzled look or a quizzical eye but always come to respect.

Madam President, Senator Fumo's success speaks for itself. Year after year, he has helped craft the State budget. He has helped Philadelphians and Pennsylvanians throughout the State obtain billions and billions of dollars for important projects and programs. Many of those people, Madam President, have never even heard Senator Fumo's name. Those Pennsylvanians are not the big shots. They are often the little guys. But Vince Fumo has been there for them all, time and time again.

The budget today is no exception. It contains historic funding for education, energy independence, and for badly needed infrastructure improvements. There is no doubt these critical measures are in the budget due to Senator Fumo's passion and dedication to helping Pennsylvanians. No issue has been too big or too small for Senator Fumo. He does not run from problems. He tackles them head-on and dedicates himself to protecting his constituents.

Look at what he has been going through in his own life, and he has been dealing with it with grace, strength, and determination. Senator Fumo is larger than life. He is always in the middle of things, and he has taught all of us lessons about the budget, about being a Senator, and about life in general. I have learned many things from Senator Fumo, and I am proud to call him my colleague and even prouder to call him my dear friend.

Some people may say that today is a day of celebration because, after all, it is our great country's birthday. It is also the day that we are wrapping up our Commonwealth's annual spending plan. But I am feeling sad, Madam President. I realize that while these momentous events are taking place, it is also the last budget that Senator Fumo has negotiated. He is a living legend. He is a

fighter and a friend. He is unique, and he will not be replaced. Budget negotiations will certainly never be the same. Nor will Harrisburg, Madam President.

With that said, today is also a day to give thanks. We should give thanks to our Founding Fathers for deciding that independence was not only necessary, but it was worth fighting and dying for. We should also give thanks that a majority of 253 strong-willed people with different priorities and ideas could come together and agree to pass a \$28 billion spending plan.

Madam President, I think we should also give thanks for Senator Vince Fumo. We should thank him for his efforts to negotiate this budget under exceedingly difficult economic conditions. We should thank him for helping to find compromises and reasonable solutions to tough problems, both in this budget and over his 30-year career. Most of all, we should thank him for being Vincent Joseph Fumo, by being true to himself - a gun-rights advocate, a defender of civil rights and liberties, a banker, a lawyer, a biologist, an electrician, an airplane pilot, a teacher, and many other things. He shows us what is possible, how to take care of our constituents, our neighbors, and our colleagues, and he shows unique perspectives on a number of issues.

In my own quest to become a part of this August body, I sought his help, Madam President, in 2000. And at that time, I was given about a 1000 to 1 chance--in fact, less than a 1000 to 1 chance of succeeding. It was more like one-eighth of 1, one-thousandth of one-eighth of a chance of succeeding. But Senator Vince Fumo believed in me, and he never faltered. Helping me became his mission, and he pursues a life of helping others as a mission. To have a friend who treats the friendship like a mission is an extraordinary thing. It is what makes him so exceptional. I will never forget it, and I cherish it.

So I want to take this moment to thank Senator Fumo. Thank you, Vince, for all your hard work in the Senate. Thank you for negotiating this tough budget. Thank you for helping us solve difficult problems and issues. And most of all, thank you for being a friend to each and every one of us who has served with you in the State Senate and for making our lives richer. Thank you for everything. And we know you are going to emerge from these challenges that you face successfully, because you always do. We love you, Vince.

Thank you, Madam President.

The PRESIDENT. The Chair wishes to thank Senator Pileggi, Senator Mellow, Senator Fumo, Senator Armstrong, and all the other Senators, and Tom Starke, and the staff of our beloved Pennsylvania Senate for their continued commitment to good government for all of the citizens of Pennsylvania.

HOUSE MESSAGES

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 1389**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1247**, with the information the House has passed the same without amendments.

BILLS SIGNED

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

SB 2, SB 4, SB 385, SB 999, SB 1247, SB 1297, SB 1332, SB 1341, SB 1348, SB 1389, HB 69, HB 306, HB 883, HB 1167, HB 1199, HB 1202, HB 1589, HB 1788, HB 2231, HB 2302 and HB 2522.

CONSIDERATION OF CALENDAR RESUMED

REMAINING BILLS LAID ON THE TABLE

Senator PILEGGI. Madam President, I move that all the bills remaining on the Calendar be laid upon the table.

The PRESIDENT. Senator Pileggi moves that all the bills remaining on the Calendar be laid upon the table.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1067, HB 1693 and HB 2167**.

BILLS SIGNED

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

HB 1067, HB 1116, HB 1438, HB 1693 and HB 2167.

HOUSE MESSAGE

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 377**.

BILL SIGNED

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

HB 377.

RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, September 16, 2008, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

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