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WEDNESDAY, OCTOBER 6, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 57

SENATE

WEDNESDAY, October 6, 2004

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend GLEN BAYLY of Mifflinburg Alliance Church, Mifflinburg, offered the following prayer:

Let us join in prayer as we take this moment to focus our attention on God.

Our dear Heavenly Father, we come before You this day to seek Your favor on the items of business and the activities of this legislature. We seek Your favor and presence, and we seek Your wisdom today. We thank You that You are the Creator of all that exists, that You love us and made us in Your image. You desire to bless our lives, and so we ask that the business that takes place here today will be a blessing, that the citizens in the State of Pennsylvania will receive good from the hands of their leaders, that You will give each one a selfless attitude and a desire to do what is true and righteous, and that each one might be pleasing in Your sight.

Speak to our hearts. May we all know the peace and love and joy that You desire us to have. Give us courage in the face of the trials of this day. Perhaps some face illness and other concerns, family issues, loss of a loved one. Perhaps others face financial concerns or other items that are challenges that bring a gray cloud. We ask You to give us strength and faith to trust in You and to look for the hope that You have for the future.

We thank You for our nation and our State, for the great liberties we have, and we once again remember that there are many places in this world that do not have the privileges that we share in Pennsylvania. We pray for those places today, that You would grant them blessings and answers to their prayers. We think of the nation of Iraq and Afghanistan today, and we pray for peace there. We also would pray for peace in the Sudan and Israel today. We commit these concerns to You and ask Your presence and involvement in the solution to human problems.

Then, Lord, we do commit this time to You now. We trust that You are in our midst, that You are not only the God who lives and is seated in Heaven, but the God who is present here by Your Holy Spirit. So, we thank You for the privilege of prayer, we thank You that You hear and answer, and we pray in Your holy and almighty name. Amen.

The PRESIDENT. The Chair thanks Reverend Bayly, who is the guest today of Senator Madigan.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Mowery and Senator Wonderling.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Mowery and Senator Wonderling.

The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I request legislative leaves for Senator Ferlo and Senator Schwartz.

The PRESIDENT. Senator Wozniak requests legislative leaves for Senator Ferlo and Senator Schwartz.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 5, 2004.

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

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

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

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling

Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF THE PRESIDENT
PRESENTED TO THE SENATE**

The PRESIDENT. I have some very special guests. These young children are from the Pennsylvania Youth Employment Expo. They are here in Harrisburg meeting with business people and Senators and State Representatives, and they are very special children to whom we should give some time. When I read your name, please stand: Cassandra Perrin from Warren County, Adam Taylor from Indiana County, Dennis Novitski from Montgomery County, Renee Fleming from Washington County, and Janelle Wiland from York County. The volunteers who brought them here today to observe the Senate are Edward Butler from Schuylkill County, Amy Smith from Montgomery County, Linda Lupp from Dauphin County, and Joanne Magaro from Cumberland County. They brought me a book on special children and it is called "Small Miracles." Can we all please stand and give them a round of applause.

(Applause.)

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF PARDONS

October 6, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Russell Austin Walsh, Ph. D., 216 Meridan Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 2007, vice Gerard N. Massaro, Ph. D., Cranberry Township, resigned.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATION
LAID ON TABLE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was laid on the table.

MEMBER OF THE BOARD OF PARDONS

October 6, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 25, 2004, for the appointment of Russell Austin Walsh, Ph.D., 216 Meridan Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, as a member of the Board of Pardons, to serve until November 30, 2007, vice Gerard N. Massaro, Ph.D., Cranberry Township, resigned.

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

EDWARD G. RENDELL
Governor

BILL INTRODUCED AND REFERRED

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

October 6, 2004

Senators CONTI, LOGAN, RAFFERTY, LEMMOND, GREENLEAF, COSTA and STOUT presented to the Chair **SB 1250**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for general powers of the Pennsylvania Liquor Control Board, for when sales may be made at Pennsylvania Liquor Stores, for sales by Pennsylvania Liquor Stores, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for renewal of licenses, for temporary provisions for licensees in armed service and for limited wineries.

Which was committed to the Committee on LAW AND JUSTICE, October 6, 2004.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Banking and Insurance to meet off the floor to consider House Bill No. 552.

BILLS REPORTED FROM COMMITTEES

Senator RHOADES, from the Committee on Education, reported the following bills:

HB 1113 (Pr. No. 4495) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

HB 1530 (Pr. No. 4496) (Amended)

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Staff Member Loan Forgiveness Program and

an Alcohol and Drug Addiction Counselor Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation staff members in this Commonwealth.

Senator CONTI, from the Committee on Law and Justice, reported the following bill:

SB 1250 (Pr. No. 1860)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for general powers of the Pennsylvania Liquor Control Board, for when sales may be made at Pennsylvania Liquor Stores, for sales by Pennsylvania Liquor Stores, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for renewal of licenses, for temporary provisions for licensees in armed service and for limited wineries.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for purposes of a meeting of the Committee on Appropriations and a Republican caucus. I ask the Republicans to come up to the podium immediately upon the recess, and we will do a little update on where we are today for the Republican Members.

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

Senator O'PAKE. Madam President, would the Majority Leader consent to very brief interrogation?

The PRESIDENT. Will the Senate Majority Leader consent to interrogation?

Senator BRIGHTBILL. Madam President, I would be happy to do that for the gentleman from Berks.

Senator O'PAKE. Madam President, would the gentleman share with us his proposed schedule for the rest of the day so that we can plan accordingly.

Senator BRIGHTBILL. Yes, Madam President. After the meeting of the Committee on Appropriations, there will be a period of time at which Members can go to their offices to deliberate and study. Beginning at 1:30, we expect to have a Republican caucus. Following that, my expectation is that we will have a meeting of the Committee on Rules and Executive Nominations, and following that we will return to the floor. We are waiting for a bill to come from the House of Representatives that deals with reforms in the election process, which are reforms that the Chief Executive has been asking us to do.

Senator O'PAKE. Madam President, does the Majority Leader intend to call up Senate Bill No. 1209 for a vote today?

Senator BRIGHTBILL. Absolutely, Madam President.

Senator O'PAKE. Madam President, does the gentleman have any idea as to what time that might be?

Senator BRIGHTBILL. Madam President, my judgment is that it would not be until 2:30 or 3:00. We will need our caucus and we will need a meeting of the Committee on Rules and Executive Nominations, and at that time we will call it up. I judge that the meeting of the Committee on Rules and Executive Nominations would not be before 2 p.m., and I hope that it will be as close between 2:00 and 3:00 as possible.

Senator O'PAKE. Madam President, I thank the gentleman. Madam President, I ask that the Democrats caucus at 1:30 p.m. in our caucus room.

The PRESIDENT. Without objection, the Senate will stand in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE
AS AMENDED, OVER IN ORDER**

SB 1 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 796 (Pr. No. 4409) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "multimunicipal plan"; and further providing for membership of board and for organization of board.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Hughes.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Hughes. Without objection, the leave will be granted.

LEGISLATIVE LEAVE CANCELLED

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

Senator BRIGHTBILL. Madam President, I ask that Senator Mowery's legislative leave be cancelled.

The PRESIDENT. Without objection, Senator Mowery's legislative leave is cancelled.

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1152 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 1201 (Pr. No. 1803) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for borough powers to convey land.

On the question,
Will the Senate agree to the bill on third consideration?
Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A3783:

Amend Sec. 1 (Sec. 1201), page 4, line 21, by removing the period after "society" and inserting: for its exclusive use as a non-profit museum or historical society.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2437 (Pr. No. 3448) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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 LAID ON THE TABLE

HB 2655 (Pr. No. 3954) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading of theft offenses.

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

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

Senator KUKOVICH. Madam President, I would like to offer an amendment to this bill. I am aware of some of the negotiations that have been going on behind the scenes, particularly on I believe Senate Bill No. 1209, and I am not sure what the ultimate result of that will be. However, based on what I have read in the newspapers and reports from some of the leaders on the House side, there is maybe only a small chance, if any, that there will be an effort to address some of the problems that are existing with the slots bill. That being the case, and because the amendment that I have to offer to House Bill No. 2739 deals with criminal penalties and is germane to a Title 18 bill, I would like to offer an amendment to this bill and any other Title 18 bills that would come up.

The PRESIDENT. To House Bill No. 2739?

Senator KUKOVICH. That is correct, Madam President. What I want to do is make sure that the very controversial 1-percent item could be amended so there would be criminal penalties and sanctions as opposed to what is currently in Senate Bill No. 1209 and what was not offered in the amendment back last June or July.

The PRESIDENT. We are on House Bill No. 2655.

Senator KUKOVICH. Madam President, the amendment is to House Bill No. 2655.

Senator KUKOVICH offered the following amendment No. A3836:

Amend Title, page 1, line 3, by removing the period after "offenses" and inserting: ; providing for prohibited interest related to horse racing and gaming; and making a related repeal.

Amend Bill, page 2, line 9, by striking out all of said line and inserting:

Section 2. Title 18 is amended by adding a section to read:

§ 5513.1. Prohibited interest related to horse racing and gaming:

(a) General rule.—No executive-level State employee, public official, party officer nor an immediate family member of such an individual may hold or own any beneficial interest in, or be employed by, either directly or indirectly, any:

(1) applicant;

(2) licensed entity;

(3) licensed racing entity;

(4) licensed facility; or

(5) person doing business with any applicant, licensed entity, licensed racing entity or licensed facility pursuant to a contract or other form of compensation agreement that is based upon the profits or performance of slot machines as defined in 4 Pa.C.S. § 1103 (relating to definitions).

(b) Divestment.—An individual subject to subsection (a) shall divest the interest or terminate the employment, as applicable, within 30 days of the effectuation of this prohibition.

(c) Termination.—The prohibition in subsection (a) shall continue for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(d) Penalty.—Any person who knowingly violates the provisions of subsection (a) commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Applicant." Any person who applies for any license required under 4 Pa.C.S. Pt. II (relating to gaming) or required under the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act.

"Beneficial interest." As follows:

(1) The term includes any security, equity, interest indebtedness, assets or other form of ownership interest of any:: (i) applicant;

(ii) licensed entity;

(iii) licensed racing entity;

(iv) licensed facility; or

(v) person doing business with any applicant, licensed entity, licensed racing entity or licensed facility pursuant to a contract or other form of compensation agreement that is based upon the profits or performance of slot machines as defined in 4 Pa.C.S. § 1103 (relating to definitions).

(2) The term does not include:

(i) an investment made by a retirement system established pursuant to 71 Pa.C.S. Pt. XXV (relating to retirement for State employees and officers) or by a pension plan or system governed by the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act;

(ii) an investment in a mutual fund, as defined in 20

Pa.C.S. § 7201 (relating to definitions); or

(iii) a security held in a blind trust over which the holder may not exercise any control or receive income during the holder's tenure of office and for one year following termination of the holder's status as an executive-level State employee, public official or party officer.

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office executive staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to the private corporation or business, with respect to any matter covered by 4 Pa.C.S. Pt. II (relating to gaming) or any executive employee who by virtue of his job function could influence the outcome of such a decision.

"Immediate family." A parent, spouse, child, brother or sister.

"Licensed entity." As defined in 4 Pa.C.S. Pt. II (relating to gaming). The term includes any holding, affiliate, intermediary or subsidiary company of the licensed entity.

"Licensed facility." As defined in 4 Pa.C.S. Pt. II (relating to gaming). The term includes any holding, affiliate, intermediary or subsidiary company of the licensed facility.

"Licensed racing entity." As defined in 4 Pa.C.S. Pt. II (relating to gaming). The term includes any holding, affiliate, intermediary or subsidiary company of the licensed racing entity.

"Party officer." A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee; or a city chairman, vice chairman, counsel, secretary or treasurer of a city committee.

"Person." As defined under 4 Pa.C.S. Pt. II (relating to gaming). The term includes any holding, affiliate, intermediary or subsidiary company of the person.

"Security." As defined in section 102 of the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972.

Section 3. The provisions of 4 Pa.C.S. § 1512 are repealed insofar as they are inconsistent with this act.

Section 4. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator BRIGHTBILL. Madam President, contrary to a longstanding custom in this Chamber, we have not been given advance notice of this amendment. My reaction is that this is indeed an area that needs to be dealt with, so I ask that House Bill No. 2655, as well as House Bill No. 2739, which are third consideration bills, go over on today's Calendar.

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

Senator MELLOW. Madam President, I have a letter, a memorandum in my hand dated September 23 to Senator David Brightbill, Majority Leader, from Senator Allen Kukovich, "Subject: Gaming Legislation, 1 Percent Ownership," and it discusses his amendment. He says, I bring this to your attention as a matter of courtesy. Please contact me if you would like to discuss the issue. Senator Jubelirer, the President pro tempore of the Senate, and myself as the Democratic Leader also received the same memorandum. So the Majority Leader's office has been notified through this memorandum. We think this is something that is extremely important. It is an issue that has been widely discussed throughout the Commonwealth and has received a tremendous amount of editorial comment. It has been a bone of

contention in this body for the 3 weeks since we came into Session from our summer break. We are prepared to deal immediately with the problem of the potential 1-percent ownership for the Members of the General Assembly, and Senator Kukovich appropriately prepared the legislation and the amendment, and we are now prepared not to hide behind a parliamentary procedure to put a bill over, but in fact to run the bill so that the Members of the General Assembly, Members of the Senate can pass the bill, can once and for all eliminate any potential further discussion that a Member of the General Assembly can own 1 percent of a future casino in Pennsylvania. It is a House Bill that then goes back to the House for concurrence. They could do it on Tuesday of next week, or for that matter later on tonight. It could be on Governor Rendell's desk later on this week and we will then once and forever be able to put to rest this discussion that has taken place after the signing of Act 71.

There was never any intention whatsoever on anyone's part in the General Assembly, all 253 Members of this very elite General Assembly body, to do anything whatsoever that might have a loophole to give a Member a 1-percent ownership. This once and for all puts an end to that. We can do it right now, and I urge the Members who have said to the media and have said to the people in their districts that they want to end any potential of a Member being able to do this not to vote to put the bill over, to accept the amendment, we all know what the amendment is because it has been talked about so much, and to get on with our business of the day.

The PRESIDENT. The Chair assumes that the gentleman is objecting to the request.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

MOTION TO LAY BILL ON THE TABLE

Senator BRIGHTBILL. Madam President, I would like to restate a fact, which is that despite the memo that was referred to regarding this issue, which I think Senator Mellow and Senator Kukovich both know that I raised on the night that we passed the gambling bill, and we had a vote that night and they had an opportunity to cast the vote that they wanted to cast that night, but I have not received notice or a copy of this proposed amendment to House Bill No. 2655. It is 5 p.m., we have been here all day. That amendment would indicate when it was printed and prepared. So, it is my belief that they did not intend to give us notice, and therefore I move that House Bill No. 2655 be laid upon the table.

Senator KUKOVICH. Madam President.

Senator BRIGHTBILL. It is undebatable, Madam President.

The PRESIDENT. Senator Brightbill moves to lay the bill on the table.

On the question,

Will the Senate agree to the motion?

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

Senator KUKOVICH. Madam President, just for the information of the body, the substance of this is also contained in Senate Bill No. 1221. I have had some discussions about some of the points of the legislation--

Senator BRIGHTBILL. Madam President, point of order--

Senator KUKOVICH. --with Senator Pippy, and there is a big distinction between the debate that Senator Brightbill made about his amendment, which had no sanctions and no enforcement powers, and something that can, for the first time, accomplish what I think he wanted to accomplish.

The PRESIDENT. Senator Kukovich, if you would yield to Senator Brightbill for one moment.

Senator BRIGHTBILL. Madam President, this is not debatable.

Senator MELLOW. Madam President, this is a very important issue that is debatable for the 12 million people of Pennsylvania, and we cannot hide behind a parliamentary move on the part of the Majority Leader not to have the people of Pennsylvania listen to the voices that are here. We are here to represent 250,000 people each, and it is unfortunate that Senator Brightbill wants to hide behind a parliamentary move to cut debate so that there is no discussion about the 1-percent ownership here in the General Assembly with regard to casinos. He can say whatever he wants about what took place in July. This is October. We cannot revisit July, we can only go forward.

Senator BRIGHTBILL. Madam President--

Senator MELLOW. We can move on prospectively, and tonight we have the opportunity to put it to an end once and for all.

Senator BRIGHTBILL. Madam President, point of order.

Senator MELLOW. You are not going to shut my voice down, Senator. I do not know what part of that you do not understand, unless you turn off my microphone again, as you were responsible for doing once before in this General Assembly.

We are not, Madam President, going to allow this to happen tonight.

Senator BRIGHTBILL. Madam President--

Senator MELLOW. It is an unfortunate occurrence that we cannot deal with the issue this evening on a Title 18 bill, which deals with the Crimes Code. We have the opportunity for those Members in this Chamber who told their constituencies that they want to be able to deal with it tonight. We can do that with the amendment that has been offered by Senator Kukovich to get the job done. So let us not hide behind some kind of a cockamamie rule or some kind of parliamentary procedure. Let us not deceive people. Let us get the job done properly.

The PRESIDENT. Senator Brightbill, may we take a 10-minute recess?

Senator BRIGHTBILL. No, Madam President. I believe that I made a motion to table this.

MOTION TO RECESS

Senator MELLOW. Madam President, I ask that we have a recess of the Senate for the purpose of a Democratic caucus.

Senator BRIGHTBILL. Madam President, I suggest that there is a motion on the floor to table this bill. After we dispose of that motion, I would like to have a meeting of the Committee on

Rules and Executive Nominations, and request a recess for the purpose of that meeting, at which time we will offer an amendment to a Senate bill that will deal with this issue. I think that is the expectation on both sides of this Chamber, and I am asking now that you rule on my point of order that the motion to table House Bill No. 2655 is nondebatable.

Senator MELLOW. Madam President, may I have a parliamentary inquiry?

The PRESIDENT. The motion to recess takes precedence over the motion to table.

Senator MELLOW. Madam President, I move that the Senate recess for the purpose of a Democratic caucus.

On the question,

Will the Senate agree to the motion to recess?

MOTION TO RECESS AMENDED

The PRESIDENT. Will you agree to this, Senator Brightbill?

Senator BRIGHTBILL. No, Madam President. I amend the motion that we recess for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately in the Rules room to the rear of the Chamber.

On the question,

Will the Senate agree to the amendment to the motion to recess?

PARLIAMENTARY INQUIRY

The PRESIDENT. On the amendment to the motion to recess, the Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, point of parliamentary inquiry.

The PRESIDENT. The gentlemen will please state his point.

Senator KUKOVICH. Madam President, before a decision is made on whether there is a recess or a meeting of the Committee on Rules and Executive Nominations that could have impact on the issue, I did notice that last week the State House passed a resolution regarding their House rules that dealt with this issue. I know that all of us agree that that might not go far enough. My concern is that no matter what happens during recess, caucus, meetings of the Committee on Rules and Executive Nominations, again, there is a strong likelihood that the House will take no action on this. At the very least I would like to see if we could consider a resolution that conforms with what the House did and put that rule into effect so once and for all, at least as far as the Senators are concerned, there will be no type of conflict of interest. I ask for either unanimous consent or perhaps to suspend the rules. I would ask the Chair what would be the proper motion to make at this point to achieve that result?

Senator BRIGHTBILL. Madam President, there is an issue on the floor, and I am disappointed that Senator Kukovich, who has worked here a long time, does not understand our procedures, but there is an issue on the floor and I think that if they want to vote it, we will vote it, but the motion is that we have a recess now for a meeting of the Committee on Rules and Executive Nominations, which will begin immediately.

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

Senator FUMO. Madam President, I have been on this floor as long as Senator Brightbill, and I always remember that when there was a point of parliamentary inquiry, that inquiry was answered first. And all Senator Kukovich asked for, and you guys started this by trying to beat him up in an election, all he asked for was how to amend the rules so he could get this accomplished, and you can tell him how to do that. Then if they do not like it, they can move to do whatever they want to do, they have the Majority, they want to make this a political football. This gentleman is only trying to clarify a rule or get a law passed, and they do not like it because he is doing it, and he is a target in their election.

Now, I would just like the Chair, Madam President, to answer his question, how does he do that by rule? Tell him and he will try to do it, I guess, and then they will object again, because all they are about is politics and trying to screw up this bill any way they can. And when I said bill, I meant the gaming bill that they are still upset about that I managed through this Chamber. Their egos are so bruised in that leadership that they are doing everything in their Caucus to try to get them to sabotage the bill that was passed around them, because their sacred Majority was violated.

The PRESIDENT. Senator Fumo.

Senator FUMO. Just answer his point of parliamentary inquiry then, Madam President.

Senator KUKOVICH. Madam President, if I could as a further parliamentary inquiry, I do not know about all that, but I am wondering if the leaders maybe would take as a special order of business to deal with that resolution at this time.

The PRESIDENT. That is up to the leaders.

Senator BRIGHTBILL. Madam President, as I understood what is going on here, and it sounds to me like our parliamentary procedure was attempted to be broken down. There was an interrogation by Senator Fumo to the Chair, and that is where I understand we are. If the Chair cares to address that interrogation, that is up to the Chair.

The PRESIDENT. The rules are amended by the introduction of a resolution, which goes through the Committee on Rules and Executive Nominations and would come out and be voted on by the entire Senate.

Senator KUKOVICH. Madam President, I move to suspend the rules for immediate consideration of the resolution.

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

Senator MELLOW. Madam President, may I interrogate Senator Kukovich?

The PRESIDENT. May we have a 10-minute recess?

Senator MELLOW. No, Madam President, I asked if I could interrogate Senator Kukovich on the motion he just made.

The PRESIDENT. The motion is out of order though because there is a motion to amend the motion to recess.

Senator MELLOW. Madam President, Senator Kukovich made a motion to be able to suspend the rules of the Senate to prohibit a Member of the Senate to have a 1-percent ownership of a casino in Pennsylvania. To me that is very simple. I would like to interrogate him on the motion.

PARLIAMENTARY INQUIRY

Senator PICCOLA. Madam President, parliamentary inquiry.
The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, what is the question before the Senate?

The PRESIDENT. The amendment to the motion to recess.

Senator PICCOLA. Thank you, Madam President.

And the question recurring,

Will the Senate agree to the amendment to the motion to recess?

PARLIAMENTARY INQUIRY

Senator MELLOW. Madam President, what is the motion?

The PRESIDENT. The motion is to have a 10-minute recess for a meeting of the Committee on Rules and Executive Nominations.

Senator MELLOW. For the bill that we have up before us, just so we know and understand, through parliamentary inquiry, Madam President.

The PRESIDENT. House Bill No. 2655, with the Kukovich amendment.

Senator MELLOW. House Bill No. 2655, which is being considered and which an amendment was offered to, to deal with the 1-percent financial interest of a Member of the General Assembly, that is no longer now being considered, is that right, Madam President?

The PRESIDENT. It is still pending.

Senator MELLOW. So, when we come out of the meeting of the Committee on Rules and Executive Nominations or the recess or caucus, or whatever, what will be pending before the Senate? Will House Bill No. 2655 with the amendment be pending before the Senate?

The PRESIDENT. The motion to table the bill, after the meeting, the 10-minute meeting of the Committee on Rules and Executive Nominations.

Senator MELLOW. Then, what will be pending when we come back will be a motion to table House Bill No. 2655.

The PRESIDENT. That is your decision when you have this--

Senator MELLOW. Now, wait, please, just follow through, if you will, with me. When we come back from recess, the motion we will be dealing with will be a motion to table, made by Senator Brightbill, for the purpose of not allowing Senator Kukovich the opportunity to offer an amendment, the amendment which, as I read, would not allow a Member to have a 1-percent ownership in a casino, is that what we will be doing?

The PRESIDENT. If the motion to table fails, then the Kukovich amendment, A3836, will be before us.

Senator MELLOW. Okay, so then the motion to table will be to table the bill so Senator Kukovich cannot offer his amendment?

The PRESIDENT. So he can offer it.

Senator MELLOW. So he cannot offer it, if the motion to table succeeds. It would be a way of not allowing Senator Kukovich to offer the amendment to accomplish what we all have

wanted to accomplish since the day of July 5 when the Governor signed the bill.

The PRESIDENT. Senator Brightbill, are you going to consider permitting amendment A3836?

Senator BRIGHTBILL. Madam President, I think that interrogation made by the Chair to me is out of order. We are here right now on a motion to table for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately.

Senator MELLOW. Madam President, the gentleman cannot rule anything out of order. He does not have any more status on this floor than I, except that he has 29 votes and we have 21. The Chair controls the rostrum and the Chair controls the order of business, not Senator Brightbill. He cannot rule things out of order. He can run the Senate, he can deny Senator Kukovich the opportunity to offer an amendment, but he cannot rule things out of order on the Senate floor. He has been here a long time, like many of us have, and he knows that full well.

And the question recurring,

Will the Senate agree to the amendment to the motion to recess?

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

Senator MELLOW. Madam President, I ask for a roll-call vote, and I also ask for a negative vote for the people who want to eliminate the 1-percent ownership for Members of the General Assembly to have an ownership in a casino.

And the question recurring,

Will the Senate agree to the amendment to the motion to recess?

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

YEA-28

Armstrong	Gordner	Piccola	Scarnati
Brightbill	Greenleaf	Pileggi	Thompson
Conti	Jubelirer	Pippy	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rafferty	White, Donald
Earl	Mowery	Rhoades	White, Mary Jo
Erickson	Orie	Robbins	Wonderling

NAY-22

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

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

RECESS

On the question,
Will the Senate agree to the motion to recess, as amended?
The motion was agreed to by voice vote.
The PRESIDENT. The Senate will stand in recess.

AFTER RECESS

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

And the question recurring,
Will the Senate agree to the motion to table House Bill No. 2655?

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Punt and Senator Conti.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Punt and Senator Conti. Without objection, the leaves will be granted.

BILL TABLED

And the question recurring,
Will the Senate agree to the motion to table House Bill No. 2655?

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

YEA-28

Armstrong	Gordner	Piccola	Scarnati
Brightbill	Greenleaf	Pileggi	Thompson
Conti	Jubelirer	Pippy	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rafferty	White, Donald
Earll	Mowery	Rhoades	White, Mary Jo
Erickson	Orie	Robbins	Wonderling

NAY-22

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

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

The PRESIDENT. House Bill No. 2655 will be laid on the table.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2724 (Pr. No. 4382) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for the definition of "structure"; and further providing for prohibited acts and penalties.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

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 2739 (Pr. No. 4127) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for cleanup of clandestine laboratories.

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	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo

Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

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.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, ON SECOND CONSIDERATION

SB 912 (Pr. No. 1851) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for crop insurance premium payments and for a report by the Department of Agriculture; and making a repeal.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL REREPORTED FROM COMMITTEE AS AMENDED, OVER IN ORDER

HB 1535 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 492 (Pr. No. 1653) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 547, HB 553, HB 561, HB 595, HB 599, HB 600, HB 604, HB 657, SB 848, HB 994, SB 1032, SB 1189 and SB 1198 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1230 (Pr. No. 1833) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity."

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 1262 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

HB 1867 (Pr. No. 2433) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1842 (P.L.262, No.91), entitled "A supplement to an act, entitled 'An act authorizing the Governor to incorporate the Tioga Navigation Company,' passed the twenty-six day of February, one thousand eight hundred and twenty-six, and for other purposes," repealing provisions relating to fees for measuring grain in Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 1868 (Pr. No. 2434) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 26, 1850 (P.L.618, No.364), entitled "An act to vest in Barbara Griffith and Polly Conrad certain supposed escheated personal estate; to incorporate the Delaware and Schuylkill plank road company; and relative to market stalls in the city of Philadelphia," repealing provisions relating to farmers who lease stalls or stands in Philadelphia to sublet them.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 1929 (Pr. No. 3940) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of the installation of manufactured housing and for the powers and duties of the Department of Community and Economic Development.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 1930, HB 1954, HB 2036, HB 2185, HB 2441, HB 2589 and HB 2719 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL**

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 18, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice John Berrier, Allentown, resigned.

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

EDWARD G. RENDELL
Governor

**JUDGE, COURT OF COMMON PLEAS,
LANCASTER COUNTY**

September 30, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 24, 2004, for the appointment of Lynne E. Fitzpatrick, Esquire, 942 Amosite Road, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Judge of the Court of Common Pleas of Lancaster County, to serve until the first Monday of January 2006, vice The Honorable Lawrence F. Stengel, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until June 12, 2005, and until his successor is appointed and qualified, vice Robert S. Markle, Williamsport, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF PARDONS

October 6, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 25, 2004, for the appointment of Russell Austin Walsh, Ph.D., 216 Meridan Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, as a member of the Board of Pardons, to serve until November 30, 2007, vice Gerard N. Massaro, Ph.D., Cranberry Township, resigned.

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

EDWARD G. RENDELL
Governor

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

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Thomas Fee, New Castle, resigned.

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

EDWARD G. RENDELL
Governor

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

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial

District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Joseph Fragle, Sharon, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Butler County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Joseph Macurak, Chicora, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Esther R. Brown, MSN, RN, (Democrat), 113 Peters Court, Coatesville 19320, Chester County, Forty-fourth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Rose Middleton, Thorndale, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Pamela G. Bryer, (Democrat), 447 Reservoir Road, West Chester 19380, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Caroline A. Novak, declined appointment.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Michelle M. Cohen, BCABA, (Democrat), 607 Leslie Lane, West Chester 19382, Chester County, Twenty-sixth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, [sic] 2004, for the appointment of Michael S. Gill, (Democrat), 46 Lindenwood Drive, Exton 19341, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, [sic] 2004, for the appointment of Karen Porter, (Democrat), 615 West Rosedale Avenue, West Chester 19382, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Susan Rzucidlo, (Democrat), 210 Laurel Heights Road, Landenberg 19350, Chester County, Ninth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, [sic] 2004, for the appointment of Judith Wilson, (Democrat), 1947 Black Rock Lane, Paoli 19301, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 9, 2004, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Dorothy Ostrander, Lebanon, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of Stephanie Moore, 40 Red Barbary Drive, Etters, 17319, York County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 4, 2004, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE LEBANON COUNTY
BOARD OF ASSISTANCE

September 28, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 8, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth

Senatorial District, as a member of the Lebanon County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Joyce Dissinger, Lebanon, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE CONSERVATION COMMISSION

August 11, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Duane Shuman, 222 B Mountain Pink Road, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 2008, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kenneth M. Rutt, Quarryville, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY BOARD OF ASSISTANCE

May 21, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda Osinupebi, (Democrat), 711 Yeadon Avenue, Yeadon 19050, Delaware County, Eighth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Madam President, I request that the nominations just read by the Clerk be laid on the table.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE CONSERVATION COMMISSION

August 11, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Duane Shuman, 222 B Mountain Pink Road, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 2008, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kenneth M. Rutt, Quarryville, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY BOARD OF ASSISTANCE

May 21, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda Osinupebi, (Democrat), 711 Yeadon Avenue, Yeadon 19050, Delaware County, Eighth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

On the question,
Will the Senate advise and consent to the nominations?

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

YEA-50

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

NAY-0

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

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.
The motion was agreed to by voice vote.

UNFINISHED BUSINESS**BILLS REPORTED FROM COMMITTEES**

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

SB 1209 (Pr. No. 1862) (Amended) (Rereported)

An Act amending Titles 4 (Amusements) and 18 (Crime and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for local land use preemption, for public official financial interest, for enforcement and for corrupt organizations; and making related repeals.

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

SB 844 (Pr. No. 1025) (Rereported)

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004.

HB 176 (Pr. No. 4501) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in realty transfer tax, for determination and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; and making repeals.

HB 2055 (Pr. No.3423) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "soldier."

COMMUNICATIONS FROM THE GOVERNOR**NOMINATION REFERRED TO COMMITTEE**

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

SHERIFF, WASHINGTON COUNTY

October 6, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John C. Rheel, Sr., 5010 Dividend Drive, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as Sheriff, in and for the County of Washington, to serve until the first Monday of January 2006, vice Larry Maggi, resigned.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

SHERIFF, WASHINGTON COUNTY

October 6, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 30, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as Sheriff, in and for the County of Washington, to serve until the first Monday of January 2006, vice Larry Maggi, resigned.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGE**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate SB 346, 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 5, this bill will be referred to the Committee on Rules and Executive Nominations.

RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations which will begin immediately. My guess is that it will last 5 minutes.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate will stand in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

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

SB 346 (Pr. No. 1864) (Rereported) (Concurrence)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for functions of the Secretary of the Commonwealth, for functions of county boards, for appointment of watchers, for filing fees, for postelection procedures, for election recounts, for manner of applying to vote and related matters, for returns, registers and verification, for public inspection of returns, for computation and certification, for judicial review, for opening ballot boxes to determine fraud, for recanvassing to determine fraud and for correction of returns.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS

SB 346 (Pr. No. 1864) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for functions of the Secretary of the Commonwealth, for functions of county boards, for appointment of watchers, for filing fees, for postelection procedures, for election recounts, for manner of applying to vote and related matters, for returns, registers and verification, for public inspection of returns, for computation and certification, for judicial review, for opening ballot boxes to determine fraud, for recanvassing to determine fraud and for correction of returns.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 346?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 346.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

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.

RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess of the Senate, and for the information of the Members, when we come back, we will be dealing with Senate Bill No. 1209, which has been reported from the Committee on Rules and Executive Nominations. Counsel informs me that there are Members drawing proposed amendments, and that we should be done with that process about 7:30, at least well into the process. At that time, we would come back for a Republican caucus, to be held in the Majority Caucus Room, which would begin at 7:30, and we would start to review those amendments in caucus, hoping to return to the floor as soon thereafter as possible.

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

Senator MELLOW. Madam President, I do not think there will be any reason to caucus once we come back. It is our hope that the Legislative Reference Bureau will be able to finish the amendments to the printer's number as soon as possible. We have shared the amendments with the Republican Caucus, so they know exactly what they are. So, it would be our hope that once the Legislative Reference Bureau has the amendments down to us, we will be able to start business for the evening.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations and a Republican caucus at 7:30, without objection, the Senate will stand in recess.

AFTER RECESS

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

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. Richard L. Hess, Mr. and Mrs. David C. Mark, Mr. and Mrs. William J. Stewart, Lucinda Schultz, Sean Andrew Erdenbrack, St. John Chrysostom Antiochian Orthodox Church of York and to the Pennsylvania Association of Insurance and Financial Advisors of Harrisburg by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. John T. Burke, Mr. and Mrs. Miklos Csorba, Michael DeLorenzo, Daniel P. Foti, Mario A. Spagnoletti, Lucy H. Lennon, Joan Fitzgerald, Tim Hayes, Joseph J. Ruvane III, Mary Ann Bungerz, Honorable Emiddio Giordano, Mary Louise Wheeler, Ryan Michael Scheirer, Honorable Leonard N. Zito, Mike Thomas, Ed Wilson, David Krisovitch, Chris Martin, Shawn Dougherty, Jacquelyn Blois, William Burek, Faith Gunnels, Kevin Long, Ed Hollywood, Philip F. Noto and to the Lehigh Valley Convention and Visitor's Bureau by Senator Boscola.

Congratulations of the Senate were extended to Christian Morgenstern by Senators Boscola, Dent, and Wonderling.

Congratulations of the Senate were extended to Larry Greene by Senators Boscola and Lemmond.

Congratulations of the Senate were extended to Eva Koch, Esther Kingsborough, Helen Moyer, Dr. Linda O. Rhen and to Richard Fields by Senator Brightbill.

Congratulations of the Senate were extended to Philip Mathew Hunt, Michael Paradiso, G. Lynn Fillman, Leonard Croke, Ralph Tompkins, Madeline Coffman, Albert R. Pincus, David Blatt, Ken Beer, Doylestown Presbyterian Church, Chalfont Chemical Fire Engine Company No. 1, Pennridge High School of Perkasio and to the Bedminster Land Conservancy by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Brothers, Mr. and Mrs. Stephen A. Riglin, Mr. and Mrs. Harry R. Book, Jr., Mr. and Mrs. Charles E. Deibert, Sr., Mr. and Mrs. Jacob H. High, N. J. Gregory, Honorable C. Allan Egolf, William J. Waugh, Megan Brooks, Matthew S. Bell, Samantha H. Masters and to Sound Technology, Inc., of State College, by Senator Corman.

Congratulations of the Senate were extended to Alma Hays Liggett, Javon Jones, Brian Britza, Melissa Peters, Lindsey Lemak, Swissvale Crimewatch of Mon Valley and to the Messiah Evangelical Lutheran Church by Senator Costa.

Congratulations of the Senate were extended to Anna Sarik Figlioli, Carl Dennis, Jarred S. Walp, Matthew Gary Becker, Allentown School District and to Pinebrook Services for Children and Youth of Allentown by Senator Dent.

Congratulations of the Senate were extended to Curtis and Joanne Barnette and to Chester W. Sames by Senators Dent and Boscola.

Congratulations of the Senate were extended to Dr. Stanley I. Stein, Dr. Richard N. Stein, Dr. Charles D. Saunders, Dr. Patrick I. Brogle, Dr. Robert X. Murphy, Jr., Richard C. Wolfe, Shelley Brown, L. Susan Hunt, William F. Hecht, Wendy Body and the

Lehigh Women's 5K Classic Committee, St. Luke's Hospital and Health Network of Bethlehem and to Highmark Blue Shield of Allentown by Senators Dent, Wonderling, and Boscola.

Congratulations of the Senate were extended to Andrew J. Dilla, Steven DeVore and to Steven James Jewell by Senator Earll.

Congratulations of the Senate were extended to James E. Price II, Joseph F. Ranaudo, Charles G. Roach, Jr., David Martin Pondelick, Anthony Amadio and to Andrew Gravina by Senator Erickson.

Congratulations of the Senate were extended to Rosemary Johnson and to Ashley Waddell by Senator Ferlo.

Congratulations of the Senate were extended to Anthony Gary Bradley by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Dangolovich, Mr. and Mrs. Ambrose Wohlforth, Mr. and Mrs. James B. Heffner, Mr. and Mrs. John Walsh, Mr. and Mrs. Ralph Good, Mr. and Mrs. Jack L. Millard, Sr., Mr. and Mrs. Richard M. Kisner, Mr. and Mrs. Ted Fritz, Mr. and Mrs. Charles F. Ambromitis, Gladys Cole, Dorothy I. Rice, Craig Scott Reinard, Lillian Hagemeyer, Helen Margaret Snyder, Budd L. Beyer, Daniela Brandt, Karen Dyer, Tosha Ulrich, Margaret A. Lutz, Bart James Blankenship, Adam Douglas Creveling and to St. John's United Church of Christ of Shamokin by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Reibold, Mr. and Mrs. David H. Tennett, Mr. and Mrs. Robert Carroll, Mr. and Mrs. John A. Bovenkamp, Mr. and Mrs. Howard Ankenbrand, Reverend and Mrs. Frederic Geehr, Timothy R. Baumgardner, Constance T. Wood, Tyler Schultz, Elaine Faulkner, Larry Hannon, Charles J. Kleinschmidt, Sr., Mark J. Roberts, Jr., Richard T. Hessler, Sr., Joshua Williams, Neale S. Godfrey, Kevin Scholtz, Joseph Fling, Chris Henwood, Peter Kelly, Horsham Township Library, Warminster Rotary Club and to the citizens of Upper Gwynedd Township by Senator Greenleaf.

Congratulations of the Senate were extended to Daniel J. Reavy by Senators Greenleaf and Wonderling.

Congratulations of the Senate were extended to Reverend Canon Thomas Wilson Stearly Logan, Sr., Sharon Baptist Church of Philadelphia, Morris Brown African Methodist Episcopal Church of Philadelphia and to the Spirituality for Wellness Support Group of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. James Van Ormer, Mr. and Mrs. Jim Snare, Mr. and Mrs. Thomas R. Price, Mr. and Mrs. Albert Masood, Mr. and Mrs. Ray Sollenberger, Mr. and Mrs. Dale Glunt, Mr. and Mrs. Robert M. Keatley, Sr., Mr. and Mrs. Max Shaffer, Mr. and Mrs. Fred W. Foor, Jr., Mr. and Mrs. Thomas Sault, Mr. and Mrs. John Phillips, Mr. and Mrs. Donald Lough, Faye Crust, John R. Blackburn, Jr., and to Epworth Manor of Tyrone by Senator Jubelirer.

Congratulations of the Senate were extended to the Honorable Harold F. Mowery by Senator Jubelirer and others.

Congratulations of the Senate were extended to Mr. and Mrs. Clifford Derencin, Mr. and Mrs. John Hudock, Ralph Dewey Blanset, Kassie DeWalt, Amy Stone, Mitchell Ridenour, Kevin Ghost, Colleen Lancaster and to the Business and Professional

Women's Club of Scottsdale by Senator Kasunic.

Congratulations of the Senate were extended to Reverend Dr. William B. Moore, Reverend Robert M. Preston, Reverend Jacob Sanders, Ella Williams, Bernadine Ann Beecham Edney, Robert F. Stevens, Robert L. Greene, Richard Nagle, John T. Augustine, Max Mendel, Karin Phillips, Olney Senior Program and to the Morris Brown African Methodist Episcopal Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Sompel, Sara Odioso, Xodus Medical, Inc., and to Kennametal, Inc., by Senator Kukovich.

Congratulations of the Senate were extended to Lauryn Williams and to Philomena Conti Ona by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Buckley, Mr. and Mrs. Anthony Sabol, Sr., Mr. and Mrs. Jim Ferrara, Mr. and Mrs. Norm Ball, Mr. and Mrs. Leon Bartz, Mr. and Mrs. Augie Michko, Mr. and Mrs. Duane Wickard, Mr. and Mrs. David Lauer, Edgar B. Brannon Jr., Kyle Patrick Baines, Shawn Donald Ryman, Alex Sorochinski, Cole Ciprich, Edward J. Zelinka, Thomas C. Daniels, Earl Charles Thomas, Eric M. Wagner, Ryan P. Wilson, College Misericordia of Dallas, Forkston United Methodist Church, A. M. Skier Agency, Inc., of Hawley, Wayne County Chamber of Commerce, Varcoe Printing House, Inc., of Honesdale, and to the Honesdale National Bank by Senator Lemmond.

Congratulations of the Senate were extended to the Honorable Gifford S. Cappellini by Senator Lemmond and others.

Congratulations of the Senate were extended to Robert Russell, Rosemary Bradley, Benjamin F. Ware III, Monroeville Public Library, Monroeville United Methodist Church, Saint Colman School of Turtle Creek and to McKeesport Council 955, Knights of Columbus, by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence P. Stabler, Sr., Mr. and Mrs. Kenneth Weed, Mr. and Mrs. Richard Moore, Mr. and Mrs. Dyle J. Miller, Mr. and Mrs. Carl Hugo, Mr. and Mrs. James J. Maffett, Mr. and Mrs. Sherman Barnes, Mr. and Mrs. Darwin Slater, Mr. and Mrs. Robert Steimling, Mr. and Mrs. Richard N. Wittig, Mr. and Mrs. William F. Jacobs, Mr. and Mrs. Lewis Sanden, Mr. and Mrs. John Miller, Mr. and Mrs. Thomas Bennett, Cory Bogler, Lee Robert Rice, Dr. Richard H. Kenyon, Emma Kissinger, Betty S. Gardner, Josh Wilson, Hazel E. Ginter, Heather Potter, Roger Potter, John Marko, Donna Belcher Williams, Richard Masters, John W. Ord and to the First Baptist Church of Canton by Senator Madigan.

Congratulations of the Senate were extended to Keith Galinsky, Michael Galinsky, Joseph Scotchlas, Honorable Carmen D. Minora, Dennis J. Wagner, Jr., Richard David Heier, Jeffrey Hartman, Anna Killeen, Stephanie Mallick, Rabbi Samuel K. Sandhaus, St. Michael's Ukrainian Orthodox Church of Scranton, Frankie Carll Productions, Taylor Lions Club and to St. Mary's Church of Moosic by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Strellish and to Michael and Dolores Insalaco by Senators Mellow and Musto.

Congratulations of the Senate were extended to the Monroe County Transit Authority by Senators Mellow, Musto, and Boscola.

Congratulations of the Senate were extended to Colonel and Mrs. Yurii Samoilenko, Colonel and Mrs. Simon Wolsey, Lieutenant Colonel and Mrs. Mario Fuentes-Guevara, Colonel and Mrs. Mamadou Mangara, Colonel and Mrs. Ronald Harmsma, Brigadier General and Mrs. Paban Thapa, Colonel and Mrs. Yoel Struk, Lieutenant Colonel and Mrs. Byambasuren Bayarmagnai, Colonel and Mrs. Yeon-Bong Jung, Brigadier General and Mrs. Ahmad Nawawi, Lieutenant Colonel and Mrs. Abdulla Al-Ammari, Colonel and Mrs. Zdzislaw Antczak, Colonel and Mrs. Victor Felix, Brigadier and Mrs. Tahir Khan, Colonel and Mrs. Ahmad Alshihri, Colonel and Mrs. Alan Geder, Brigadier General and Mrs. Worapol Yiamsangthong, Lieutenant Colonel and Mrs. Yasin Kalin, Colonel and Mrs. Guglielmo Miglietta, Colonel and Mrs. Mitsuru Nodomi, Mr. and Mrs. Kuo-Jung Lee, Colonel and Mrs. Khalaf Shra'a, Colonel and Mrs. Peter Devlin, Lieutenant Colonel and Mrs. Enes Husejnovic, Colonel and Mrs. Gerard Fogarty, Lieutenant Colonel and Mrs. Istvan Biro, Brigadier and Mrs. Govinda Nair, Lieutenant Colonel and Mrs. Claudio Toledo, Colonel and Mrs. Gerd Brandstetter, Lieutenant Colonel and Mrs. Santiago Monterrosa, Brigadier General and Mrs. Sedky Sobhy, Colonel and Mrs. Javier Fernandez, Colonel Geoffrey Muheesi, Lieutenant Colonel Insa Sagna, Colonel Steinar Amundsen, Colonel Ibrahim Al-Shamsi, Lieutenant Colonel Juan-Carlos Escalonilla, Colonel Austin Apogan-Yella, Colonel Mohammad Al-Obaid, Colonel Badirile Mooketsi, Lieutenant Colonel Mohamed Robleh, Marian M. Nailor, Joseph Francis Zelinski III, Mary Lee Landis, Janet Maxine Gross Bixler, Keith E. Miller and to Robert M. Parkes by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Zielinski, Judy Coopey, Alberta Armbruster Krieg, Michael Salvo, Charles Giunta, Mary Jane Uhing, Frank Castrignano, Aloysius Klitsch, Sam Maira, Thomas Nardone, Ralph Capristo, Joseph Nardone, Colby Christopher Ozgo and to the Honorable Gifford Cappellini by Senator Musto.

Congratulations of the Senate were extended to Mark A. Benson, Zackery A. Martin, Timothy J. Heffner, Timothy D. Rohrbach, Dillon James Busher, Drew Brenton Hoffman, John J. Groome, Mark D. Mazich, Sean K. Crossley, Kevin P. Moy, Christopher D. Warner, James A. Smith, Brett R. Cooper, Dr. Joseph L. Amprey, Jr., Juan G. Cajigas, members of the 106th Infantry Division of the Battle of the Bulge, St. Mary's Episcopal Church of Reading, Threshold Rehabilitation Services of Wyomissing, Polish-American Heritage Association of Reading and Berks County, management and staff of FiberMark of Reading and to the Penn State Cooperative Extension in Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Dr. Joe Quartuccio, Ryan Orme, Jason Orme, Gregory D. Gillis, Maggie Lattanzio, Nancy Czolba, Renee C. Hernandez, Zachary Robinson, Dr. Ramona Nelson, Northern Tier Library of Gibsonia, Our Lady of Olives, Knights of Columbus Council No. 3907, of Wexford, and to T-Bones in Marshall by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Francis C. McNaughton, Jerry Wayne Waters, Sr., Peter A. Kehler, Ralph Good and to the Harrisburg Area Young Men's Christian Association (YMCA) by Senator Piccola.

Congratulations of the Senate were extended to David Allan Roper, Jr., Michael Costen, Jr., Jeffrey H. Palmer and to the citizens of Kennett Township by Senator Pileggi.

Congratulations of the Senate were extended to Alec Kelley McCord, Mary D. Monsour, Adam Gagorik, Benjamin Robert Eckerson, Alexis Stanley, Matt Buck, Bailey Kavanaugh, Richard James Montest, Michael Tessore, Robert E. Harper, Anne Houghton, Peters Township Chamber of Commerce, GE Consumer & Industrial's Bridgeville Glass Plant and to the Mount Lebanon United Presbyterian Church of Pittsburgh by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. Bob Klunk, Caroline Smith and to the Hamilton Ruritan Club of Chambersburg by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. William H. Markley, Joseph S. Felus, Robert L. Berardelli, Anthony N. Santillo, Cheryl A. Janssen, Chip Clavier, John Carlton, Ellen Renish, Bryan J. McFarland, Carole Zappala, Betty Wells, Doris Spann, Brooke McIntyre, Karen Burton Shaffer and to Continental Realty Company, Inc., of East Norriton, by Senator Rafferty.

Congratulations of the Senate were extended to Greg DePedro by Senators Rafferty and Pileggi.

Congratulations of the Senate were extended to the United Ukrainian American Relief Committee, Inc., of Philadelphia, by Senators Rafferty and Tartaglione.

Congratulations of the Senate were extended to Donna Siter and to Jim Ford by Senators Rafferty and Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Swartz, Mr. and Mrs. Roger Jacobs, Mr. and Mrs. Daniel Malloy, Mr. and Mrs. Norman Sunday, Mr. and Mrs. Thaddeus Styka, Mr. and Mrs. Barry Fick, Charles R. Schmidt, Charlotte Illiano, Edward E. Bohr, Justin Thomas Vernon, Ryan Mousseau, Richard J. Updegrave, Adam W. Jones, Lee R. Jacoby, Matthew D. Houser, Paul Long, Susan Arner, Raymond C. Tuthill, Jr., Dr. Marguerite Dallabrida, Honorable John D. W. Reiley, Jarred S. Walp, Hamburg Public Library and to Avenues of Pottsville by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Michael M. Joseph, Kevin Andrew Polkabila, Karen Winner Hale, Bradley Joseph Mealy, Mel Grata, Ron Kerr, Gigi Porter, Jeffrey T. Lee, Cecil L. Stevenson, Zachary S. Warrender, Kerianna Alexander, Brandon Hagens, Steve Shaw, Stephanie Holzer, Michael Mohl, Kari Boyce, Gia Prezioso, John Choffel and to the Sperry Farm by Senator Robbins.

Congratulations of the Senate were extended to Kathy Monks, Lisa Baine, Nathan Clinger, Mark A. Falvo, Jacob William Henry Bennett, Roberta Reitz, God's Country Chapter of Trout Unlimited of Coudersport, Galeton Area School District, Oswayo Valley School District, Coudersport Area School District, Austin Area School District, Northern Potter School District of Ulysses and to Ragley's True Value Hardware of Punxsutawney by Senator Scarnati.

Congratulations of the Senate were extended to Anita Root, Randolph C. Jackson, Dr. Mary K. O'Brien, Phyllis Watts and to John T. Furlong, Jr., by Senator Schwartz.

Congratulations of the Senate were extended to Saint Anne's Episcopal Church of Abington by Senators Schwartz and

Greenleaf.

Congratulations of the Senate were extended to Harris and Phyllis Bock, Honorable Martin W. Bashoff, Bernard Reidenberg, Vladimir Choumeikine, Charles F. Streff and to Jenna Fortino by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. John Senich, Mr. and Mrs. William H. Sands, Mr. and Mrs. Henry T. Likar, Mr. and Mrs. William Prost, Mr. and Mrs. Calvin P. Cokeley, Mr. and Mrs. Carl D. Headlee, Mr. and Mrs. James K. Murphy, Mr. and Mrs. Philip Daly, Kathy L. McIntire, Mary Matyas and to the Elrama Volunteer Fire Company by Senator Stout.

Congratulations of the Senate were extended to Dr. Walter J. Lear, Carla A. Katz, Machelina Falco, Janet H. Ryder, Larry Kane, Cozen O'Connor and to Fannie Brown by Senator Tartaglione.

Congratulations of the Senate were extended to Reverend Truman T. Brooks III, Pat Comerford, Daniel John Tucker, Jr., Michael Ryan Persch, Donald J. L. Coppedge, Adelyene Kelly, Michael Laverty, Jean M. Oakes, Alan F. Clark, Fred Gusz, Nicola Salvatico, Richard S. Hodgson, Ethel Young Closson, Penelope P. Wilson and to Drew Quaintance by Senator Thompson.

Congratulations of the Senate were extended to Carolyn Bunny Welsh by Senator Thompson and others.

Congratulations of the Senate were extended to Mr. and Mrs. J. Edward Samsel, Honorable Joseph DiGirolamo, Nathan Michael Lodise, James F. Cawley, Sr., John Andelfinger, Karen Lawler, Martin F. Condran, George F. Komelasky, Mark Surrusco, Chris Wagner, Tammy Cell, Holy Family University of Philadelphia, Bucks County Department of Health, Lower Bucks Hospital of Bristol and to the Hillcrest Elementary School of Holland by Senator Tomlinson.

Congratulations of the Senate were extended to Joseph A. Dugan, Jr., by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence Campbell, Shirley Nelson, David Ketchum, Brandon A. Bonini, James Pritchard, Brandon D. Ducharme, Dr. George A. Trout, L. Alison Schreiber, Sherri Rennoll, Dwaine Rosengrant, Keith Sharp, John Smith, Kathleen E. Ames-Brooker, Steve Haggee, Pancreatic Cancer Action Network, Inc., and to the Bon Air Country Club of Glen Rock by Senator Waugh.

Congratulations of the Senate were extended to Tyler Alexander Reber, Chad Michael Gingrich, Beatrice Hostetter, Patricia A. Shoff, Sam Stoltzfus, Beverly Peppernick and to Alexander M. Shirk by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Len Poliziani, Mr. and Mrs. Dean Schnell, Mr. and Mrs. Don Rupert, Mr. and Mrs. Louis Guerry, Mr. and Mrs. Danny L. Bowser, Mr. and Mrs. Dusan Ambrose, Mr. and Mrs. Richard G. Fyock, Mr. and Mrs. Richard Berry, Mr. and Mrs. George Heron, Mr. and Mrs. Donald Carroll, Mr. and Mrs. David L. Carnes, Mr. and Mrs. Ed Weichey, Mr. and Mrs. John Dalmagro, Elizabeth Tontsch Haney Perotti, David Mabon, John P. Morgan, Jr., Mary Bach and to the Young Lawyer's Legal Eagles "4"/Clearfield County Crimestoppers by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Sklar by Senators D. White and Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Peter J. Schill, Mr. and Mrs. Ron McHenry, Sean Patrick McCartney, Nicholas James Woodward, David W. Barron, Nicola DiPlacido, James H. Merwin, Melanie Joy Snyder, Nicole Angela Catalfamo, Denny Offstein, Corita Bauldoff, Conrad Weser, Joseph M. Frisina and to Eric J. Clouse by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. C. Charles Maurone, Maurice A. Dwight, Reverend Juanita Hall-Walters, Robert T. Heenan, Sylvester M. Johnson, Janet H. Ryder, Housing Association of Delaware Valley and to the Presbytery of Philadelphia, Head Start Learning Tree, by Senator A.H. Williams.

Congratulations of the Senate were extended to Nora Winkelman and to the Penn Wynne Library of Wynnewood by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Carreon, Mr. and Mrs. Glennwood H. Stout, Mr. and Mrs. Burton Brewer, Mr. and Mrs. Eugene Harrison, Mr. and Mrs. Gerald Paulus, Daniel J. Reavy, R. S. Hahn & Sons, Inc., of Easton, and to the Upper Perkiomen Business and Professional Women's Club of Red Hill by Senator Wonderling.

Congratulations of the Senate were extended to L. Anderson Daub and to W. John Daub III by Senators Wonderling, Boscola, and Dent.

Congratulations of the Senate were extended to the Pennridge School District of Perkasio by Senators Wonderling and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. William Deakin, Josephine Coppola and to Samuel Barbato by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Joseph L. Wilson by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Harry Showalter, to the family of the late Hilda J. Raible, to the family of the late Dolores Stehr and to the family of the late Barry L. Moyer by Senator Orie.

Condolences of the Senate were extended to the family of the late Henry Evans by Senator Schwartz.

Condolences of the Senate were extended to the family of the late Honorable David L. Gilmore by Senators Stout and Brightbill.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Pat Pacifico, Jr., was extended to the family by Senator Robbins.

A posthumous citation honoring the late Jack Paulhamus was extended to the family by Senator Wozniak.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Robbins, Senator Gordner, and Senator Earll.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Robbins, Senator Gordner, and Senator Earll. Without objection, these leaves will be granted.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

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

SB 1209 (Pr. No. 1862) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crime and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for local land use preemption, for public official financial interest, for enforcement and for corrupt organizations; and making related repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

PREVIOUS QUESTION MOVED

The PRESIDENT. It is the Chair's understanding there are amendments to this bill.

Senator BRIGHTBILL. Madam President, will you recognize Senator Corman, please?

The PRESIDENT. Senator Corman, you have the first amendment?

Senator CORMAN. Madam President, I move the previous question on final passage of Senate Bill No. 1209.

The PRESIDENT. Senator Corman moves the previous question on Senate Bill No. 1209. Are there four seconds to the motion?

Senator O'PAKE. May we be at ease, Madam President?

Senator PICCOLA. I second the motion.

Senator WENGER. I second the motion.

Senator SCARNATI. I second the motion.

Senator MADIGAN. I second the motion.

The PRESIDENT. The question before the Senate is, shall the main motion be put? This is not debatable.

On the question,

Shall the main motion now be put?

Senator MELLOW. May we be at ease, Madam President?
 The PRESIDENT. The Senate will be at ease.
 (The Senate was at ease.)

PARLIAMENTARY INQUIRY

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

Senator FUMO. Madam President, I have a point of parliamentary inquiry.

The PRESIDENT. The gentleman will state his point.

Senator FUMO. Madam President, we were in the Committee on Rules and Executive Nominations earlier today, and we were led to believe that this evening we would be allowed to offer amendments, and because of that, we did not offer any amendments in the Committee on Rules and Executive Nominations, but rather, in order to save time and move the process forward, we waited until this evening. Among those amendments that I was going to offer, the most important one and the one I think that makes many people shudder and scare was that--

Senator BRIGHTBILL. Madam President.

Senator FUMO. Madam President, I have a point of parliamentary inquiry, and he can wait until I finish my question. The most important amendment there was because Members on that side of the aisle had accused me in their caucus of wanting to get a distributorship license.

Senator BRIGHTBILL. Point of order.

The PRESIDENT. Let Senator Brightbill speak.

Senator BRIGHTBILL. Madam President, because of the motion by Senator Corman and the seconds, this bill is now not debatable.

Senator FUMO. I am not debating the bill.

The PRESIDENT. It is a parliamentary inquiry.

Senator FUMO. I am asking a question.

Senator BRIGHTBILL. But it is debate.

Senator FUMO. Madam President, I am asking a question. He may not like the question I am going to ask, he may not like the method in which I ask it, but I have a right to ask it. May I continue?

The PRESIDENT. Yes, you may.

Senator FUMO. Madam President, the most important amendment that I was going to offer, which I told the other side about, was that I was going to make it a felony for any Member of the General Assembly or any member of their family, emancipated or otherwise, or any in-law, to benefit in any way at all, directly or indirectly, passively or actively, in any transaction with any applicant or licensee, and it would be a felony. That was the amendment I was going to offer in response to some of the Republican leadership accusing me of wanting a distributorship license, which I never wanted and never will want. But rather than face that vote, because it might affect some of their relatives, this Chamber has decided to move the previous question and break every institutional pattern we have ever seen.

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO. Madam President, my question is how do I get that message out to the people of Pennsylvania, the atrocity that is going on in this Chamber tonight, if they are going to

move the previous question? Is there a way I can debate this more fully? Is there a way that I can interrogate Members of that side of the aisle whose relatives have interests in gaming? Madam President, is there a way I can do that, or have they effectively shut off the debate, closed our mouths, because they do not want to face the truth? Madam President, if there is a way, I would like to know it, because I think they should be held accountable to the people of Pennsylvania for their hypocrisy and for bordering on criminal activity and for protecting relatives who are going to benefit from gaming, at the same time they take pious attitudes against it. They want to line their families' pockets, but they do not want anybody to enjoy anything legitimate in this Commonwealth, and they want to pontificate, Madam President.

Senator BRIGHTBILL. Madam President.

The PRESIDENT. I would like to remind both of you that this is not a debate. Individual personalities and motives are not permitted under Senate rules. I think that there should be a time left open for their suggestions, but it still comes down to the Majority Leader. The merits are here. It is debatable.

Senator BRIGHTBILL. No, Madam President, it is not debatable, and I ask that you call the roll.

Senator FUMO. Madam President, I did not impugn the integrity of any individual Member by name. Those Members know who they are. They can hold their head in shame, or they can lift their head high and say they have conned the public. I did not call anybody by name, but everybody knows who they are.

Madam President, so that we do not sully the reputation of this Chamber any further than it has already been sullied, proceed with the vote, let them have their way. I, for one, am voting "no" out of disgust.

And the question recurring,
 Shall the main motion now be put?

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

YEA-28

Armstrong	Gordner	Piccola	Scarnati
Brightbill	Greenleaf	Pileggi	Thompson
Conti	Jubelirer	Pippy	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rafferty	White, Donald
Earll	Mowery	Rhoades	White, Mary Jo
Erickson	Orie	Robbins	Wonderling

NAY-22

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

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

And the question recurring,
 Shall the bill pass finally?

PARLIAMENTARY INQUIRY

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

Senator MELLOW. Madam President, a parliamentary inquiry.

The PRESIDENT. The gentleman will state his parliamentary inquiry.

Senator MELLOW. Madam President, when bills are on final passage in the Senate, they are up for debate and discussion about the pros and cons of the bill. Does a move of the previous question cut off debate, number one?

The PRESIDENT. Yes, it does.

Senator MELLOW. So then no debate will be allowed on final passage of the bill for Members to discuss the pros and cons of this particular proposal because of the Republican movement to the final question to cut off any kind of debate on the proposal?

The PRESIDENT. I apologize to you. The Republicans have decided there is no debate on this bill.

Senator MELLOW. Madam President, I move that we rerefer the bill to the Committee on Appropriations for the purpose of public hearings and a fiscal note.

Senator BRIGHTBILL. Madam President, point of order. That motion is not in order.

The PRESIDENT. The motion for the previous question has a higher precedence. Can you think of anything else?

Senator MELLOW. Okay, Madam President. I understand that our willingness to discuss the amendment this evening, to offer proposals that would strengthen it, to not allow family members of Members of the Senate and the House of Representatives an opportunity to lobby on behalf of prospective clients who would like to obtain gaming licenses, since we want to discuss all these things, the Republican Party has moved to the previous question so that they are not debatable.

The PRESIDENT. That is correct.

Senator MELLOW. If that is the answer and the ruling of the Chair, Madam President, we must respect that, and I ask for a roll-call vote.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Fumo

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

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

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

Senator O'PAKE. Madam President, may we be at ease.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

MOTION TO ADJOURN

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

Senator O'PAKE. Madam President, I move that the Senate do now adjourn until next Tuesday at 2 p.m.

On the question,

Will the Senate agree to the motion to adjourn?

MOTION TO AMEND

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

Senator BRIGHTBILL. Madam President, I amend Senator O'Pake's motion to adjourn until next Tuesday to a motion to adjourn to the call of the President pro tempore.

On the question,

Will the Senate agree to the amendment to the motion to adjourn?

Senator BRIGHTBILL. Before we do that, could we be at ease.

The PRESIDENT. Without objection, the Senate stands at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment to the motion to adjourn?

MOTIONS WITHDRAWN

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

Senator BRIGHTBILL. Madam President, I withdraw my motion to amend Senator O'Pake's motion.

The PRESIDENT. Senator Brightbill withdraws his motion to amend Senator O'Pake's motion.

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

Senator O'PAKE. Madam President, I will withdraw my motion to adjourn until next Tuesday.

The PRESIDENT. Senator O'Pake withdraws his motion to adjourn until next Tuesday.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1222, 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 346 and SB 1222.

RECESS

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

Senator BRIGHTBILL. Madam President, I move that we recess to the call of the President pro tempore.

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

Senator O'PAKE. Madam President, I ask for a roll-call vote.

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

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEA-28

Armstrong	Gordner	Piccola	Scarnati
Brightbill	Greenleaf	Pileggi	Thompson
Conti	Jubelirer	Pippy	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rafferty	White, Donald
Earll	Mowery	Rhoades	White, Mary Jo
Erickson	Orie	Robbins	Wonderling

NAY-22

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

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

The PRESIDENT. 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.

ADJOURNMENT

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

Senator WENGER. Madam President, I move that the Senate do now adjourn until Monday, November 8, 2004, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.